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Our Ref: AWM/CLS

Date: 17 January 2017

Dear Sir/Madam,

**PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Wednesday, 25 January 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 10 January 2017	3 - 10
<b><u>PART 1 - ITEMS FOR DECISION</u></b>	
5. Land at Rufford Road, Edwinstowe (16/01436/RMAM) (Site Visit: 9.30am – 9.45am)	11 - 40
6. Forge House, Westgate, Southwell (16/02032/FUL) (Site Visit: 10.15am – 10.25am)	41 - 49
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| 8.  | Orchard Boarding Cattery, Lower Kirklington Road, Southwell (16/02041/FUL)<br><b>(Site Visit: 10.55am – 11.05am)</b>       | 73 - 80   |
| 9.  | Field Ref: 2564, A17, Winthorpe (16/01796/FULM)<br><b>(Site Visit: 11.45am – 11.55am)</b>                                  | 81 - 99   |
| 10. | Basement Lighting, Unit 3 The Old Maltings, George Street, Newark<br>(16/01912/FUL) <b>(Site Visit: 12.05pm – 12.20pm)</b> | 100 - 109 |
| 11. | Shannon Falls, Tolney Lane, Newark (16/01884/FUL)  | 110 - 130 |

**PART 2 – ITEMS FOR INFORMATION**

None

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

None

**PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

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

None

**NOTES:-**

A Briefing Meeting will be held in **Room F19** 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, 10 January 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: 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, I. Walker, B. Wells and Mrs Y. Woodhead

ALSO IN

ATTENDANCE: Councillor: R.J. Jackson

125. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D. Batey and Mrs L.M.J. Tift.

126. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

127. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

128. MINUTES OF THE MEETING HELD ON 6 DECEMBER 2016

AGREED that the minutes of the meeting held on 6 December 2016 be approved as a correct record and signed by the Chairman.

129. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item Nos. 8, 9 & 10 were taken after item 5 and then items 6 & 7. The agenda then resumed its stated order.

130. LAND AT OLDBRIDGE WAY, BILSTHORPE (16/01618/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought outline planning permission for up to 113 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: Nottinghamshire County Council Archaeology; Neighbouring Party; Agent;

Nottinghamshire County Council Landscape; Newark and Sherwood CCG; and Newark & Sherwood District Council Officers.

The Business Manager Growth & Regeneration informed the Committee of the additional condition in relation to archaeology which was contained within the schedule of communication.

Councillor M. Ward representing Bilsthorpe Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and it was commented that the site appeared ideal to accommodate additional housing in Bilsthorpe. The proposed plans created a scheme which had a significant amount of open space, with the graduation from the open countryside into the built up area of Bilsthorpe. The scheme was welcomed although Members acknowledged the concerns of the Parish Council regarding the access onto the A614 and increase in traffic on the one way system through Bilsthorpe. No objections had been raised from NCC Highways which provided difficulty for Members to refuse the application on highway grounds. It was suggested that the application be approved subject to the variation of Conditions in line with legal advice and the additional condition in relation to archaeology as contained within the schedule of communication and the completion of a S106 agreement within three months.

*(Councillor Mrs Y. Woodhead entered the meeting during the presentation of the application and took no part in the discussion or vote).*

AGREED (with 11 votes for, 1 vote against and 1 abstention) that:

(a). outline planning permission be approved, subject to the conditions contained within the report with the variation/replacement within the S106 of Condition 3 in line with legal advice;

(b). the additional condition in relation to archaeology as follows:

No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The WSI shall include:

- the results of a geophysical survey
- the statement of significance and research objectives
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- the programme for further mitigation, post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Reason: In the interests of protecting any potential archaeological value of the site.

- (c). the completion of a S106 Agreement within three months, to secure developer contributions as set out in the report and late items.

131. LAND FRONTING 9 MAIN STREET, FARNDON (16/01695/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 a 4-bedroom detached single storey dwelling of brick and pantile construction and attached garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Planning Case Officer and a Planning Consultant acting on behalf of Farndon Parish Council.

The Senior Planning Officer informed the Committee of the recommendation for an additional condition to be included within the recommended conditions as follows, which was also detailed within the schedule of communication.

‘The development shall be carried out in accordance with the Mitigation Recommendations set out in section 6.2 of the submitted Extended Phase 1 Survey dated October 2016’. The reason for the condition was in the interests of maintaining and enhancing biodiversity and nature conservation.

Councillor M. Baker representing Farndon Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and felt that whilst the design was unusual it met the needs of the applicant and was sympathetic with neighbouring buildings. The majority of trees on the site would also be retained.

AGREED (unanimously) that full planning permission be granted, subject to the conditions contained within the report and the following additional condition:

The development shall be carried out in accordance with the Mitigation Recommendations set out in section 6.2 of the submitted Extended Phase 1 Survey dated October 2016. The reason for the condition was in the interests of maintaining and enhancing biodiversity and nature conservation.

132. LAND AT BROWNLOWS HILL, CODDINGTON (16/01840/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the construction of a pair of semi-detached residential dwellings.

Councillor Mrs L. Cox representing Coddington Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and it was commented that during school drop off and collection times the roads were at a standstill. It was suggested that if the Committee were minded to approve the application that the delivery of materials to the site be undertaken before or after school hours.

A Member proposed that the application be refused on the grounds of a harmful impact on the character, in that it did not sustain the character of the Conservation Area, and the poor access onto the bus lane/stop which was adjacent to the school where there were existing parking issues.

Other Members commented that whilst they empathised with the school car parking issues, there were no highways objection and therefore highways grounds should not be used as grounds for refusal. The style of the two houses was also similar to the houses opposite the proposed site.

AGREED (with 8 votes for and 5 votes against) that contrary to Officer recommendation, full planning permission be refused for the following reasons:

- (i) Harmful impact that does not preserve the character and appearance of the Conservation Area, and
- (ii) Poor access onto the bus lane/stop adjacent to the school where there were existing parking issues.

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

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

133. BALDERTON POST OFFICE, 13 MAIN STREET, BALDERTON (16/01847/FUL)

This application was deferred from the agenda at the applicant's request.

134. THE RED LION PUBLIC HOUSE, SOUTHWELL ROAD, THURGARTON (16/00965/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 refurbishment of the 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.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Chartered Surveyors on behalf of the Agent, which supported the future survival of the pub as a commercial venture on the basis of its proposed reduced floor space. Nottinghamshire County Council Highway Authority also provided additional comments and recommended that a further 4 conditions be imposed on any grant of planning permission.

Councillor R.J. Jackson, Local Ward Member (Dover Beck Ward) spoke against the application on the grounds of the loss of the village pub and flooding concerns. Thurgarton Parish Council was concerned that if the development was allowed the public house would be closed to custom for a considerable length of time and may never re-open. It was suggested that if the Committee were minded to grant permission, that an additional condition be included to prevent the public house from being closed for a considerable amount of time. It was felt that the public house was needed by the community of Thurgarton, especially due to the closure of the Coach and Horses. It was further commented that if the application was granted, there would be an increase of thirty one properties within Thurgarton in the last two years, which equated to a 20% increase in properties in the village. Thurgarton had not received any funding to improve the infrastructure or community amenity from the developments. The issue of flooding was also raised as the surface water collected at the rear of the public house. It was suggested that if the Committee were minded to grant the application, whether a solution could be sought to slow down the surface water run-off and be included as a condition.

Members considered the application and concerns were raised regarding the proximity of plot 3 to the neighbouring property 'Woodlands'. It was suggested that whilst the application should not be refused for this reason, a discussion could take place with the applicant for a small reduction in the size of plot 3 to reduce the impact on the neighbouring 'Woodlands'.

AGREED (with 12 votes for and 1 abstention) that:

- (a) full planning permission be approved subject to the conditions contained within the report and the additional highway conditions as follows:
  - 1. No part of the development hereby permitted shall be brought into use until the access into the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plan 16/189-03A. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off-street parking facilities are provided.

3. Prior to the occupation of any dwelling hereby approved, the wheelie bin collection point shall be provided near to but not upon the adopted highway to serve the development, to be located in a position to be agreed with the LPA, which shall thereafter be retained indefinitely.

Reason: To ensure a suitable collection point is provided.

4. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the LPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To ensure adequate visibility at the access and to maintain the visibility splays throughout the life of the development.

Note to Applicant

Should any works be carried out in the public highway, they should 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.

- (b) a Note to Applicant to invite submission of an Non-material Amendment Application to reduce the length of the single storey element of Plot 3, adjacent to Woodlands.

135. LAND TO THE REAR OF THE RED LION PUBLIC HOUSE, PRIORY LANE, THURGARTON (16/01838/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 a revised house type to the bungalow already approved on the site, which was extant.

Councillor R.J. Jackson, Local Ward Member (Dover Beck Ward) spoke against the application on the grounds of the high amount of development that had taken place in Thurgarton which would increase the level of flood risk. The access to the property was also owned by Welbeck Estate, the Committee would therefore be allowing a piece of

land to be developed which may not have access.

Members considered the application and felt that whilst the access problem was not ideal and the access to this property would be reduced due to the approval of the previous application on land adjacent to this application. It was considered appropriate to grant planning permission.

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

136. CLIPSTONE YOUTH CLUB, CHURCH ROAD, CLIPSTONE (16/01611/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a single storey side and rear extension and re-roofing of the existing building to form changing rooms for the existing youth club.

Members considered the application and felt that it was appropriate.

*(Councillor D. Payne and Councillor J. Lee had left the meeting during the presentation of this item and took no part in the vote).*

Councillor G.P. Handley – Vice Chairman, chaired the meeting for the duration of the item.

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

*(Councillor D. Payne returned to the meeting and resumed Chairman).*

137. LORRY AND COACH PARK, GREAT NORTH ROAD, NEWARK (16/01963/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of a 20m high galvanised steel radio mast and 2m high galvanised steel palisade fence compound including access gate.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Historic England.

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

138. 77 PHILIP ROAD, NEWARK (16/01749/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of two, two storey dwellings, three bed dwellings with parking and bin store area.

Members considered the application and felt that it was appropriate.

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

139. APPEALS LODGED

AGREED that the report be noted.

140. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 6.25pm

Chairman

<b>Application No:</b>	<b>16/01436/RMAM</b>	
<b>Proposal:</b>	<b>Application for Reserved Matters (relating to planning application No. 14/01596/OUTM) for erection of 67 dwellings with associated public open space and infrastructure.</b>	
<b>Location:</b>	<b>Land At Rufford Road, Edwinstowe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr Ian Powell</b>	
<b>Registered:</b>	<b>14.09.2016</b>	<b>Target Date: 31.01.2017</b>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Edwinstowe Parish Council has objected to the application which differs to the professional officer recommendation. The comments of the Local County Councilor; Councilor Peck are also noted and have been incorporated into the consultation section below.**

The Site

This site comprises an area of approximately 2.8 hectares of green field land within the defined built up part of Edwinstowe. The site was allocated for housing (Ed/Ho/1) in the Allocations and Development Management DPD 2013.

Located at the southern edge of the settlement and at the prominent crossroads of the B6034 (Rufford Road) and the B6030, the site comprises an arable field south of existing modern development on Robin Hood Avenue. The area is predominantly residential in nature and generally two storey in scale. South Forest (a sports complex) lies to the west. The Robin Hood Public House lies to the south, at the crossroads.

An overhead cable (high voltage power line) crosses the site from south-west to north-east. The site is bound by native perimeter hedgerows and its topography is relatively flat. A field hedge also dissects the site from roughly from north to south.

Informal vehicular access is currently taken from the B6030 (to the south) via a gap in the hedgerow and there is a small field gate on Rufford Road to the west although this does not appear to be well used.

There is a bus stop and bench adjacent to the western boundary (Rufford Road) in addition to street lighting columns and highway signage on the pavement.

Three Sites of Important Nature Conservation (SINCs) are located within 1km, the closest being Amen Corner Sandpit to the south-east designated for its notable acid grassland. A Special Area of Conservation (SAC) is located to the north-west on the other side of the village and the site is within 5km of Sherwood Forest.

## Relevant Planning History

14/SCR/00055 – The outline planning application was screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the LPA adopted an opinion that the proposal was unlikely to be complex or have significant environmental effects that would have more than local significance to constitute EIA development. An Environmental Statement was therefore not required. The opinion was formally issued on 9<sup>th</sup> October 2014.

14/01596/OUTM – Outline planning permission has been granted for the erection of up to 72 dwellings. The application was presented to Planning Committee in March 2015 and was granted in June 2015 subject to conditions and an associated Section 106 agreement. Means of access were agreed through the outline permission with all other matters being reserved.

The applicant has sought pre-application advice from the LPA prior to the submission of the reserved matters application.

## The Proposal

The current application seeks to agree the remaining reserved matters associated with the extant outline permission on the site. The current proposal relates to the delivery of 67 dwellings of six differing house types. The house types presented for consideration can be summarised as follows:

<b>House Type</b>	<b>No. of Bedrooms</b>	<b>No. of Units</b>
Faber	2 bed bungalow	6
Catkin	3 bed bungalow	4
Shore	3 bed semi detached	28
Cooper	3 bed detached	9
Foxtail	4 bed detached	9
Shortleaf	5 bed detached	11

18 of the 67 units would have car ports (this has been increased from 9 during the life of the application) and 7 would have garden rooms.

The proposal differs significantly from the indicative masterplan submitted at outline stage (albeit it is noted that this was only considered on an indicative basis and therefore need not necessarily be fatal to the current application). The reserved matters plans demonstrate that the on-site open space would be divided throughout the site rather than the initial intention to incorporate it in one location. This has been addressed through the submitted Design and Access Statement stating that the rationale behind this decision is to enable the occupants to take ownership of the public realm.

The application has been subject to revisions during its lifetime summarised by the agent as follows:

1. Additional hedging has been proposed on the Northern Boundary in between existing and proposed bungalow properties to soften the transition in between the two.

2. The Bungalows' rear gardens have increased in size from 6m and vary now in between 7.6 and 8.2 m to allow for generous green spaces and also appropriate drainage.
3. Additional landscaping has been added to the Southern Boundary to soften the visual/ acoustic impact both from the main road looking towards the development but also from the rear of properties looking into the gardens.
4. The overall Green Infrastructure area has been revised to incorporate additional parking space and NCC Highways' comments without affecting the total area of 0.4 ha.
5. Landscape elements have been altered to accommodate Visibility Splays in line with NCC Highways' feedback.
6. Private drives and footways have been widened in response to NCC Highways' comments.
7. The Secondary Road (Plots 26 – 24) and Private Drives (Plot 3, Plot 42, Plot 62) have been extended to allow for additional parking spaces.
8. The number of Car Ports has increased from 9 to 18 hence improving the parking facilities and preventing on-street parking.
9. Additional Bin Collection Points have been located to serve the units accessed from the private Drive Ways.
10. The Pumping Station has been relocated to allow for on-site access from within the Development rather than from B6030 which would potentially obstruct the existing traffic.
11. The Ownership Outline has been altered on the Northern Boundary in line with the Topographical Site Survey provided by the Client.
12. Plots have been amended to allow for more generous gardens and better parking facilities.

The revised plans have been subject to an additional period of consultation as outlined in the summary of representations below.

In addition to the above, the application has been accompanied by the following supporting documents:

- Design and Access Statement
- Ecology Report
- Arboricultural Report
- Supporting Statement – Conditions
- Supporting Info for RMA
- Drainage Statement

#### Departure/Public Advertisement Procedure

Occupiers of 37 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 29 March 2011)**

Spatial Policy 7 - Sustainable Transport  
Spatial Policy 9 -Site Allocations  
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  
Core Policy 14 – Historic Environment  
Area Policy ShAP1 – Sherwood Area and Sherwood Forest Regional Park

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

Policy ED/Ho/1-Edwinstowe Housing Site 1  
Policy DM5 - Design  
Policy DM7 - Biodiversity and Green Infrastructure  
Policy DM12 - Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- The Landscape Character Assessment SPD (December 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- The Allocations & Development Management DPD Residential Viability Assessment (August 2012)

### **Consultations**

**Edwinstowe Parish Council** – The Parish Council maintain their original opposition to the development. We believe the development of this greenfield site is an unsustainable development which will cause an increase in traffic. But if NSDC are minded to approve the development, we would like the following points taken into consideration: Concerns of local residents are listened to. The importance of leaving adequate space and screening for residents of Robin Hood Avenue. Permitted Development rights Class A, B & C be removed. There are concerns about the closeness of the entrance into the development to the cross roads, which cause traffic to back up. There are concerns about the position of the 2 bus stops next to the development and the tactile crossing on Rufford Rd. We agree with the number of open spaces but not that there is a necessity for play equipment on 3 of them, and have safety concerns regarding the position of play areas 1 & 2 which are next to main roads/junctions. The Parish Council would request that S106 money be used to improve the existing play area on Henton Road which is 5 minutes away from the development.

**NCC Highways Authority** – *Original Comments dated 25<sup>th</sup> October 2016:*

It is not entirely clear from the site layout plan where the proposed adopted highway is expected to be. Should this be the main spine road only, highlighted grey on drg. no. GA 1001, then the private drives are expected to serve a considerable number of dwellings, one of which is over 100m in length. The applicant/developer should also note that the layout of any private drives should still be in accordance with the current Highway Design Guide (6C's). This is not demonstrated for this proposal. It is recommended that a meeting is arranged between the applicant and the Highway Authority to discuss the issues relating to the layout.

*Further comments received 6<sup>th</sup> January 2017:*

The Highway Authority provides the following comment.

It is understood that the application is a reserved matters application associated with a 67 unit residential development to be served from Rufford Road in Edwinstowe.

The Highway Authority has previously provided comment regarding the application and its respective layout. The applicant's consultant has subsequently been in dialog with the authority to seek to address the comments made, and has submitted the revised drawings reference:

- Highways Layout 11322(9) 105E;
- Bus Stop Improvements 11322(9)106;
- Junction Layout 11322(9)109C; and,
- Swept Path Analysis 11322(9) 101E.

(Along with various other plans.)

Based on a review of the revised plans, considering highway safety, parking provision, refuse collection and accessibility, the Highway Authority raise no objection to the application subject to the following conditions.

CONIDTIONS:

- 1) No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays within the development and at the site access junction leading onto Rufford Road as indicatively shown on drawing reference: "Highways Layout 11322(9) 105E". The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

- 2) There shall be no access between the application site and the B6030 to the south of the site. A suitable form of barrier shall be provided and maintained across the frontage, details of which shall be first submitted to and agreed in writing with the LPA.

Reason: To prevent the creation of new accesses on a B Class road in the interest of highway safety.

- 3) Prior to first occupation, a scheme for the management and maintenance of the private drives serving plots 3, 4, 5, 11, 12, 13, 36 through to 40, 52 through to 57, and 59 through to 66 within the development, as shown on the approved plan reference: "Highways Layout 11322(9) 105E" shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of general highway safety.

- 4) No dwelling shall be occupied until the spine road, subject to planning application 16/01436/RMAM, is constructed at least up to and including binder course level for that length of the site to enable vehicle passage from that said dwelling to the public highway.

Reason: To enable safe vehicle passage and access to the public highway network.

- 5) No development shall commence on any part of the application site until the access junction has been provided on Rufford Road as shown for indicative purposes on the attached plan reference: "Junction Layout 11322(9)109C" to the satisfaction of the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

- 6) Prior to occupation of any dwelling the proposed bus stop relocation and associated works as detailed on the approved plan reference: "Bus Stop Improvements 11322(9)106", including shelters with level access, pole flag, real time information, an uncontrolled pedestrian crossing, and seating at each bus stop, shall be provided to the satisfaction of the local planning authority.

Reason: In the interest of sustainable transport and general highway safety.

- 7) Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) creating a hazard to other highway users.

## NOTES TO APPLICANT

### Section 38 Agreement (Highways Act 1980)

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

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

### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council on 0300 500 80 80 for details.

### Building Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

**Natural England** - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 16 September 2016

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

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

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the

amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**Nottinghamshire Wildlife Trust** - Thank you for consulting Nottinghamshire Wildlife Trust on the above application. We have reviewed the available documentation and would like to make the following comments.

It is encouraging to see such a well-considered landscaping scheme being proposed for the development site (Ecological Enhancement Scheme EMEC Ecology 2016). In order to ensure maximum biodiversity gains for any new development we would like to see the enhancement scheme secured through the planning system and implementation of the scheme supervised by the applicant's ecologist.

**NCC Ecology** – No comments received.

**NCC Flood Team** - No objections subject to the following:

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

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

**Environment Agency** – We have no objection to the application relating to the Access, Appearance, Landscaping, Layout and Scale of the proposed development.

**Severn Trent Water** – No comments received.

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

**NSDC Parks & Amenities** - I welcome the proposed play elements within the 3 open spaces which appear to be both imaginative and inclusive. However I do have some concerns about the proximity of some of the play elements to neighbouring properties and suggest that the developers refer to the Fields in Trust publication 'Guidance for Outdoor Sport and Play' for further details of the guidelines associated with this. I also welcome the ecological enhancement scheme for the development.

**NSDC Community and Arts Development** - I have no objection to the proposals subject to a Community Facilities contribution in accordance with the Supplementary Planning Document such contribution to be used to improve the community facilities in Edwinstowe in consultation with Edwinstowe Parish Council and other community partners.

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

The following comments have been received from **County Councilor Mr John Peck**:

The site is a green field site and there are now brown field sites in Edwinstowe (Thoresby Colliery and the former Miners' Welfare) which have the potential to deliver hundreds more homes than the small number of sites that were available and identified at the time the District Council drew up the local plan. There is therefore no need to build on greenfield sites in Edwinstowe.

Secondly, this would not be a sustainable development as it would be as far from all the main facilities, including, the primary schools, the shops library, health centre, as it is possible to be.

Therefore, most journeys by residents of the proposed developments would be made by car.

However, I recognise the proposal is in the development plan and has outline planning permission.

Therefore, in the event of the Planning Committee taking the decision to grant the application, I would ask the committee to give every consideration to the residents of Robin Hood Avenue whose homes are adjacent to the development. There should be a substantial gap between their properties and the new development with appropriate screening to retain as much privacy as possible.

I trust you will give every consideration to the residents, many of whom have enjoyed the privacy, quiet location and views for many years.

In addition to my comments already submitted in respect of the above application, I have been approached by some residents of Robin Hood Avenue who own homes bordering the development and would like to make the following additional comments on their behalf, for your consideration:

1. I am not convinced there are sufficient off road parking places for the number of cars many families in rural villages such as ours have and I feel more of the properties should have garages. If the house does not have a garage, then the amount of off road parking should be sufficient for each property.
2. Extra care should be taken to ensure that both the design of the houses and material used for the exteriors are in keeping with the village.
3. That consideration is given to ensure that the proposed provision for the pumping of sewage is adequate for the development.

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

**NCC Archaeology** – I have previously requested that the archaeological condition be discharged. The applicants undertook geophysical investigation which revealed no archaeological features. I therefore have no further comments to offer.

**Representations have been received from 8 local residents/interested parties, 6 of which form objections, all comments can be summarised as follows:**

#### *Principle of Development*

- The site is not suitable for development – the site is right in the village gateway and will ruin visitors perspective coming into the village
- The development will have a detrimental effect on tourism
- The site is too far from the village and is therefore not sustainable
- The current plans bear no resemblance to the plans which were passed at outline stage
- There is already numerous other development sites coming forward in Edwinstowe including Thorsby Colliery

#### *Impact on Highways*

- The proposal will greatly increase road traffic and cause extra parking issues in the village centre
- The access to the site is only 80 yards from the Robin Hood Crossroads and traffic lights
- The site plan for the development shows over 160 parking spaces
- There are already tailbacks at the crossroads
- The traffic lights needs widening to accommodate a right filter lane to enable traffic heading straight on to Amen Corner or turning left for A614 north
- The traffic plans do not take account of local knowledge and traffic related incidents – the survey does not take account of collisions, near misses and other incidents that would go unrecorded
- The traffic survey was done at a time when the traffic would have been light
- The traffic report as it stands is flawed and should be looked at in more detail
- If there is an accident near the site entrance no one would be able to get in or out of the site since there is only one entrance and exit point

- The number of cars on the site would lead to road parking
- There is insufficient garage provision on site
- The speed limits on the road should be looked at

#### *Impact on Infrastructure*

- The schools and doctors surgeries are already full and there has already been significant extra building in Edwinstowe which has already put pressure on services
- There should be a mechanism to provide a % of affordable housing
- The development should contribute towards schools, doctors and library facilities

#### *Impact of Layout*

- Pleased to see that the site plan allows for bungalows adjoining the current properties on Robin Hood Avenue although still feel that the properties are planned too close to neighbouring land
- The distance between the boundary and the properties is only 6m providing no buffer zone – PD rights should be removed
- The new proposed properties which adjoin Rufford Road appear to be large properties – they should be relocated to give a greater impression of opening up to the countryside rather than channeling the view by housing
- Plots 62 and 63 would bottleneck the entrance to the village – these plots should be swapped with green space

#### *Impact on Amenity*

- Neighbouring properties will suffer a loss of privacy as living accommodation and garden may be overlooked by 3 storey buildings beyond the proposed bungalows
- Neighbouring properties will face onto gable ends which will potentially incorporate first floor accommodation into bungalows
- The development would cast a heavy shadow over neighbouring gardens
- There will be light pollution from the development

#### *Impact on Character*

- The plans are not in keeping with the rest of the village
- Existing properties on Rufford Road are a maximum of two storeys with some having dormer windows which lessen the height – new houses should not be above this height
- The gradient of the surrounding area is such that anyone approaching will be looking up hill at the site making the houses look even taller
- The development is out of keeping with the late Georgian buildings surrounding the site
- There should be a larger landscape buffer to respect the surrounding landscape to soften the effects of brick and tarmac

#### *Other Matters*

- The site plan appears to be based on a map that is over 30 years old and therefore omits a number of key features – namely changes to existing properties, growth of trees etc.
- The bungalows would only be 6m from a mature trees – the roots could be damaged by the development or if the tree were to fall down it could damage the bungalow
- The two parallel boundary lines should be clarified
- There seems to be no assurances that private fencing and or hedges will not be erected in the future – space should be left between boundaries with existing properties for maintenance
- Construction work would be invasive and therefore should be completed in a timely manner
- The plans appear to show a grassed area entrance into the adjacent field
- The walk around the site does not indicate litter bins or dog waste bins
- There is uncertainty as to where individual household bins would be situated
- On the original plans there was a pond to absorb surface water

*The following comments have been received specifically in relation to revised plans submitted during the life of the application which were subject to an additional round of consultation:*

- There has been no change to the positioning of the entrance and the potential dangers this will create
- NCC Highways observations are based on a third parties study over a very short period of time
- There appears to be no provision made for additional parking on the plans which will be needed for visitors and delivery vehicles – the road layout is extremely compact thus preventing parking on the road
- There are no garages – only car ports
- There will be overlooking to residents on Robin Hood Avenue – there isn't enough distance from the boundary
- The hedgerow on the boundary is no longer shown on revised plans
- The play park is right next to a busy road – as well as the busy traffic, fumes will cause breathing problems – this will put additional pressure on the NHS
- The development will sit on a busy crossroads – roads should be upgraded
- There does not seem to be provision for maintenance vehicles to park next to the substation
- In some areas it appears then there is not enough room for off road parking and the spaces are straight on to the road
- Properties with no pavements will have problems with delivery and emergency vehicles
- Occupants with mobility scooters or pushchairs will struggle outside their homes
- It has not been explained why the developer has been allowed to build less than 30% affordable homes

## Comments of the Business Manager

### *Principle of Development*

Edwinstowe is defined as a 'Principal Village' in SP1 of the Core Strategy and SP2 provides that this settlement is expected to accommodate 20% of Principal Village growth over the Development Plan period. Edwinstowe has a primary school, food convenience store, a doctor's surgery, pharmacy and defined district centre and various employment opportunities close by.

The application site lies within the defined built up part of the settlement (as defined by the proposals map) and the site was allocated within the A&DMDPD as 'Edwinstowe – Housing Site 1' subject to Policy ED/Ho/1. This policy allocated the site for '...around 72 dwellings.' In connection with this allocation, the site is subject to an extant outline permission for residential development of up to 72 dwellings.

I note the comments received during consultation in respect of whether development on this greenfield site is both sustainable and appropriate particularly in the context of the advancing development proposals at Thorseby Colliery and the former Miners Welfare site. However, I would again reiterate the stance taken at outline stage that these sites should be seen as additional sites that will further contribute to the ongoing need for the delivery of housing supply in the District. It would be wholly inappropriate to resist the current application on the basis of progress being made at alternative sites, given that the principle of residential development has already been established by the outline approval.

### *Housing Density and Mix*

As previously identified through the description of the proposal above, the reserved matters application seeks approval for 67 units (in comparison to the outline approval which was for up to 72 units). For the avoidance of doubt, there is nothing procedurally to prevent the authority considering an application at reserved matters stage for less units than referred to by the outline approval; the description of development in the outline approval explicitly stated that the permission related to 'up to 72 dwellings.'

Core Policy 3 confirms that the LPA will normally expect development densities of no lower than an average of 30 dwellings per hectare. Based on a site area of 2.8 hectares, the scheme would deliver a housing density of approximately 24 dwellings per hectare, gross before taking into account constraints. It is noted that this technically falls short of the policy aspirations. It is worthy of note that the applicant did submit a pre-application request prior to the submission of the reserved matters application. This request related to the development of 64 dwellings. Officer's advice at the time was that an 11% shortfall on the site allocation would be inappropriate at a time where the authority is under constant scrutiny to deliver housing to meet targets. This is all the more pertinent at the current time of Plan Review where the LPA are working towards robustly demonstrating a five year land supply. The increase in units from pre-application stage is therefore fully supported by officers and the willingness of the applicant to work with the authority on this matter is welcomed.

In this context, the slightly lower density is acceptable particularly because the site is located at the edge of the settlement where development densities would typically be lower in any event. I am also particularly mindful of the stance of the submitted Design and Access Statement that the house designs are based around a flexible configuration of space and include 6, 2-bed bungalows. Inevitably the incorporation of bungalows necessitates a greater footprint which in turn has implications to the density of residential delivery.

Moving on then to assess the housing mix and type, the following table confirming the number of bedrooms for the plots is considered worthy of repetition:

<b>House Type</b>	<b>No. of Bedrooms</b>	<b>No. of Units</b>
Faber	2 bed bungalow	6
Catkin	3 bed bungalow	4
Shore	3 bed semi detached	28
Cooper	3 bed detached	9
Foxtail	4 bed detached	9
Shortleaf	5 bed detached	11

Overall the site would deliver a variety of housing types including single storey accommodation which would appropriately serve the needs of the elderly or the less mobile population. The housing mix presented is considered to be compliant with Core Policy 3.

#### *Impact of Layout on Character including Landscaping*

The site lies within the National Character Area 49 ‘Sherwood’, as described by Natural England. The East Midlands Regional Landscape Character Assessment has assessed landscape character at a regional level. The site and the surrounding land fall within regional Landscape Character Type ‘Sandstone Forests and Heaths’. At a district level, the Newark and Sherwood Landscape Character Assessment provides a finer grain of detail on characteristics for the immediate area, which is located within Policy Zone 9 ‘Old Clipstone Estate Farmlands’.

This area generally comprises intensive arable farming, with some neglected hedgerows and some isolated mature trees in a gently undulating topography. Landscape condition is described as moderate as is its sensitivity to change. The policy action for this area is ‘conserve and create’, as set out in CP13.

The site itself comprises two small, relatively level fields on the southern edge of Edwinstowe, most recently used for arable farming. The land is enclosed by a number of hedgerows, with a single small tree in the northern boundary. The hedgerows are fragmented in parts. The site is heavily influenced by the adjacent urban land uses.

Given the extant approval for outline planning permission for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this change.

As already confirmed the site layout for consideration represents a fundamental change in comparison to that which was presented indicatively at outline. As also already confirmed, this need not in itself be fatal to the consideration of the reserved matters application, noting the indicative nature of the plan submitted at outline stage.

One of key changes is the fragmentation of on-site open space. On site green infrastructure within the site was secured through the Section 106 agreement at outline stage. The definition within this agreement confirmed that 'the total area of Open Space shall be no less than 4,000 sq.mtrs.' Furthermore the agreement confirms that 'not less than 280 square meters will be equipped with play facilities.' The agent acting on behalf of the applicant has confirmed that the total area of open space is 0.4ha of which 0.209ha would be surface play area. On this basis the application is deemed compliant with the signed Section 106 agreement and therefore no deed of variation has been sought nor needs to be.

It is acknowledged that the arrangement of open space being presented as a 'green loop' is not necessarily an approach that the LPA are familiar with. In this respect, the rationale provided within the D&A Statement for this approach is welcomed. It is stated that the green loop will invite the occupants (and indeed potentially the wider community) to engage with the site through the use of exercise and play equipment and strategically positioned planting. The applicant has also helpfully provided detailed plans of how the proposed green spaces would work in reality and photographs of where this approach has been applied elsewhere.

I consider there to be merit in this approach. If open space was to be confined within one area at the corner of the site (as it was in the indicative plan at outline stage) then there is less likelihood of the occupiers experiencing a feeling of ownership of the open space. The green loop however brings open space closer to a greater number of dwellings which in my view has the potential to encourage a more frequent usage. This is further compounded by the considered design of the space including street furniture such as low level lighting and bins for both refuse and dog waste. The management of this open space would be through a Management Company as secured by the S106 agreement.

However, I note the comments of the internal Parks and Amenities officer in respect of expected buffer zones from play equipment. I concur that in some instances the green space is relatively close to neighbouring plots (for example the open space adjacent to the gable end of Plot 51 – is adjacent to open space area 2 which contains a play equipment including a climbing structure, 'phones in the woods', tractor tyre swing, belt path, rotating beam as well as tree planting and picnic areas. Whilst this could have some amenity implications, I consider that these would be outweighed by the comprehensive delivery of the open space within the site. The smaller open areas are not designed to be used by intensive sports as one may use a larger open space. Prospective occupiers would be well aware of the overall site layout prior to purchase (and indeed the green loop may be an attractive element to many purchasers). On balance therefore, I feel it would be unreasonable to resist this arrangement of open space in principle.

The reserved matters application has been accompanied by detailed landscaping plans for the proposal including a planting strategy divided into three sections of the site. This demonstrates a

thorough consideration of the landscaping implementation for the proposal. This has been acknowledged and supported by Nottinghamshire Wildlife Trust as listed in full in the consultation section above. It is noted that this includes the retention of existing hedgerows where possible which is welcomed by officers. Clearly however there are elements of the existing hedgerow which would necessitate removal in order to facilitate the internal road network.

The level of curtilage parking within the plots is noted, the majority of which proposed are to be forward of the principle elevation of the dwellings. However, this is not exclusively the case, for example Plot 36 in the eastern corner of the site has three car parking spaces and a car port assigned, two of which are to the front of the principle elevation and the other and the car port of which are accessed from the private drive to the rear. Moreover, Plots 58 to 61 and 54 and 55 all have allocated parking to what would be technically their rear elevations. I am satisfied that the parking provision is the most convenient off-street parking available to the occupiers of each plot and will be legible to the occupiers and thus it will be used rather than vehicles being parked on the street. Occupiers would then be able to use the rear elevation for their principal entrance. The distance between the allocated spaces and the properties themselves are modest such that this is not deemed to be a significant issue. The scenario presented is certainly considered more favourable than parking courts; all spaces would be subject to natural surveillance.

Notwithstanding the above, the landscaping plans proposed would assist in breaking up the hardstanding retained for parking. An added benefit of the segmentation of the open space is also that the areas of open space would add greenery and landscaping throughout the site rather than confined into one area which, if adjacent to the site boundary, would do little to assist in the landscape interpretation of the remainder of the site. Equally the use of differing hard standing materials would create visual distinctions within the site. In this regard, the photomontages presented during the life of the application are a useful aide in interpreting how the proposal could be delivered on the ground. Overall officers are supportive of the landscaping approach and the detailed scheme which has been presented. Subject to securing these details through an appropriately worded condition the proposal is considered to meet the aspirations of Core Policy 13 and Policy DM7 in this regard.

The above discussion has primarily focused on the implications of the development in plan form. However, the application has also clearly included full scale and elevational details. The overall aspirational character of the site appears to be modern in nature with a varied use of materials. Heights proposed vary from the single storey bungalows along the northern elevation to three storey dwellings such as the Shore design or the Shortleaf design (albeit this is designed with the second floor within the roofspace). The comments received during consultation in respect to the layout proposed are noted. Specifically concern has been raised in respect of the visual landscape implications of the proposed properties fronting the B6030. In this respect, the street elevations incorporated within the D&AS are beneficial to assessment. I concur with comments received that on approach to the site from the south east, the landscape rises to the crossroads and thus the site occupies an elevated position. It is a matter of fact that the proposal would bring built form in closer proximity to the crossroads. There is some landscaping demonstrated along the southern boundary albeit it is acknowledged that this would by no means screen the built form of the

development and would be more akin to domestic planting in the rear amenity gardens. Officers have raised this as an issue during the life of the application and subsequently the revised plans submitted for consideration have now incorporated a denser landscaping scheme along the southern boundary of the site.

Notwithstanding the aforementioned amendments, I am conscious that the development will inevitably have an impact on the interpretation of the site from the south eastern approach. Having considered whether this would be harmful to the character of the wider area I am mindful that the development site does not extend built form eastwards to the established dwellings of Robin Hood Avenue, (or indeed southwards given the built form fronting the B6030 on the opposite side of the crossroads). The acceptance of outline approval has the consequence of accepting that the proposal site will be the new edge of built form. In the manner proposed I do not consider the development would significantly harm the character of the wider surroundings particularly when taken in the context of the scale of the South Forest facility on the opposite side of Rufford Road. I therefore find no justifiable reason to resist the proposal on landscape impact grounds.

As identified, the overall character of the proposed dwellings would be modern in nature with a variety of materials which adds visual interest both in individual plots and for the site as a whole. The applicant has again presented indicative photomontages which assist in the assessment of visual impacts. Despite the varying designs and materials, the site would be interpreted as a comprehensive development again assisted by the green loop approach to the landscaping which connects the plots. The D&AS demonstrates a careful consideration of how the design has taken account of the existing site context confirming that Edwinstowe already features a varied use of materials including render and brick. The proposed development would be an honest approach to a comprehensive development but would not be so contradictory to the established character to a degree which would be harmful. On this basis, overall the proposal is deemed compliant with Core Policy 9 and Policy DM5.

#### *Impact on Amenity*

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Officers concur with the appreciation expressed during the consultation process for the development along the northern boundary to be single storey in nature. This is in acknowledgement of the relationship that the proposal will share with the existing properties along Robin Hood Avenue. Properties along Robin Hood Avenue adjacent to the development site vary in character incorporating both semi-detached and detached two storey dwellings, single storey bungalows and dormer bungalows. There is no doubt that the development of the site in the manner proposed will fundamentally change the rear outlook of these properties given the existing character of the development site. However, this would not justify resistance of the

proposal in amenity terms, as the right to views is not a material planning consideration and given that the site is already subjected to an extant approval for outline planning permission.

The detailed nature of the plans allows officers and indeed Members to fully assess the likely implications of the proposal to existing neighbouring properties. As confirmed above, the positioning of bungalows along the northern elevation of the site is fully supported. I note the concerns received during consultation that the roof designs may allow for the creation of a mezzanine level however having measured the elevational details (and indeed in discussion with the applicant) I consider that this would be impractical and unlikely to be desirable to any prospective occupier. Any external works could be controlled through the removal of permitted development rights by condition on these plots.

The bungalows house designs are Catkin and Faber. The design of the proposed bungalows is noted in terms of the asymmetric roof lines which would mean that the properties along Robin Hood Avenue would be looking towards a gable end with large expanses of glazing. Having discussed this with the applicant, it has been confirmed that that the design of the roof allows a reduction in bulk and overall pitch height in comparison to what would be employed on a traditional pitched roof. The approximate height of the bungalows are 4.4m and 5.0m for the Faber and Catkin type respectively which is similar to a traditional bungalow albeit it I appreciate the applicants points that if the level of footprint were to be accommodated through a traditional pitch roof then the overall height would need to be increased. As identified above I consider that the risk of the glazing to lead to a detrimental impact on privacy through overlooking to be relatively low. There is no objection in principal to the modern design of the bungalows and I do not consider that the outlook for the occupiers of Robin Hood Avenue would be overbearing to a degree which would warrant resistance of the proposal. This is primarily due to the distance between the existing properties and the proposed dwellings.

The bungalows along the northern property, following confirmation provided through the revised red line site boundary plan would have rear garden lengths of between approximately 7.5m and 8m in length. Given the lengths of the gardens for the properties along Robin Hood Avenue the minimum distance between the rear elevations of the proposed bungalows and the existing rear elevations along Robin Hood Avenue would be approximately 26m (between no. 16 Robin Hood Avenue and plot 13). Officers have negotiated an increased level of boundary treatment (additional hedging) along the northern boundary during the life of the application. This will assist in mitigating the single storey heights of the proposal. The comments received in relation to the revised plans are noted in terms of the omission of this hedge. It has been confirmed with the applicant that this was an omission on the revised plans which has now been rectified through the latest plans received 4<sup>th</sup> January 2017.

In addition to the above it is worthy of note that there are potentially sensitive amenity relationships for properties along Rufford Road, notably 83a and 85 Rufford Road. In respect to the former, I am mindful that the property has a long rear garden and that any lines of sight between the property and the development site would be at an oblique angle. Moving then to assess the implications of 85 Rufford Road, whilst this property occupies a relatively large plot, the length of rear garden is relatively modest in proportion. The gable end of Plot 4 would be

positioned 1m away from the rear boundary of 85 Rufford Road with the built form of Plot 1 approximately 16m to the east. There is a single storey rear element of the neighbouring property which would be immediately adjacent to the gable end of Plot 4. Having noted the position of their limited private amenity space within what is actually a large plot, I am satisfied that the plot size would allow sufficient area for the occupiers of 85 Rufford Road to enjoy a reasonable degree of the private amenity space they currently enjoy. The modest area of true rear amenity space adjacent to the single storey element would not be subjected to a degree of overlooking considered harmful to amenity.

I have identified no other potential amenity impacts to existing properties which in my view would justify a resistance of the application.

In terms of the available amenity for the prospective occupiers, as with any comprehensive development such as this, there will always be an element of the buyers being aware of the available amenity provision prior to purchase. Overall garden lengths are considered to be commensurate with the plots which they serve and the juxtaposition of the properties appears to have taken due consideration of neighbouring relationships within the site. There are some unusual amenity scenarios such as the provision afforded to Plots 58 to 61 whereby their 'rear' amenity space would be adjacent to their off street parking provision which may, as eluded to above, have the potential to be treated as a principal elevation. Nevertheless, these plots have the added advantage of being immediately adjacent to an area of open space which may be deemed as an attractive feature for some purchasers. I am mindful that for a scheme of this size, the planning system should adopt a degree of flexibility.

The presence of acoustic fencing to the boundaries shared with the B3060 is noted and welcomed. In any case additional landscaping secured during the life of the application will further assist in reducing the impact from the noise of the highway.

In the context of the overall scheme it is considered inappropriate to insist on a prescriptive form of both design and subsequent amenity space. On balance, I do not consider that it would be reasonable to resist the application on amenity grounds and overall find that the proposal complies with the relevant sections of Policy DM5.

#### *Impact on Heritage and Archaeology*

The site lies outside of any heritage designations. The nearest Conservation Area, (Edwinstowe) is located c1km to the north and there are no listed buildings within the vicinity that would be affected by the development. As the site is in the heart of a Medieval Forest a short distance from where two Roman coin hoards were found which may indicate, a high status Roman settlement site nearby, a condition was attached at outline planning stage requesting further investigation. The applicant has addressed this through the current submission in the document 'Supporting Statement – Outline Planning Conditions' in which a copy of an email from the County Council Archeologist is referenced stating that the results of a pre-determination geophysical investigation of the site have been assessed indicating that there is no further need for archeological work on the site. Whilst this document has not been submitted as part of the current application, the

comments of NCC Archeology confirm that the email correspondence referred to is a true representation and as such it is considered inappropriate to insist on the submission of further details in this respect. The proposal is therefore considered to comply with Core Policy 14 and the NPPF in regard to the relevant heritage sections.

#### *Impact on Highways Network*

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The point of vehicular access into the site would be fixed off Rufford Road (the B6034) approximately 80m from the junction with the B3060. This new vehicular access would necessitate the re-siting of an existing bus stop and bench, at the applicants own expense.

Officers have been in discussions with the applicant during the life of the application in order to negotiate on matters of parking provision partially on the basis of comments received during the consultation period. Indeed it is acknowledged that the originally submitted plans demonstrated just 9 car ports (no garages) for the 67 units. The plans now submitted for consideration incorporate 18 car ports. A 'Plot Descriptions' document has also been submitted which outlines the number of car parking spaces allocated to each plot. I am mindful that a proposal for 67 dwellings which demonstrates no garage accommodated, either internally or detached, is not necessarily an approach the LPA would normally seek to advocate. Indeed this has been a matter of discussion with the applicant during the life of the application which has led to an increase in the number of car ports presented. The car ports presented are considered appropriate in terms of serving the purpose of off street parking provision. There may even be more of a likelihood of them being used for parking provision than a garage given the tendency for occupiers to use garages for storage. With this in mind I am conscious that the LPA may find there is future desire for detached buildings for such storage. On the basis that this is not considered harmful to the majority of the plots within the site (subject to usual permitted development right conditions) I consider it would be appropriate to be selective as to which plots have these rights removed (noting a greater likelihood on landscape and amenity impacts around the boundaries of the site).

The original comments of NCC Highways Authority are noted and listed in full above. The applicant has worked with the highways authority during the life of the application to overcome their concerns through the submission of amended plans. As a result, NCC Highways have confirmed a position of no objection subject to a series of conditions which are included in the recommendation below. On the basis of the above discussion, on balance, the proposal is deemed to comply with the provisions of Spatial Policy 7 and the relevant criteria of Policy DM5.

#### *Impact on Drainage Network*

The application has been accompanied by drainage layouts for domestic properties and adoptable foul drainage. NCC Flood Team as the Lead Local Flood Risk Authority provided original comment

on the scheme raising no objection subject to the submission of detailed drainage and design which is already required through a condition on the outline approval. The applicant has been in consultation with NCC Flood Team directly to ascertain the level of detail required above and beyond that which has already been submitted. In the absence of formally revised comments I am not in a position yet to recommend that the drainage condition imposed at outline is satisfied albeit it is acknowledged that a significant level of work has already been done towards the additional details required.

### *Impact on Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

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

The outline application undertook a thorough assessment in ecological terms in respect of the potential impacts on the Birklands and Bilhaugh Special Area of Conservation (SAC) to which the application is in close proximity to which is also notified at a national level as Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSI). In addition the potential Sherwood Special Protection Area was also assessed. In approving the outline proposal, it was confirmed that having regard to the Habitat Directive, the proposal could proceed without having a significant effect on a European site. This was not (and indeed is still not) disputed by relevant consultees.

The outline approval was subject to a Section 106 agreement which secured open space as well as conditions which specifically referenced potential ecological impacts. As a consequence the current application has been accompanied by an Ecological Enhancement Scheme undertaken by EMEC Ecology dated March 2016. This has been revised during the life of the application to correct the plans within (the original document referenced fewer units presumably in line with the pre-application development proposals). The document confirms the level of hedgerow retention, removal and enhancement and outlines the planting scheme to be delivered through the development.

Officers consider that the level of planting proposed is appropriate and will encourage further habitat creation. It is noted that the proposal no longer promotes a single large area of open space

as was the case with the outline approval. However, the green loop approach is considered to have the potential to also benefit ecological movement within the site. The current proposal is supported by Nottinghamshire Wildlife Trust. Subject to a condition ensuring that the development is delivered in line with the submitted enhancement scheme, the proposal is considered to comply with Core Policy 12 and Policy DM7.

The comments received during consultation are noted in respect of the site layout plans not demonstrating all trees on site. However the submitted Arboricultural Report confirms that these trees were fully assessed as part of the relevant surveys and that the development is not expected to have any detrimental impacts to the longevity of these trees.

### *Developer Contributions*

The extant outline approval was accompanied by a Section 106 agreement. This secured contributions towards affordable housing; community facilities; education and library provision and open space. As Members may recall, the outline approval did not satisfy the aspirations of the adopted SPD in all respects and was only approved on the basis of the demonstration that the secured S106 was all the development could viably afford. Unless a deed of variation is submitted, it remains the case that the development would have to deliver the contributions as secured by the extant Section 106 agreement. Thus whilst the comments received during consultation in respect to developer contributions are noted, specifically for example that the existing health and education provision is at capacity, the Local Authority is not able to re-consider the terms of the Section 106 at reserved matters stage. In some respects, given that the scheme would now deliver fewer units, the level of contributions sought is proportionally larger (i.e. the LPA is still gaining 0.4hectares of open space within the site for 67 dwellings which would deliver a greater amount per dwelling than if the applicant were to have submitted a reserved matters scheme for the full 72 units to which the outline permission allows).

### *Other Matters*

Concern has been expressed in relation to the area of play space between Plots 30 and 31 along the eastern boundary of the site which appears to show a potential access into the adjacent field. For clarity the land to the east of the site is not allocated for further development and if this were to be proposed then this would be subject to an entirely separate planning application which would need to be considered on its own merits and subject to the appropriate consultation period. Notwithstanding this, it is worthy of note that the area contributes towards the level of open space secured through the aforementioned Section 106 agreement and thus its retention as public open space would be secured by the legal agreement associated with the current application.

### *Overall Balancing Act and Conclusions*

The site is subject to an extant outline approval which has accepted the residential development of the site in principle. Notwithstanding this, the purpose of a reserved matters application is to allow a full and thorough assessment of the detailed proposal intended for delivery. Having assessed all matters in relation to the application, including taking account of the concerns in

respect to character and amenity impacts, the scheme as amended throughout the life of the application is considered acceptable on the basis of the comprehensive delivery of the site. It is fully acknowledged that there are elements of the proposal, such as the green loop delivery of open space, that are not typical of large scale residential applications such as this one. Nevertheless in the interests of proactive development and applying the presumption of sustainable development as promoted through the NPPF, officers have identified no reasonable grounds on which to resist the proposal. In reaching this judgement, officers are mindful that the proposal will make a meaningful contribution to the housing supply of the District through varied house types to suit numerous end occupiers. The application for reserved matters is therefore recommended for approval subject to conditions as outlined below. For clarity, any reserved matters approval must be read in conjunction with the original outline application and therefore it is not necessary to repeat conditions.

## **RECOMMENDATION**

**That reserved matters approval is granted subject to the conditions and reasons shown below.**

### Conditions

01

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

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

02

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

- Site Layout – 1536 (P) 01 rev. g
- Plans, Elevations & Sections: 2b Faber – 1536 (P) 05 rev. a
- Plans, Elevations & Sections: 3b Catkin – 1536 (P) 06 rev. a
- Plans, Elevations & Sections: 3b Cooper – 1536 (P) 07 rev. a
- Plans, Elevations & Sections: 3b Shore – 1536 (P) 08 rev. a
- Plans, Elevations & Sections: 3b Shore – Units - Special – 1536 (P) 09 rev. a
- Plans, Elevations & Sections: 4b Foxtail – 1536 (P) 10 rev. a
- Plans, Elevations & Sections: 4b Foxtail – Units - Special – 1536 (P) 11 rev. a

- Plans, Elevations & Sections: 5b Shortleaf – 1536 (P) 12 rev. a
- Plans, Elevations & Sections: 5b Shortleaf – Units - Special – 1536 (P) 13 rev. a
- Plans & Elevations – Car Port – 1536 (P) 14
- Plans & Elevations – Garden Room – 1536 (P) 15
- Site Plan – Proposed Landscape – GA\_100\_1 rev. H
- Open Space 1 – GA\_100\_12 rev. C
- Open Space 2 – GA\_100\_13 rec. B
- Open Space 3 – GA\_100\_14 rev. C
- Lighting – private public realm areas – GA\_100\_15 rev. B
- Hedges Existing and Proposed – GA\_100\_17 rev. C
- Planting Plan 1 – GA\_100\_18 rev. B
- Planting Plan 2 – GA\_100\_19 rev. B
- Planting Plan 3 – GA\_100\_20 rev. B
- Highways Layout – 11322 (9) 105 rev. E
- Bus Stop Improvements – 11322 (9) 106 rev. A
- External Finishes – 11322 (9) 107 rev. G
- Proposed Level - 11322 (9) 108 rev. E
- Junction Layout – 11322 (9) 109 rev. C
- Swept Path Analysis – 11322 (9) 110 rev. E

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

Reason: So as to define this permission.

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development

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

#### Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

The approved landscaping shall be completed in accordance with the Planting details shown on plan reference GA\_100\_11 rev A and 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.

05

The development shall be carried out in complete accordance with the Ecological Enhancement Scheme undertaken EMEC Ecology dated March 2016 and Section 5 of the Arboricultural Report undertaken by EMEC Arboriculture dated March 2016 unless otherwise agreed through approval of a non-material amendment to the permission.

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

06

In respect solely of the following plot numbers: 1, 4, 5, 11-14 inclusive, 24-41 inclusive and 62-67 inclusive, notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Reason: In the interests of visual and residential amenity.

07

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays within the development and at the site access junction leading onto Rufford Road as indicatively shown on drawing reference: "Highways Layout 11322(9) 105E". The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

08

There shall be no access between the application site and the B6030 to the south of the site. A suitable form of barrier shall be provided and maintained across the frontage, details of which shall be first submitted to and agreed in writing with the LPA.

Reason: To prevent the creation of new accesses on a B Class road in the interest of highway safety.

09

Prior to first occupation, a scheme for the management and maintenance of the private drives serving plots 3, 4, 5, 11, 12, 13, 36 through to 40, 52 through to 57, and 59 through to 66 within the development, as shown on the approved plan reference: "Highways Layout 11322(9) 105E" shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of general highway safety.

10

No dwelling shall be occupied until the spine road, subject to planning application 16/01436/RMAM, is constructed at least up to and including binder course level for that length of the site to enable vehicle passage from that said dwelling to the public highway.

Reason: To enable safe vehicle passage and access to the public highway network.

11

No development shall commence on any part of the application site until the access junction has been provided on Rufford Road as shown for indicative purposes on the attached plan reference: "Junction Layout 11322(9)109C" to the satisfaction of the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

12

Prior to occupation of any dwelling the proposed bus stop relocation and associated works as detailed on the approved plan reference: "Bus Stop Improvements 11322(9)106", including shelters with level access, pole flag, real time information, an uncontrolled pedestrian crossing, and seating at each bus stop, shall be provided to the satisfaction of the local planning authority.

Reason: In the interest of sustainable transport and general highway safety.

13

Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) creating a hazard to other highway 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/](http://www.newark-sherwooddc.gov.uk/cil/)

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

02

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 approval should be read in conjunction with the outline permission (14/01596/OUTM) and its associated S106 Agreement (Planning Obligation) which accompanies this permission. This controls the following matters:

- Provision of 5 affordable bungalows (3 social rent, 2 intermediate) to be commenced on or before occupation of 40% of market dwellings and to be completed and transferred to a RSL on or before occupation of 60% of the market housing.
- Contribution of £34,134 towards the provision of off-site affordable housing;
- Education contribution of £171,825 with 10% payable upon first occupation and remainder to be paid upon occupation of 30th dwelling.
- Library Contribution of £2,790 payable upon occupation of 10th dwelling
- Community Facilities Contribution of £1,181.25 per dwelling (up to £85,050) to be paid in two equal instalments on or before occupation of the 25th dwelling and the 50th dwelling.
- No more than 30 dwellings to be occupied until provision of minimum quantum of green infrastructure/public open space (including SANGS) of 0.4 hectares, a minimum of 0.04 hectares of land for children and young people to include a LEAP has been provided on site.
- Arrangements for on-going management for all POS by a management company.

04

#### Section 38 Agreement (Highways Act 1980)

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

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

#### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to

enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council on 0300 500 80 80for details.

Building Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

BACKGROUND PAPERS

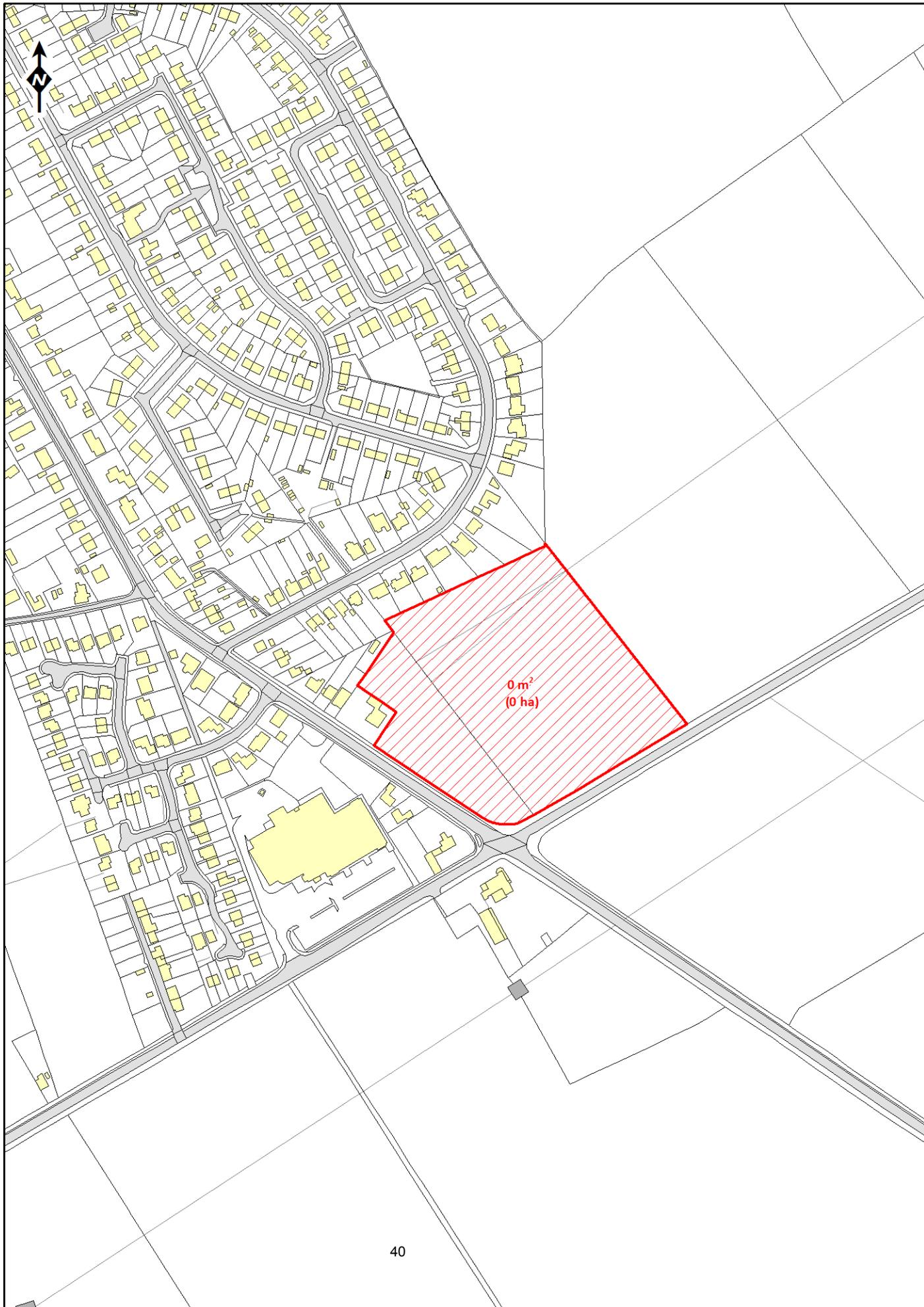
Application case file.

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

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

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

Committee Plan - 16/01436/RMAM



<b>Application No:</b>	<b>16/02032/FUL</b>	
<b>Proposal:</b>	<b>Householder application for construction of a dormer roof loft extension to rear with velux roof light to front (retrospective)</b>	
<b>Location:</b>	<b>Forge House, Westgate, Southwell, Nottinghamshire, NG25 0LD</b>	
<b>Applicant:</b>	<b>Mr R Smith</b>	
<b>Registered:</b>	<b>5 December 2016</b>	<b>Target Date: 30 January 2017</b>

**This application has been referred to Planning Committee because the application is retrospective and contrary to the Council’s Householder Development Supplementary Planning Document.**

The Site

The application site comprises a two-storey semi-detached dwelling of inter-war construction located within the Southwell Conservation Area. The site is accessed via Westgate Mews and is bounded to the west and south by adjacent properties, with the highway to the north and east. The boundaries of the site are treated with fencing approximately 2m in height.

Relevant Planning History

No relevant site history.

The Proposal

The application seeks retrospective consent for the erection of a flat roof dormer window to the rear of the dwelling and a velux roof light to the front. The development has been completed prior to this application being submitted because the applicant was unaware that planning permission was required for the development.

The dormer extension measures 2m in height, 6m in length and 3m in depth. The dormer is currently treated with white PVC weatherboarding to the rear elevation and red facing brick to the side elevations although the applicant has stated that the weatherboarding is to be replaced but details of this have not been confirmed with the application submission.

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**

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

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

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

##### **Southwell Neighbourhood Plan 2015**

Policy SD1 – Delivering Sustainable Development

Policy DH1 – Sense of Place

Policy DH3 – Historic Environment

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

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Householder Development SPD 2014

### Consultations

**Southwell Town Council** – Object to the proposal for the following reasons,

- The committee does not support retrospective planning applications, this could set a precedent.
- The application is an unbalanced development of semi-detached houses in a conservation area.

**Southwell Civic Society** – It is regrettable that this is a retrospective application. However our comments have to reflect our views as if this was an application submitted at the proper time, and therefore we object.

This property is located within the Conservation Area and as such consideration has to be given to whether it will preserve or enhance the area. This design clearly does neither. Luckily the property is not on a main thoroughfare and the alterations to the rear are not easy to view.

The Society consistently objects to the alteration of semi -detached properties, which amend the roofline to unbalance the building as a whole. The loft conversion is particularly poorly executed. The flat roofed dormers coming directly from the ridgeline are contrary to NSDC's LDF

Householder Development Supplementary Planning Document Clause 8.13 “Dormer Windows”. The use of UPVC plastic cladding is not appropriate in a Conservation Area.

We are concerned that this illegal alteration in a Conservation Area without approval may set a precedent.

**NSDC Conservation Officer** – The application site sits within Southwell Conservation Area. This off shoot of Westgate is relatively quiet but nevertheless the host building and the dormer is visible from the public realm. Southwell is generally a high quality conservation area, with an impressive stock of historic buildings but also generally sensitively designed modern buildings and additions. This is true of this lane which has a mixture of modern and more historic properties, which generally are positive and/or well-designed modern structures.

The host house is part of a semi-detached, from the inter-war period; the neighbouring building still retains attractive stained glass of the Art Deco era, which typifies buildings of this age. The pair of houses is very simple and would otherwise be regarded as making a neutral contribution to the character and appearance of Southwell Conservation Area.

The proposal, which is retrospective, has removed the hipped roof, which unbalances the pair of houses, which is read as a whole. The greater impact, however, stems from the very large flat roofed dormer, which is intrusive visually, makes the building top heavy, introduces alien features like the white bargeboard and generally is an inappropriate and incongruous feature which detracts from the house and wider area. This is in many ways a more general issue of good design, and it for these reasons why such extensions are specifically advised against in our SPD on householder extensions.

By introducing an element of poor design, which is visually intrusive and incongruous, it has the effect of transforming an otherwise neutral building into a negative building, within the Conservation Area. The context of the building’s limited overall contribution to the wider conservation area is appreciated, but there is an appreciable negative impact from this proposal.

Given the overall significance of the Southwell Conservation Area the harm is less than substantial, nevertheless Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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, and this duty applies whatever the level of harm.

**A letter of representation has been received from a local resident raising concerns that the proposal has resulted in a loss of privacy for neighbouring properties, however given that the application is retrospective, would not wish for undue costs to be imposed upon the applicant to alter the development.**

## Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the design of the proposal, the impact on the character and appearance of the conservation area and visual impacts, and residential amenity considerations, which are discussed in turn below.

### Principle of Development

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD with additional guidance also provided by the Council's SPD for Householder Development. These criteria include the provision that the proposal should respect the character of the dwelling and surrounding area and have no adverse impact upon the amenities of neighbouring properties. The overall shape, size and position of an addition must not dominate the existing house or the character of the surrounding area.

Additionally, the site lies within the Conservation Area for Southwell. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and setting of the Conservation Area.

Southwell Neighbourhood Plan (SNP) sets out a design guide providing information on acceptable materials and detailing, along with built form and is a material planning consideration for the purposes of negotiating planning applications. Within the SNP, the Appendix includes guidance for dormer windows with the Southwell Design Guide.

### Impact on Character/Visual Amenity

Forge Cottage is a semi-detached dwelling of inter-war construction located on Westgate Mews, set back from the public highway (Westgate) and as such, visibility from the main public realm is limited. However, notwithstanding this, any development within a designated area has the potential to impact upon the heritage asset whether or not it is largely visible from a public space.

The dormer window is not readily visible on approach to the site from Westgate but is prominent when approached from the south owing to the window's location in line with the new gable end created as a result of the proposal.

The Council's SPD for Householder Development includes a section with advice on the creation of dormer windows within residential properties. This guidance states that *"the use of large flat roof dormer windows is not encouraged by the District Council due to their bulky and overly dominating appearance within the roofscape"*. With this in mind, I raise concern that the dormer window at Forge House is an example of the dormer window the SPD seeks to avoid; the size of the dormer window is possibly more relative to a second floor extension to the dwelling.

The SPD goes on to state that dormer window proposals should be in keeping with the scale, form and proportions of the host dwelling and roof, with the proposal set below the ridge line, above the eaves and away from roof edges which (with exception of the distance from the eaves) the proposal has failed to do. The dormer window expands the width of the host dwelling, dominating the elevation of the dwelling, and to a degree the southern side elevation of the building, resulting in an addition to the dwelling which does not sit subservient to the host building, and appears overly prominent within the street scene. The internal Conservation Officer has also suggested that the dormer window is visually intrusive, to which I would concur owing to its overall scale and top-heavy effect upon the host building. The overall effect would, as stated by the Conservation Officer, turn a neutral building within the Conservation Area in to a negative building, resulting in less than substantial harm with no public benefits that outweigh this harm. The applicant has expressed their willingness to alter the external materials of the dormer window, however I do not consider changes to the finish of the dormer window would address the concerns above. Members may wish to pursue amendments to the materials should they be minded to approve the application.

In addition to the above, the SNP states that dormer windows should not be included on buildings simply as a way to extend floor space, and flat roof dormer windows or dormers larger than the window openings within the property should be avoided. In this respect, the proposal does not comply with the guidance set out within the Design Guide Criteria of the SNP.

Turning to the main roof's design, the pair of semi-detached dwellings were built with a hipped roof however to accommodate the dormer window, the roof over Forge House has been altered to a gable end roof. In my view this has created an unbalanced appearance for the pair of dwellings, impacting upon the uniformity of the frontage of the properties and creating an imposing/dominant side elevation to the dwelling which I consider harmful to the character of the dwellings and immediate area, failing to comply with principles of DM6 of the DPD.

Aside from the dormer window, the application seeks consent for the installation of a rooflight to the principal elevation of the dwelling. This rooflight is at a high level and not prominent from street level. As such, this element of the scheme is acceptable in my view but it does not however outweigh the concerns above in respect of the dormer window.

### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. In accordance with Policy DM6, householder development is considered to be acceptable in principle providing any development does not adversely impact upon the amenities of neighbouring properties.

The rear elevation of Forge House looks directly on to 4 Trinity Place to the west of the site. Visibility in to this neighbouring property is partially restricted by a two storey structure forming part of 4 Trinity Place. However given the height of the dormer window, it is still possible that overlooking could be an issue for this neighbouring property, as well as the adjoining dwelling

(Forge Place) whose rear garden will be overlooked from second floor height as a result of the dormer window. I am mindful that the existing outhouse attached to Forge Place will offer some screening and as such, I am of the view that the impact on neighbouring privacy would not be materially worse than the situation established by the existing first floor of the host dwelling.

With regards to overbearing impacts, it has already been discussed above that the dormer window is considered a dominant addition to the dwelling and to this end I am of the view that the large addition is overbearing upon neighbouring properties owing to the visibility of the dormer window from the surrounding properties; the window is a large addition which significantly alters the appearance of the dwelling from surrounding amenity space. On this basis, I do not consider the proposal to comply with Policy DM6 of the DPD nor the NPPF.

### Overall Planning Balance and Conclusion

Forge House is an inter-war dwelling located within the Southwell Conservation Area and as such consideration has been given to the dwelling's historic setting as well as the proposal's impact upon the host building and surrounding area. The retrospective nature of the application does not allow for a development to be deemed acceptable, and therefore lawful, simply because it is already constructed with an appearance which would have been considered unacceptable had the proposal been considered by the LPA prior to construction.

Whilst the dormer window is located to the rear of the property, the development is still visible from the public realm and the overall form, scale and massing does not reflect or respect the character and appearance of the host dwelling (a requirement of Policy DM6 of the DPD) and as a result this lack of complementary design has a detrimental impact upon the character and appearance of the Conservation Area, not aided by the prominence of the addition and clear visibility of the extension from the surrounding road and properties. The overall design of the dormer window does not accord with the guidance set out in the SPD for Householder Development nor the guidance set out by the SNP.

It should be noted that the rooflight to the principal elevation is considered acceptable but this does not outweigh the harm caused by the dormer window.

On the basis of the addition put forward for consideration by the LPA, it is concluded that the development is detrimental to the appearance and character of the host building and the conservation area and therefore does not comply with Policies 9 and 14 of the Core Strategy, Policies DM6 and DM9 of the DPD, Policies DH1 and DH3 (and associated design guide) of the SNP, nor Sections 7 and 12 of the NPPF. I therefore recommend that the application is refused and that it is expedient to take enforcement action against the extension, which should be issued at the time of decision.

## **RECOMMENDATION**

**That full planning permission is refused for the reason below and an enforcement notice for the dormer window is served at the time of decision of this planning application;**

### Reason for Refusal

01

In the opinion of the District Council the form, scale and massing of the dormer window are not proportionate to the design and character of the host dwelling which results in harm upon the character of the host dwelling as well as having resultant impacts to the amenity of neighbouring properties in terms of an overbearing impact. Moreover, the proposal causes harm to the designated Conservation Area. This level of harm is concluded to be less than substantial when considered against the guidance within the National Planning Policy Framework and National Planning Practice Guidance but is nevertheless harmful and not outweighed by any other material considerations including any public benefit resulting from the proposal.

The development does not preserve or enhance the character and appearance of the area contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also contrary to Core Policies 9 and 14 of the Newark and Sherwood Core Strategy (2011) and Policies DM6 and DM9 of the Newark and Sherwood Allocations and Development Management DPD (2013). The development is also contrary to the National Planning Policy Framework, Newark and Sherwood Council's Householder Development Supplementary Planning Document and Southwell Neighbourhood Plan, all of which form a material consideration.

### Notes to Applicant

01

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

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal however no positive outcome could be achieved.

BACKGROUND PAPERS

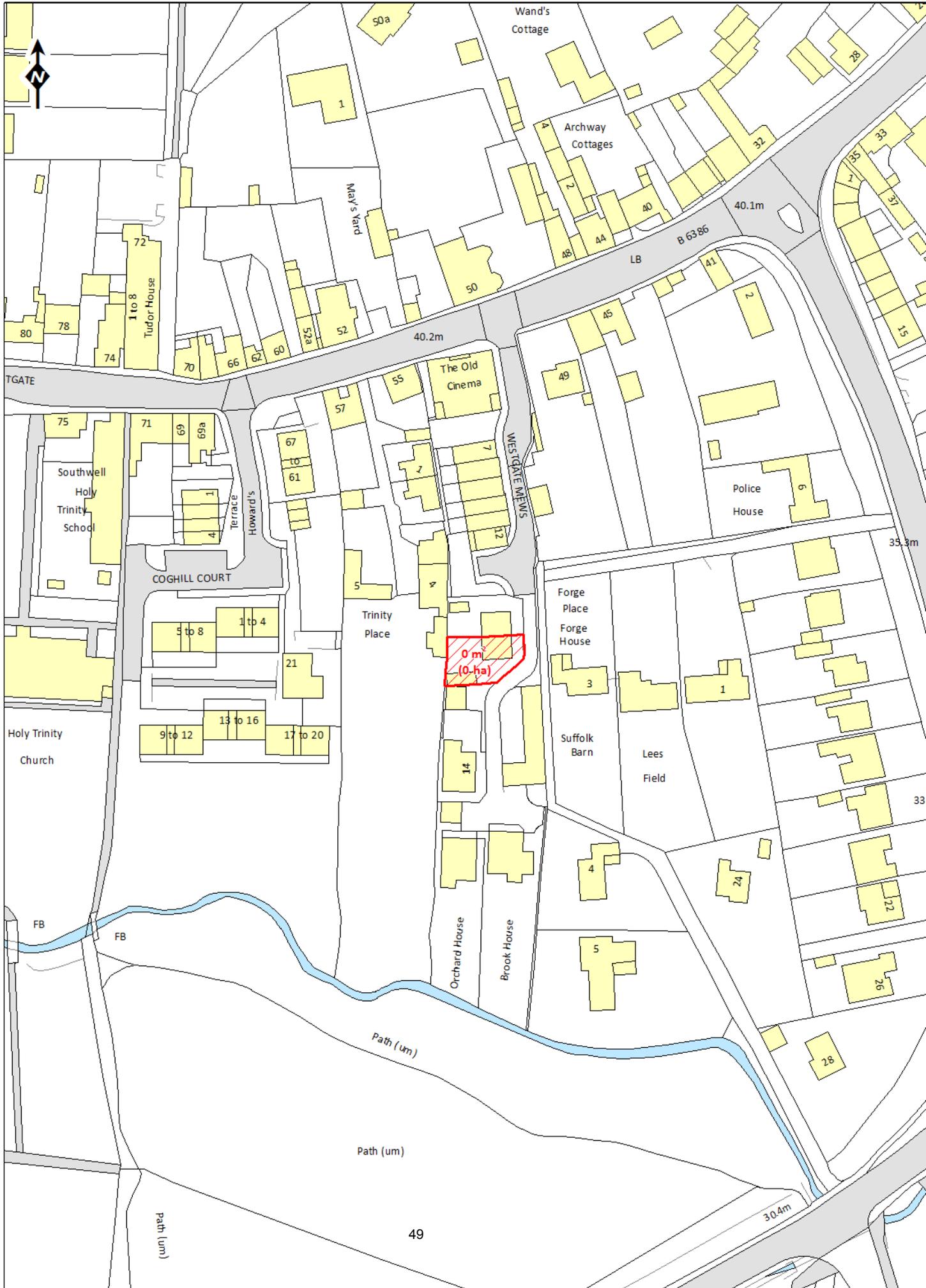
Application case file.

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

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

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

Committee Plan - 16/02032/FUL



<b>Application No:</b>	<b>16/01777/FUL</b>	
<b>Proposal:</b>	<b>Demolish existing dwelling house and erect new dwelling</b>	
<b>Location:</b>	<b>Holbrook House, Newark Road, Southwell</b>	
<b>Applicant:</b>	<b>Mr R Dye</b>	
<b>Registered:</b>	<b>24 October 2016</b>	<b>Target Date: 20 December 2016</b>
	<b>Extension of Time Agreed until 8<sup>th</sup> February 2017</b>	

**The application is before Members due to the Town Council’s objection which differs from the officer recommendation and due to the committee referral request by Cllr Handley.**

The Site

Holbrook House is located on the south-western side of Newark Road. This comprises a large detached brick and render two storey, modern 20<sup>th</sup> century dwelling set in large grounds located within the Southwell Conservation Area. The site occupies an elevated position from the road (by several metres) and is well screened from public realm by existing mature trees and vegetation. The host dwelling is currently vacant and unoccupied.

This side of the road is characterised by large detached dwellings in large, spacious elevated plots which is a marked contrast to the buildings on the north-eastern side of Newark Road which are outside of the Conservation Area and comprise a more close-knit enclosure of the road with 19th and 20th century development.

Access to the existing dwelling is from Newark Road via a narrow culverted drive located between gaps in vegetation.

‘Easter Skene’, a two storey neighbouring property lies (c32m) to the south-east of the site and is separated from the site by a picket fence and mature vegetation. Walnut House lies some 90m due south and properties off the Private Drive Cannon Close lie to the west and south-west, located over 35m from the existing dwelling.

The site is identified as being within an area prone to surface water run off according to the EA flood maps. There are trees within the site that are subject to Tree Preservation Orders, located mainly along the site frontage albeit there is one protected tree located towards the south-eastern part of the site.

Relevant Planning History

**16/02049/TWCA** – Application submitted to undertake tree works detailed below. Works Agreed January 2017:

- 12 - Apple X 4: Poor quality and any remedial works will result in little remaining growth. Due to location, no public amenity, works agreed (Replace with apple trees in upper garden area)
- 5 - Silver Birch: Poor quality due to location and restricted growth due to surround specimens. Even though the tree is located on the frontage and proposed removal of further trees will increase it's potential amenity value, due to poor appearance, tree would not be considered for future retention.
- 6- Silver Birch, rotting at base. Tree would not be considered for future retention
- 4 - Leylandii group: These are large specimens and are a feature along the frontage. However such a specimen would not be considered for retention as not considered to be in character with a conservation area setting.
- 2 - Lime: Crown lift to 3m - works will provide adequate clearance to avoid any future risk of damage to tree or vehicles/public.
- 7 - Lime: Removal of limb will not have adverse affect on overall balance of tree and will remove the possible risk of failure. This will provide clearance to avoid any damage to the tree, passing high sided vehicles and users of the grassed area. Removal of Ivy exempt
- 8 and 9 - Ash X 2: Proposed crown lifts will provide the clearance to avoid any damage to the tree, passing high sided vehicles and users of the grassed area. Removal of Ivy exempt
- 10 - Horse Chestnut: Remove collapsed branch and side shoot - works agreed.
- 1 - May Tree: Remove. This is completely overrun by Ivy. It will eventually break up and will fall apart in less than 10 years

**PREAPP/00100/16** – Demolish existing dwelling and form new. Advice given May 2016.

**12/00859/FUL** – Demolition of single storey side extension and erection of an additional detached dwelling. Refused due to size and scale of proposed dwelling and impact on character and appearance of the CA. Decision was challenged on appeal but dismissed.

**93/51606/FUL** – Bay window (permitted 28.10.1993)

**93/51605/FUL** - Two storey extension, sun lounge and replacement windows (permitted 23.08.1993)

**56880569** - Alterations to front elevation (29.06.1988)

**567863** - Construct additional bedroom (permitted 28.02.1978)

**5677270** - Lounge and kitchen extension (permitted 26.07.1977)

### The Proposal

Planning permission is sought for the demolition of the exiting dwelling and its replacement.

The replacement dwelling would be two-and-a-half-storey Georgian style dwelling with a one-and-half storey triple garage linked together by a single storey element. Accommodation would include 5 bedrooms (one would be a guest bedroom over the attached triple garage) with the second floor accommodation comprising a large home office and two rooms annotated as being for storage.

The main bulk of the replacement dwelling would measure 14.5m wide by 13.6m deep, 5.8m to

eaves and 9.7m to the highest part of the hipped roof. The triple garage would measure 10.5m wide by 7.5m in depth and has an eaves height of 2.6m raising to 5.6m to the hip. This is sited at an angle to the dwelling and linked to it by a L shaped building accommodates a utility, cloakroom and pantry which is set lower at c4.9m to ridge.

The proposed materials are natural slate with a red brick (Autumn Russet Sovereign Stock or similar), light stone headers and cils, painted hardwood sliding sash windows and lead barrel dormer windows to the roofscape.

A number of trees would be removed including two Silver Birch, a May tree to the frontage and a cherry plum to the north-west corner of the garages as well as non-native conifers.

The application is accompanied by Design and Access Statement (which includes Heritage Statement), Tree Survey, Ground Contamination Reports, Bat Survey and a Bat Mitigation Strategy.

#### Departure/Public Advertisement Procedure

A site notice has been displayed at the site and the application has been advertised in the local press. Eleven neighbours have been notified individually by letter. The earliest date of decision is 24<sup>th</sup> November 2016.

#### **Planning Policy Framework**

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

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 - Sustainable Design  
Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
SoAP1 - Role and Setting of Southwell

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

Policy DM1 - Development with 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

##### **The Southwell Neighbourhood Plan 2015-2026 (Adopted October 2016)**

Policy SD1 – Delivering Sustainable Development  
Policy E1 – Flood Risk Assessments and Mitigation  
Policy E2 – Flood Resilient Design  
Policy E3 – Green Infrastructure and Biodiversity

Policy DH1 – Sense of Place  
Policy DH2 – Public Realm  
Policy DH3 – Historic Environment  
Policy DH4 – Highways Impact  
Policy TA4 – Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Southwell Conservation Area Appraisal 2005

Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

### **Consultations**

**Cllr Paul Handley** - please take this as my desire to call in if the Officers are minded to approve, without addressing the objections in any conditions. It would therefore be desirable for the Officers to discuss the proposed conditions with me.

**Southwell Town Council** – Comments received 12/01/2017:

“Southwell Town Council considered application 16/01777/FUL Holbrook House Newark Road and agreed unanimously to object to the application. The committee objected for the following reasons:

The application shows a 30% - 40% increase in floor area and therefore surface water. The application does not meet the requirements of Neighbourhood plan policies  
Policy E1 – Flood Risk assessments and mitigation Pg 25  
Policy E2 – Flood resilient design Pg 29”

Comments made 17/11/2016:

Southwell Town Council considered application 16/01777/FUL, Holbrook House, Newark Road, last night and agreed to object to the application and request that Cllr Paul Handley call in this application to NSDC. The committee objected for the following reasons:

The felling of tree No 2 an early mature lime A2, also the application does not address the non-permeability of the driveway and the extra rainwater run-off from the site.

**Southwell Civic Society** – Comment as follows:

“We would prefer a more contemporary design befitting the Twenty –first century and if we are to have pastiche, then the proportions are all wrong, its very lumpy and heavy handed. We to strongly object to the felling of tree Number 2 – an early mature Lime with 40+ years life and category A2. There seems no reason for this, although ivy is growing up and needs clearing.”

**NCC Highways** - 'This proposal is for the construction of a new dwelling following demolition of the existing dwelling. The information provided in the Design and Access Statement indicates that the existing access is to be widened.

Whilst there are no highway objections to this proposal, the following condition should be imposed:

No part of the development hereby permitted shall be brought into use until the alterations to the existing dropped vehicular verge crossing have been 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 alter 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."

**NCC (Lead Local Flood Authority)** – No objections. Upon request further comments were provided:

"My interpretation is that there is obviously a depression of some sort around the property that results in it showing a minor risk of surface water flooding. It isn't a flow path so does not cause me any concern.

Newark Road shows as a flow path under extreme conditions (1:1000yr – light blue).

The applicant is proposing the use of permeable paving which is positive, if you wanted to put a surface water condition onto the approval then simply asking for evidence to show the proposals do not increase surface water run-off from the site should suffice."

**Trent Valley IDB** – Comment as follows:

"The site is outside of the Board's district but within the extended catchment area.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

**Nottinghamshire Wildlife Trust** – 19<sup>th</sup> December 2016:

"Thank you for re-consulting Nottinghamshire Wildlife Trust on the additional information submitted in support of the above application (Bat Mitigation Strategy, BJ Collins, December 2016).

We have reviewed the above report and note that it gives an appraisal of the possible situation regarding protected species (bats) at Holbrook House. There is however a question over whether the evidence discovered during the inspection visit (November 2016) relates to a maternity or non-maternity roost of pipistrelle bats (species not stated).

The report gives details of additional surveys which are required and potential strategies depending on the outcome of these surveys. Whilst the report seems thorough in this regard and it seems that either outcome could be mitigated for under an EPS licence, the question remains as to whether these surveys should be carried out before the application is determined or whether they can be conditioned. At present, it appears that the extent to which bats may be affected by the development has not been demonstrated. The species of bat and type of colony has not been confirmed.

Our advice therefore remains in accordance with Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’”

**22<sup>nd</sup> November 2016:** “Thank you for consulting Nottinghamshire Wildlife Trust on the above application. We welcome the provision of the Protected Species (Bat) Survey report (BJ Collins, November 2016) as recommended in our pre-application response.

We have reviewed the above report and note that evidence of a possible bat maternity roost was recorded. To fully assess the potential impact of the proposal on protected species, the report is clear that **further survey is required** – namely a minimum of **three emergence and/or re-entry surveys** during the active season for bats.

Our recommendation is that the LPA requests that these surveys are undertaken **before the application is determined**.

Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’”

**NSDC (Conservation)** – Comment as follows:

“The proposal site is located within Southwell Conservation Area (CA). There are a number of listed buildings on nearby Burgage Lane and Burgage Green, and the site may have archaeological interest.

### Legal and policy framework

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Section 66 of the Act requires the LPA to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. 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 affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

### Significance of heritage asset(s) affected

The proposal site is located on the south side of Newark Road and is one of several large plots that were created in the post-war era. The site area is just under 0.4 Ha and is rectangular in shape. The proposal site from the road to the rear garden by around 6m. The existing house and grounds are fully within the CA. Buildings on the other side of Newark Road sit predominantly outside of the CA boundary other than the historic terracing emerging from Station Road.

Southwell Conservation Area (CA) was first designated in 1968 and extended in 1970 and 1993. The Council produced an Appraisal of the CA in 2005 following a further review and again amended the boundary. The CA boundary has been drawn to include the Minster Church, the historic commercial centre of King Street and Queen Street, the Burgage and the former hamlets of Easthorpe and Westhorpe. Key features of the conservation area are the presence of the Minster church, its well-preserved historic layout, the high proportion of listed buildings and unlisted buildings of quality, its strong character areas and its attractive landscape setting.

The Burgage area is the surviving remnant of Burgage Manor, which was a separate Manor within the parish of Southwell. It was agricultural in character in contrast to the urban Prebendage and today the contrast between the tightly built commercial area of King Street and the more open character of the Burgage is very marked. Burgage Green to the northwest of the proposal site is an attractive area of informal open space sloping up from Newark Road. The main traffic and pedestrian routes through the town bisect it and some architecturally significant buildings overlook it. Burgage Lane was formerly called Back Lane and served the backs of the Prebendal houses on Church Street providing access to the fields behind. Fields still remain on the south side of Burgage Lane and it is a feature of the conservation area that grazing is still continued in the heart of the town. Although there are a number of significant listed buildings in The Burgage, it is the park-like setting that remains the dominant feature. Both the modern and historic development pattern has otherwise been characterised by large houses in large plots and many dwellings are obscured from open view behind attractive green boundaries (trees are significant in this area for defining boundaries, notably along Newark Road, Potwell Dyke and Burgage Lane where they form a strong visual barrier and define the edge of the character area).

The proposal site is identified in the NCC/Historic England EUS as being of potential archaeological interest. In a revised version of his history of Southwell, published in 1817, the local antiquarian William Dickinson claimed to have identified an approximately oval earthwork on Burgage Hill. He considered it to be Roman, but its form could equally suggest an Iron Age hill fort (this is shown on the County HER entry SMR 3098). Unfortunately, nothing is now visible and there is some doubt as to whether it existed, particularly in view of the complete lack of any prehistoric finds from the area. Nevertheless, an attempt has been made to plot its approximate course, based on his illustration and accompanying notes. Recent work undertaken by the Southwell Community Archaeology Group on the Burgage earthworks project has revealed possible Anglo-Saxon phases in this area, and it is possible that there are several interrelated archaeological areas of interest in and around Burgage Green/Newark Road.

### Assessment of proposal

The proposal seeks to demolish the existing dwelling at Holbrook House, Newark Rd and replace it with a two storey 5 bedroom detached dwelling, 3 bay garage and link forming a utility room. The proposal also includes a new front wall (set back from the road) and gated access. The trees on the roadside will be maintained and greenery reinforced.

The existing building at Holbrook House is modern and dates from the later 20<sup>th</sup> century. It is considered to make a neutral contribution to the character and appearance of the CA. Its demolition therefore will not harm the significance of the CA.

The proposed replacement dwelling is substantially larger than the existing building, resulting in a foot print almost twice as large and an increase in height to the ridge by 1.7m (an overall height of approx. 9m). We provided pre-application advice on this proposal (ref PREAPP/00100/16) and

raised concerns about the scale of the new dwelling in the context of the CA. The submitted scheme has been reduced in scale, and following discussions during this application submission, the roof height has been reduced by a further half a metre. On balance, we feel that this is sufficient to ensure that the development is not unduly prominent. It is accepted that trees and greenery surrounding the site, furthermore, provide significant enclosure and screening.

The proposed design references traditional Georgian polite house architecture evident elsewhere in the CA. The layout of the new dwelling is appropriate within the plot. The use of timber joinery, traditional facing materials and vernacular detailing at the eaves and in window headers helps to reinforce this character.

Overall, the proposed development will not harm the character and appearance of the Southwell CA, and nor will it cause any harm to the setting of any listed buildings. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The development also complies with heritage policies and advice contained within CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF.

If approved, number of issues will need to be conditioned using suitably worded conditions:

- Notwithstanding the submitted details, all external joinery including windows and doors shall be of a timber construction only (to be retained) and details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- Samples of all external materials to be used on the construction hereby permitted shall be submitted to and approved in writing before development commences. The development shall be carried out using only the agreed materials. Reason: To ensure the development preserves the character and appearance of the Conservation Area and takes the form envisaged by the District Planning Authority.
- Development shall not commence until such time as a brick sample panel showing brick, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- All new roof tiles shall be natural slate, a sample of which shall be submitted to and approved in writing by the District Planning Authority before development commences. The development shall be carried out using only the agreed roof tiles.. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- Ventilation of the roof space shall not be provided via tile vents. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- Notwithstanding the submitted details, development shall not commence until such time as further details of the treatment of the window/door heads/cills, verges, eaves, dormers and chimneys (in the form of scale drawings and material samples/specifications) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall

be carried out only in accordance with the agreed details. Reason: To ensure that the development preserves the character and appearance of the Conservation Area.

- Development shall not commence until details of the design, scale, material(s) and finish of the new gates, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), are submitted to and agreed in writing with the Local Planning Authority. The development shall only be carried out in accordance with the agreed details. Reason: To ensure the development preserves the character and appearance of the Conservation Area.
- Development shall not commence until such time as full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The works 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 preserves the special architectural and historic interest of the conservation area.
- No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to and agreed in writing by the District Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details. Reason: To ensure that any features of archaeological interest are protected or recorded.
- Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the District Planning Authority. Reason: The site is prominently located within the Southwell Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows (other than those approved as part of this development), roof lights or solar panels shall be placed on roofs of the buildings hereby permitted, without the prior approval of the District Planning Authority. Reason: The site is prominently located within the Southwell Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

**Five representations have been received from local residents**, one of which raises objections whilst the remaining support in principle but with concerns/or observations. These are summarised below:

- Concern regarding access to the property particularly during construction with larger/longer vehicles because it is narrow and there is difficulty because of cars parking opposite. This could prove to be a hazard. The fire station is nearby and the road needs to remain clear;
- There are no houses similar to the proposed 3 storey design in the immediate vicinity;

- Removal of frontage trees and an increase in the roof ridge height will harm and change the character of the neighbourhood in this conservation area;
- Request that a condition be included in any approved application to make it very clear that no vehicles associated with any work at the property can use Canons Close, a private road, for any purpose;
- Beech hedge running the length of Canons Close should remain in place;
- This proposal is a huge improvement on the failed application for this site some time ago. It proposes an appropriate building that the site deserves;
- Only reservation is the disruption and heavy vehicle traffic during demolition and construction.
- Conservation suggested the height should be reduced, the response was that as the property is surrounded by tall trees it would have no impact. Note there is now an application to remove a large number of trees and question if this contradicts the applicant's comments.

#### Comments of the Business Manager

##### Principle of residential development

The application relates to a replacement dwelling within the defined built up area of Southwell and as such the principle of development is considered to be acceptable given its sustainable location. The NPPF identifies that there is a presumption in favour of sustainable development, albeit a range of site specific considerations need to be considered which are discussed below.

##### Impact upon the Character of the Area including Heritage Assets

The site lies within the Southwell Conservation Area. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area with the minimum objective being of preservation.

The site is located on higher ground than Newark Road and is currently well-screened from the road by mature vegetation. The existing building at Holbrook House is modern and dates from the later 20<sup>th</sup> century. Given the modern nature of the existing dwelling, it is considered to make a neutral contribution to the character and appearance of the Conservation Area and its demolition is considered acceptable as its loss would not harm the significance of the Conservation Area.

The Council's Conservation Officer has commented on the application and their full comments are set out in the consultation section above, an extract of which is as follows:

*"The proposed replacement dwelling is substantially larger than the existing building, resulting in a foot print almost twice as large and an increase in height to the ridge by 1.7m (an overall height of approx. 9m). We provided pre-application advice on this proposal (ref PREAPP/00100/16) and raised concerns about the scale of the new dwelling in the context of the CA. The submitted scheme has been reduced in scale, and following discussions during this application submission, the roof*

*height has been reduced by a further half a metre. On balance, we feel that this is sufficient to ensure that the development is not unduly prominent. It is accepted that trees and greenery surrounding the site, furthermore, provide significant enclosure and screening.*

*The proposed design references traditional Georgian polite house architecture evident elsewhere in the CA. The layout of the new dwelling is appropriate within the plot. The use of timber joinery, traditional facing materials and vernacular detailing at the eaves and in window headers helps to reinforce this character.*

*Overall, the proposed development will not harm the character and appearance of the Southwell CA, and nor will it cause any harm to the setting of any listed buildings. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The development also complies with heritage policies and advice contained within CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF."*

I fully concur with this view. The replacement dwelling is substantial, but the plot size is generous and can accommodate this size and scale of dwelling without any undue harm to the character and appearance of the area whilst retaining the sense of greenery that this area currently enjoys.

The proposed wall would be set back by c6.8m from the back edge of the highway and the majority of the wall would be 1.652m (thus not requiring planning permission) with only the proposed brick pillars and finish exceeding permitted development allowances of 2m. Conservation has confirmed that this is appropriately designed with traditional Flemish bond detailing. In any event the wall would be set back behind mature trees and planting so would not be unduly prominent in my view.

Subject to the conditions to control materials (such as the design of the gates) and other architectural matters of detail I consider the proposal accords with the Development Plan, including the SNP.

The site lies within an area of potential archaeological significance. In accordance with paragraph 128 of the NPPF, the application is accompanied by a Heritage Impact Assessment (HIA) which is proportionate to its potential prehistoric interest. This suggests that the prospect of finding anything of interest is low given its an existing site and excavations would be unlikely to reveal anything of significance. I note the comments from the Conservation Area (extract below)

*"In a revised version of his history of Southwell, published in 1817, the local antiquarian William Dickinson claimed to have identified an approximately oval earthwork on Burgage Hill. He considered it to be Roman, but its form could equally suggest an Iron Age hill fort (this is shown on the County HER entry SMR 3098). Unfortunately, nothing is now visible and there is some doubt as to whether it existed, particularly in view of the complete lack of any prehistoric finds from the area. Nevertheless, an attempt has been made to plot its approximate course, based on his illustration and accompanying notes. Recent work undertaken by the Southwell Community Archaeology Group on the Burgage earthworks project has revealed possible Anglo-Saxon phases in this area, and it is possible that there are several interrelated archaeological areas of interest in and around Burgage Green/Newark Road."*

Taking these matters into account I agreed with the Conservation Officer that the best means of protecting the archaeological interest would be for an archaeological watching brief to take place, details of which shall be submitted in writing and it would be controlled by condition. Subject to

this I consider the proposal would accord with relevant policies from the Development Plan.

#### Impact upon Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

No. 4 Cannon Close is located to the north-west, c35.7m from the replacement dwelling. To the south-east, Easter Skene is c32.7m away and Cedar View is over 40m from the replacement. I consider that these distances are more than adequate to meet the needs of privacy.

I note from the consultation responses that some concern has been expressed regarding the HGV deliveries during the demolition and construction stages. However this impact will be temporary and is not expected to be so significant to represent a development constraint. I do not consider that it would be necessary to impose a construction hours condition given it relates to only one dwelling.

#### Impact upon Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 provides that, amongst other things, development should provide for safe convenient and attractive accesses for all and provide for appropriate parking provision.

The existing access drive serving the dwelling would be widened from 5.5m to 8.5m as part of this proposal. A new entrance gate with brick piers and a timber and metal gate is also proposed which would be set back from the highway. This would allow cars to pull in to the new gated entrance. The Highways Authority raise no objection to this subject to a condition requiring alterations to the existing dropped verge crossing. I am also satisfied that there would be ample space within the site for the parking of cars commensurate to the size of the dwelling and maneuvering space to allow vehicles to leave the site in a forward gear. Overall the proposal accords with DM5 and SP7 from a highway safety aspect.

#### Impact upon Ecology

Policy DM7 of the DPD and Core Policy 12 of the Core Strategy require that development proposals adequately demonstrate the protection of biodiversity and promote the enhancement of biodiversity where possible, which is echoed by the NPPF.

Given the sites relatively rural location and the surrounding mature vegetation, a bat survey was requested and provided. The results of this indicate that the loft of the existing dwelling is being used as a bat roost (to pipistrelle bats) which may form part of a small maternity colony and possibly a hibernation roost. Consequently 3 Emergence and Activity surveys are recommended within the 2017 active season (June/July) which are required before a European Protected Species Derogation licence is granted and the requirement of the EPS licence is recommended to be subject of a condition.

NWT have made representations that the scheme should not be granted until the Emergence and Activity Surveys have been undertaken, which due to the time of year would mean delaying the application until the summer. In an attempt to allow the application to proceed the applicant has

commissioned a Bat Mitigation Strategy. The idea being that the mitigation proposed is based on a worst case scenario to ensure that it over mitigates any harm.

In brief the mitigation strategy comprises temporary roost provision in the form of bat boxes which would be installed on trees prior to commencement of works in order to maintain the provision of roosting sites throughout the demolition works and to act as a receptor for any bats discovered during supervised works, including a soft strip of the roof in the autumn. Provision in the new building for a permanent replacement roost would be by incorporating bat tubes into the exterior walls of the replacement dwelling and the use of a felt roof liner that is not reinforced to ensure to gap between the slates or wall plate and the underlining.

NWT have made further representations on this and continue to raise concerns. In particular they flag that there is still a question as to whether the bats on site relate to a maternity or non-maternity roost of an unspecified pipistrelle bat species. They acknowledge the report is thorough and that either outcome could be mitigated under an EPS licence but are concerned that the extent to which bats may be affected by the development has not been demonstrated.

I do not disagree with the comments of the NWT, in that the applicant has not been able to confirm either the presence of a maternity roost (or not), nor the species. However I am satisfied that in either case appropriate mitigation can be provided and thus the harm will be minimised/negated providing this is subject to a condition. Bearing in mind that harm can be minimised/avoided, I do not consider that it would be reasonable to withhold a planning permission in this instance. I also consider a condition to avoid clearance works to trees during bird breeding season is reasonable and necessary.

### Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'* Policy DH2 provides that scheme that has the potential to impact on the public realm will be expected to demonstrate how they will contribute to high quality streets, pavements and other publically accessible areas within the town.

The trees on site are not subject to any tree protection orders albeit they are afforded some protection by virtue of their position within the Conservation Area.

Members will note that a tree works application was submitted in December and agreed earlier this month. The works agreed are reflective of the proposals hereby proposed. Indeed the application is accompanied by a Tree Survey which categorises the trees within the site and indicates that some trees would be removed as a consequence of this proposal. These are all u graded trees, of a poor condition and offer a poor level of amenity value in the public realm. Only one of these native trees to be removed (May tree smothered in ivy) is located at the site frontage. The applicant has also attempted to demonstrate the landscape impact by providing a street-scene with planting shown. The agent has clarified that this shows both existing and proposed landscaping which together would obscure the wall and maintain the current street view.

It is noted that representations throughout the life of the application raised concern regarding the loss of a quality Lime Tree (T2) from the site frontage. However the agent has clarified *'Regarding T2, This is a misunderstanding, we are not removing the tree 2 , I think the confusion has arisen as*

*we have put a little 2 next to a dashed line where the leylandii are being removed (AT2 tree survey 3,5,6) and coincidentally noted as 2 on the AT2 survey.'*

I am satisfied that the loss of the poorer quality trees as specified in the Tree Survey is acceptable and would not harm the green character and appearance of the street-scene, particularly when a landscaping scheme to secure additional planting can be required by condition in line with the applicants intention to thicken up the frontage boundary. In any event the tree works have already been agreed through a separate tree works application. Subject to conditions therefore to protect existing trees during construction and to achieve additional frontage planting, I consider the proposal is acceptable and meets with the aspirations of the Development Plan.

### Flood Risk

Core Policy 10 requires development to be adequately drained. Policy DM5 relates to flood risk and water management.

The site lies within Flood Zone 1 (lowest risk of flooding) according to the EA Flood Maps, albeit the site does lie within an area that is identified as being potentially prone to surface water run-off.

It is noted that the Town Council raise this as a concern and have objected on the basis that the proposal is contrary to Policies E1 (Flood Risk Assessments and Mitigation) and E2 (Flood Resilient Design) of the Southwell Neighbourhood Plan. However these policies only apply to developments that require the submission of a flood risk assessment. In this case no FRA is required (as it does not form part of the national requirements) and therefore strictly speaking the policies do not apply albeit given the flood issues in the area we have been asking applicants to look at drainage where it is deemed necessary.

In this instance the site and the dwelling are elevated and there as there is an existing dwelling being replaced. The level of additional hardstanding is relatively modest and it is unlikely that this would have anything more than a negligible effect on the existing situation as confirmed by the Lead Flood Risk Authority. The applicant has however agreed in principle to provide alleviation measures if they are needed.

The LLFRA have responded and raise no objection to the scheme. Notwithstanding their comments, Officers have discussed the application with the LLFRA who maintain the risk of surface water flooding is negligible, noting that the scheme proposes permeable paving which is positive; that there is an existing tarmac driveway; and that their more refined surface water flood maps show that the site and Newark Road are at lowest risk of surface water flooding. The LLFRA have suggested that a condition could be imposed to ensure that any additional surface water run off does not go into local watercourses to be robust and to alleviate concerns and given the applicants willingness to address the matter. Condition 22 is drafted with this in mind.

I am therefore satisfied that the risk of surface water flooding is negligible and that any risk would be controlled by condition and that the proposal accords with CP10 and DM5 of the Development Plan as well as being in line with the thrust of the SNP.

### Other Matters

It is noted that one resident has requested that a condition be included to make it very clear that no vehicles associated with any work at the property can use Canons Close, a private road, for any purpose. This is not a matter that can be controlled by planning condition as such a condition would not meet the tests within the NPPF and the CIL Regulations and would be considered unenforceable. This would be a private legal matter that the Authority would not be able to get involved in.

The beech hedge running the length of Canons Close will remain in place as per the representation of a resident at Cannon Close.

### Conclusion

The principle of a replacement dwelling in Southwell is considered acceptable. It is acknowledged that the replacement dwelling is considerably larger than that it replaces, however it is considered that the plot can accommodate this size and design of dwelling without being either detrimental to either the character or appearance of the Conservation Area, trees, residential amenity or flood risk. Bats have been found within the loft of the existing dwelling. However I note that whether this transpires to be a maternity roost or a non-maternity roost, either way the applicant has demonstrated that this can be adequately mitigated and it would not be reasonable to withhold the planning permission on this basis. For these reasons I consider the proposal to be acceptable and recommend that full planning permission is granted subject to the conditions shown below.

### **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 take place until such time as a full suite of bat Emergence and Activity Surveys have been undertaken in line with the advice contained in the Bat Survey and Bat Mitigation Strategy by BJ Collins submitted in support in this application and the results and an appropriate mitigation strategy that builds upon that already submitted has been submitted to and approved in writing by the Local Planning Authority. The approved Bat Mitigation Strategy (to be submitted) shall be implemented in full prior to any development, (including demolition) taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford appropriate protection to bats that occupy the existing dwelling on site in line with Policies DM7, CP12 and the NPPF.

03

No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to and agreed in writing by the District Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that any features of archaeological interest are protected or recorded.

04

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.

05

No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF.

06

No development shall be commenced until the trees shown to be retained on the Tree Survey by AT2 dated 19<sup>th</sup> May 2016 submitted in support of this application have been protected by the following measures:

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

07

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 building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

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

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

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials;

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

09

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.

010

No development shall be commenced until such time as a brick sample panel showing brick, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

011

All new roof tiles shall be natural slate, a sample of which shall be submitted to and approved in writing by the District Planning Authority before development commences. The development shall be carried out using only the agreed roof tiles.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

012

Notwithstanding the submitted details, all external joinery including windows and doors shall be of a timber construction only (to be retained) and details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

013

In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

014

Ventilation of the roof space shall not be provided via tile vents.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

015

Notwithstanding the submitted details, development shall not commence until such time as further details of the treatment of the window/door heads/cills, verges, eaves, dormers and chimneys and gates (in the form of scale drawings and material samples/specifications) shall be

submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure that the development preserves the character and appearance of the Conservation Area.

016

Development shall not commence until such time as full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The works 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 preserves the special architectural and historic interest of the conservation area.

017

No part of the development hereby permitted shall be brought into use until the alterations to the existing dropped vehicular verge crossing have been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

018

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 to visual and residential amenity as well as to bats. 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 and nature conservation, in particularly bats.

019

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references 02M 08A, 02M 09A, 02M 10A, 02M 11A, 02M 19 received 2<sup>nd</sup> December 2016 and CC 15 56 02M 01 received 24<sup>th</sup> 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.

020

Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Southwell Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

021

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

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

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

Reason: The site is prominently located within the Southwell Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

022

No development shall be commenced until evidence has been provided to show that this application would not increase surface water run-off into receiving watercourses or onto the public highway and the Local Planning Authority has confirmed in writing that the drainage solutions proposed to deal with surface water run-off is satisfactory. The approved scheme shall be implemented in full.

Reason: In the interests of preventing surface water flooding.

#### Notes 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).

02

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

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

03

The Highways Authority advise that the development makes it necessary to alter 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.

#### BACKGROUND PAPERS

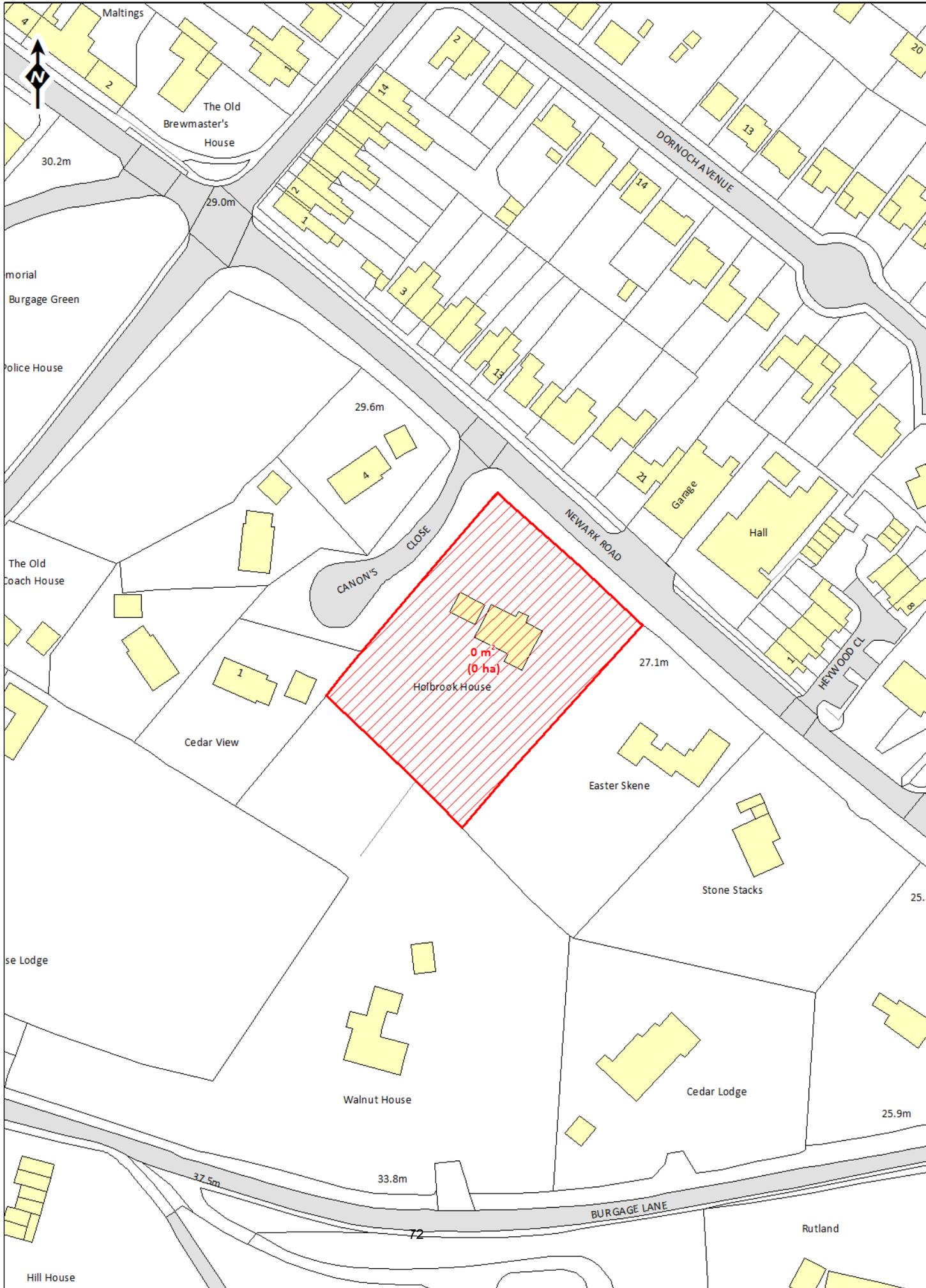
Application case file.

For further information, please contact Clare Walker on ext 5834.

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

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

Committee Plan - 16/01777/FUL



<b>Application No:</b>	<b>16/02041/FUL</b>	
<b>Proposal:</b>	<b>Change of use from commercial to residential C3 use. Retaining existing structure with extensions to the east side to create a bedroom and bathroom area and smaller extensions to the north and south to create an open plan kitchen/diner with utility room.</b>	
<b>Location:</b>	<b>Orchard Boarding Cattery, Lower Kirklington Road, Southwell</b>	
<b>Applicant:</b>	<b>Miss Lizzie Horsey</b>	
<b>Registered:</b>	<b>14 December 2016</b>	<b>Target Date: 8 February 2017</b>

**This application is being referred to the Planning Committee for determination as the applicant is a relation of Cllr Wendels and the officer recommendation is contrary to the Town Council comments.**

The Site

The site comprises the Orchard Boarding Cattery, a single storey building to the eastern side of the access road. The building is an L shape structure with land to the north, east and south and provides boarding units together with associated offices and facilities. The building is accessed from Lower Kirklington Road.

To the west of the access road is an existing dwelling, Brooklyn, and to the north of the site is Franklyn, a further dwelling. There are more modern dwellings to the south and east that are accessed off an existing vehicular driveway which currently serves four dwellings. The site is also adjacent to dwellings on the southern part of The Combes.

Relevant Planning History

**15/02179/FUL** - Erection of four detached dwellings and alterations to existing access and driveway on the surrounding site. Approved as recommended by the Planning Committee on 6 July 2016. This was given an 18 month permission, to expire 5<sup>th</sup> January 2018.

**16/01338/FUL** - approved the same development as under 15/02179/FUL on a phased self-build basis.

**16/01353/FUL** - Remove condition 5 attached to outline permission 05/00489/OUT approved on appeal (APP/B3030/A/06/2005302) and condition 5 attached to reserved matters approval 07/00477/RMA relating to the occupation of the dwelling. Application approved.

The Proposal

The application comprises the conversion of the building from a cattery to a dwelling together with extensions. An extension to the eastern elevation would provide enlarged accommodation to

create two bedrooms, one ensuite, and a bathroom. An extension to south-western corner would provide a dining room with an extension to the north-western corner providing a utility room. A garage would be formed converting part of the building with a further parking space provided adjacent to the garage. A porch would be added to the western elevation.

#### Departure/Public Advertisement Procedure

6 neighbours have been notified individually by letter and a site notice posted.

#### **Planning Policy Framework**

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

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

Spatial Policy 1 Settlement Hierarchy  
Spatial Policy 2 Spatial Distribution of Growth  
Spatial Policy 7 Sustainable Transport  
Core Policy 9 Sustainable Design  
SoAP1 Role and Setting of Southwell

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

Policy So/HN/1 Southwell Housing Need  
Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy  
Policy DM5 Design  
Policy DM12 Presumption in Favour of Sustainable Development

##### **Southwell Neighbourhood Plan (made/adopted October 2016)**

Policy SD1 – Delivering Sustainable Development  
Policy E1 – Flood Risk Assessments and Mitigation  
Policy E2 – Flood Resilient Design  
Policy E3 – Green Infrastructure and Biodiversity  
Policy DH1 – Sense of Place  
Policy DH2 – Public Realm  
Policy TA4 – Parking Standards  
Policy HE1 – Housing Type and Density

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

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

#### **Consultations**

**Southwell Town Council:** The committee objected to for the following reasons: The committee agree to the application in principle but require a more detailed plan on how to deal with the surface water with reference to Neighbourhood plan policies:

**NCC Highways:** This application is for the change of use from the existing cattery to one dwelling, using the existing access onto Lower Kirklington Road. This change of use is acceptable to the Highways Authority, therefore, there are no highway objections.

**NCC Flood Officer:** Surface water discharge from the site does not increase as a result of the development.

**Severn Trent Water:** No objection subject to an informative.

**Environment Agency:** No comments to make.

**Trent Valley Internal Drainage Board:** The site is outside of the Board's district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Anglian Water:** No comments received.

**Access Officer:** As part of the consideration of access to and use of the building, with particular reference to access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful information in this regard.

The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc. To this end it is recommended that inclusive access to, into and around the proposal be carefully examined from the edge of the site and car parking together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposal is equally convenient to access and use. Step free access is an important consideration as is a suitably surfaced firm obstacle-free level and smooth traffic free accessible route to and into the proposal from facilities such as car parking and from the site boundary. Any loose laid materials such as gravel or similar, can cause difficulty for any wheelchair users, baby buggies or similar and should be avoided. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**No representations have been received from local residents/interested parties to the original scheme.**

#### Comments of the Business Manager

#### Principle of residential development

The Core Strategy outlines the settlement hierarchy of the District identifying Southwell as a Service Centre with a function to act as a focus for service provision for a large local population

and a rural hinterland. It is intended that Southwell will accommodate 15% of the overall housing growth for Service Centres. The site occupies a location in a predominantly residential area with dwellings adjacent. It is therefore considered the principle of residential development on the site can be supported subject to a site specific assessment.

The proposal comprises in part the conversion of the existing building from a cattery to a dwelling. In support of the proposal the Agent has provided the following:

- The cattery will close in March 2017 regardless of the outcome of this application as the personal circumstances of the family who run the cattery have altered meaning they are no longer able to trade;
- Earlier this year an application to remove a planning condition restricting the occupancy of Benaiah to someone who worked at the cattery was approved (16/01353/FUL). In approving the application the Council stated the whilst the continued operation of the cattery was welcome this ultimately would be controlled by the market conditions or the personal circumstances of the owner;
- Details of alternative cattery's in the locality have been provided and include those near Southwell (2), near Hockerton, Newark, Bleasby, south-west of Halam and Newark.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need. This proposal would meet the requirements of So/Ho/1 in that the resultant dwelling would provide a two bedroom unit. It is worthy of note that the proposal would also provide a dwelling towards the Council's housing land supply (a limited contribution but a contribution nonetheless) at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review. As such the principle of conversion to a dwelling is supported in land use terms.

#### Impact on Visual Amenity and Character of the Area

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 proposal comprises the conversion of the building and extensions to provide a two bedroom dwelling. The building is single storey and set well into the site from the highway; as a result the building does not occupy a prominent location although it is visible on the internal access road serving the existing and proposed dwellings to the east and south. The building is of limited architectural merit but has a neutral impact on the site and locality. The proposed conversion would create a more domestic appearance and the extensions would be subservient to the scale of the existing building. The additions would add to the eclectic appearance of the building and are considered to be visually acceptable.

Having regard to Policy DM5 and the NPPF it is considered the proposed dwelling would be visually acceptable at this location in terms of the pattern of development and the visual appearance of the dwelling.

#### 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 existing cattery, whilst considered a use compatible with the largely residential surroundings, would generate a level of noise and disturbance and traffic generation which at times could be above that of a dwelling. The removal of this use and the introduction of a dwelling would have a limited impact on the amenities of neighbouring properties in terms of noise and disturbance. Furthermore, the extensions would be single storey only, would be set a significant distance from neighbouring properties and would not have an undue adverse impact on amenity.

The access runs along the western boundary; however, this already serves the existing dwellings and four approved dwellings and it is not considered the traffic resulting from this development would have an undue impact in terms of noise and disturbance.

Taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

### Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport. The application is for the creation of a single dwelling utilising the existing access onto Lower Kirklington Road which also serves four existing dwellings and the proposed four dwellings (with access improvements an element of that approval). Adequate parking would be provided to serve the proposed dwelling. The Highway Authority raise no objections to the proposal. It is not anticipated the proposal would result in a material increase in traffic generation compared to the lawful use. Adequate access, parking and turning can be provided and as such the proposal complies with the above policies.

### Drainage/Flooding

Core Policy 10 requires development to be adequately drained. Policy DM5 relates to flood risk and water management.

The site lies within Flood Zone 1 (lowest risk of flooding) according to the EA Flood Maps. Furthermore the site is not identified as being within an area at specific risk of surface water flooding. In consultation on the previous applications for additional dwellings on the surroundings sites the Lead Flood Risk Authority raised no objections.

It is noted that the Town Council raise this as a concern and have objected on the basis that the proposal is contrary to Policies E1 (Flood Risk Assessments and Mitigation) and E2 (Flood Resilient Design) of the Southwell Neighbourhood Plan. However these policies only apply to developments that require the submission of a flood risk assessment. In this case no FRA is required (as it does not form part of the national requirements) and therefore strictly speaking the policies do not apply albeit given the flood issues in the area we have been asking applicants to look at drainage where it is deemed necessary.

The proposal relates in part to the conversion of the existing building together with modest extensions. It is therefore considered the amount of additional runoff could be adequately managed within the site to ensure there would be no additional runoff from the site. Indeed I note the comments of NCC as the flood risk authority which confirm that surface water discharge from the site would not increase in respect to the development. On this basis I feel it would be unreasonable to insist on the submission of further details through condition.

I am satisfied that the risk of surface water flooding is negligible and that the proposal accords with CP10 and DM5 of the Development Plan as well as being line with the thrust of the SNP.

### Planning Balance and Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location. The proposal would be visually acceptable, having a limited visual impact, and would not unacceptably affect neighbouring properties. The proposal would be served by a suitable access and provide adequate parking and turning areas for the dwelling proposed. Furthermore there are no grounds for refusal on the grounds of drainage/flood risk.

The site is located within a service centre and is therefore highly sustainable and appropriate for additional housing. The proposal would deliver a two bedroom bungalow which will contribute to the local housing needs of Southwell specifically.

In addition the character of the area also leads to conclusion that the scheme is appropriate when viewed in a wider context. In this particular instance it is considered the proposal should be approved. For the reasons stated above, the proposal is, on balance, 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 3 years from the date of this permission.

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

02

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

- Location Plan
- Proposed Plans and Elevations – 02A
- Proposed Block Plan – 03A

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of the boundary treatments to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with these approved details prior to the first occupation of the dwelling and shall thereafter be so retained.

Reason: In the interests of visual and residential 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/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

02

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

03

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent Water under Section 106 of the Water Industry Act 1991. You may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our New Connections Team (Tel: 0800 707 6600).

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

**BACKGROUND PAPERS**

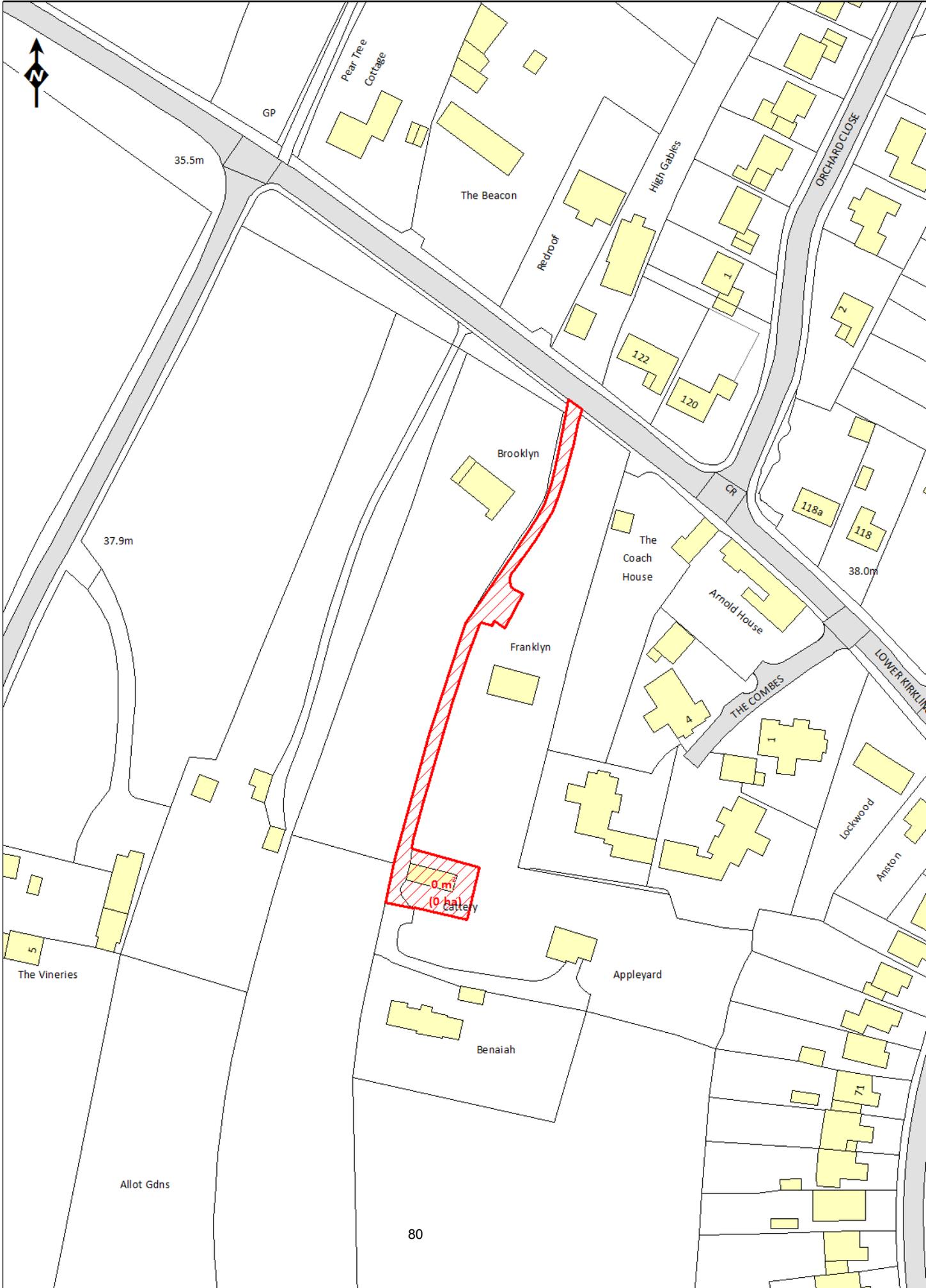
Application case file.

For further information, please contact Joe Mitson on 5437.

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

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

Committee Plan - 16/02041/FUL



<b>Application No:</b>	<b>16/01796/FULM</b>	
<b>Proposal:</b>	<b>Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping</b>	
<b>Location:</b>	<b>Field Reference 2564 A17 Winthorpe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Wirtgen Ltd - Mr Paul Homes</b>	
<b>Registered:</b>	<b>28 October 2016</b>	<b>Target Date: 27 January 2017</b>

The Site

The site lies to the north of the A17 and south of the Newark Showground site. The urban area of Newark is to the south west, Coddington south east and Winthorpe north west. The site forms 9.55 acres of a wider allocated site identified as Newark Urban Area – Mixed Use Site 1 within the adopted DPD. The site is accessed from an existing northern arm from a roundabout on the A17. To the south of the site are a large collection of buildings associated with Know How distribution centre, to the north land associated with Newark Showground and on the western edge a service station and the Friendly Farmer. The site is generally flat greenfield land, having been regularly cultivated and cropped as part of the larger arable field unit which forms the whole allocation. Part of the site is also hard standing given the history of the wider area as part of the RAF Winthorpe Airfield.

The site is relatively well screened from view by boundary hedgerows & trees and would be set to the north of an Internal Drainage Board maintained waterway which runs north east to south west and through a tunnel under the A17. This site lies within Flood Zone 1 albeit it is within an area prone to surface water drainage issues according to the Environment Agency Flood Maps. A public right of way (Winthorpe Footpath 3) crosses close to the entrance of the proposed site and provides access from Coddington to the south to Winthorpe to the north.

The applicant – Wirtgen Group are a successful international group of companies established in 1973 with offices situated throughout Europe. They specialize in the construction equipment industry and are suppliers of mobile machinery and services for all areas of road construction. The group employs approximately 7,000 people worldwide with its head office in Germany and have an annual turnover of circa £95m. At present there are two facilities in the UK, namely south west of Leicester and south of Lincoln. The proposal before Members would see the relocation of the existing Lincoln premises to the proposed site between Newark & Winthorpe. The decision to relocate from their existing Lincoln office to the proposed site is an operational and logistical one, and would see potential significant inward investment into the district of circa £14m.

## Relevant Planning History

No relevant planning history although pre-application discussions have been undertaken between the applicant, officer's and colleagues at both Highways England and Nottinghamshire County Council Highways Department.

## The Proposal

Full planning permission is sought for the erection of a three storey building to accommodate vehicle/plant servicing & repair workshop, storage and ancillary office accommodation in addition to external storage & sales display area.

The site would be accessed from a new road constructed by the applicant from the northern spur of the A17 roundabout which would deliver the main access point to serve the wider expanse of this allocated site and finished to a standard where it could be adopted by the Highways Authority.

The proposed building would at its closest point be set back approximately 120m from the A17. The proposed building would measure 72.5m by 49m, giving an internal ground floor space of 3,552m<sup>2</sup>. The building would have an overall height of 13m with a further 2m high by 10m wide area above the front of the building for future signage. The building would have an almost flat roof with a slight incline for drainage. A number of roof lights would be incorporated into the roof line for natural light. The building would be orientated to front onto the A17 with the warehousing & more industrial elements of the business located to the rear.

It is proposed that the building be constructed in a modern palette of materials notably dark grey coloured cladding for the roadside facing offices with metal profile sheeting to the rear housing more industrial elements. Although predominantly rectangular in its form, interest to the elevations is introduced through the inclusion of canopies.

Road construction machinery storage would be to the east and south of the building with car parking to the west. To the north of the site would be a hard surfaced training facility where machinery can be demonstrated/tested prior to being hired/purchased. On the western edge of the site would be a collection of machines displayed as advertising for the business in addition to 2 x 6m high signage pylons.

It is proposed that the business would employ approximately 118 full time employees with 77 being based on site and 41 staff being field based.

For clarity whilst some of the processes/uses involved do have some synergy with the B2 Use class, Officers and the applicant have agreed that given the varying elements proposed across the site including hire of machinery, repair and sales (including display of the machinery/vehicles), that Sui Generis use class is more appropriate. As such the application before members is for a Sui Generis use with ancillary specialist retail. Planning permission would be required for any different use to that proposed.

The application is accompanied by a Planning, Design & Access Statement, a Flood Risk & Drainage Strategy Report, a Transport Assessment, Extended Phase 1 Habitat Survey, Tree Survey, a Landscape Review, Massing study, an Archaeological Geophysical Survey and a Geo-Environmental Report.

## **Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 7: Sustainable Transport  
Core Policy 6: Shaping our Employment Profile  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character  
NUA/MU/1: Newark Urban Area – Mixed Use Site 1

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

Policy DM1 – Development within Settlement Central to Delivery the Spatial Strategy  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Publicity**

1 neighbouring property notified by letter  
Site notice posted 24/11/16  
Advert published 10/11/16  
Earliest decision date 01/12/16

### **Consultations**

#### **Winthorpe and Langford Parish Council – Objection**

The Parish Council has concerns about the impact that further development would have on the drainage towards Winthorpe village.

We have previously raised these concerns over proposals by Mastercare for the same reason

#### **NCC - Highways Authority – No objection subject to condition**

The submitted Transport Assessment has been vetted and a number of queries addressed in an on-going discussion with the applicant's highways agent, particularly with regard to the capacity assessment of the local road network. It is concluded that due to the operation of the site and the shift patterns of working, the proposal will have insignificant impact on peak time traffic conditions on the A17. Account has also been taken of the longer term development of pockets of

development served off the same access. The impact on the A17/A46/A1 roundabout has been separately assessed by Highways England and comments made.

**Highways England – No objection**

**Trent Valley Internal Drainage Board – No objection**

The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required) The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

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

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

**NCC - Lead Local Flood Risk Authority – No objection subject to condition**

The proposals acknowledge and consider the need to ensure the development is designed in such a way that it has no detrimental effect on surface water flows into the receiving watercourse(s) and to ensure this is adhered to:

1. A detailed surface water design and management proposal is submitted and approved by the LPA prior to any construction starting.

2. All proposals relating to surface water discharges from the development are approved by the IDB.

**Severn Trent Water** – No objection subject to condition

**Environment Agency** – No objection subject to condition

We have reviewed the 'Geo-environmental report' (ref 15-1312-03, dated July 2016) submitted in support of this planning application. Please note that these comments relates solely to the protection of the water environment in the vicinity of the site.

We are satisfied with the conceptual site model within the report that states there is a low risk perceived for controlled waters. Based on this information we agree with this conclusion.

We note that foul sewage from the main building will be directed to a package treatment plant and then discharged to the adjacent IDB watercourse. A septic tank will be installed for the isolated toilet block. The drainage report states in section 6.3.6 that the anticipated wastewater flow from the site will be 4.1m<sup>3</sup>. The applicant needs to confirm whether this figure is the total wastewater flow from the site or from the isolate toilet block. A non-mains drainage assessment has not been submitted with the application. Additional details regarding the package treatment plant and septic tank should be provided.

Environment Agency position: the proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

**Natural England** – No comment

**NSDC Policy Officer** - Observations

The application site lies within the area covered by Policies NUA/SPA/1 and NUA/MU/1 which facilitate the principle of an employment use. I note that the site plan includes a sales area which I take to be trade sales ancillary to the main employment use. In the event of an approval it would be important to control this as the presence of retail in this area would be contrary to the development plan and national policy.

The main issues arising from the above policies that require addressing are archaeology, master planning, highway improvements and visual impact.

I note the masterplan contained within the submission which shows that the site could be developed without prejudicing the delivery of the remainder of the allocation and consider this would satisfy the policy. Policy NUA/MU/1 also carries a requirement for phasing which will require addressing. I note that the submission contains reports relating to highways improvements and archaeology. For consideration of these I defer to the relevant consultees who will need to be satisfied in order for the policy to be complied with. As the first development on this allocated site there is the potential for screening through landscaping or design which could satisfy this requirement of NUA/SPA/1.

The more standard site specific assessments will also need to be made by reference to the relevant DM policies.

## CONCLUSION

The principle of development is policy compliant. The submission appears to contain the necessary information to assess the criteria of the policies identified above. Subject to these and all other relevant Development Management Policies being satisfied, the proposal would be policy compliant and assist in the implementation of the development plan.

### **NSDC Environmental Health Officer – No objection**

#### Comments based on additional submitted information

Following the submission of the Additional Ground Gas Monitoring Letter Report (Delta-Simons Project Number: 15-1312.03 dated December 2016) and the discussion which described the reasoning for the previous elevated results, I can confirm that I now consider that the ground gas has been adequately assessed. Further I can concur with the assessment that the site is CS1 and that no gas protection measures are necessary given the evidence provided by this additional report.

#### Initial Comments

With reference to the above development, I have received a Geo-Environmental Report, submitted by Delta Simons in support of the proposed development at the above site. This document includes an environmental screening report, an assessment of potential contaminant sources, a history of the sites previous uses and a description of the site walkover. Following this, intrusive sampling and analysis have been carried out and the report states that the risk to the proposed development from soil contamination is low.

I generally concur with this assessment however I note that elevated ground gas was identified and that CS2 level protection measures are proposed. There is little discussion or assessment of the monitored gas levels within the report or evidence to support how the CS2 level was determined. Furthermore, I would expect submission of gas protection measures for approval, prior to installation within the proposed building by a competent installer.

### **Tree Officer – No objection subject to condition**

Although trees/hedges on the boundaries are unlikely to be directly affected it is recommended that a protection scheme should be conditioned to avoid any damage during construction activities.

Given the open nature of the site and the scope of development, a robust soft landscaping scheme to break up the building form and areas of hard surfacing should be conditioned.

Choice of species should be appropriate to specific site requirements and take account of the potential impact of predicted climate change and existing and potential pests and diseases.

### **Nottinghamshire Ramblers – No objection**

I note that part of this site is crossed by Winthorpe Footpath 3 which joins the A17 relief road to the A46 and is part of an important pedestrian route between Coddington and Winthorpe. It has,

however, been difficult to follow in recent years on account of development on the Showground site and lack of clear markings across the old airfield runways.

Specific mention is made of this right of way in the Design and Access statement. We have no objection to this development as long as the route of the path is clearly marked.

**Two letters of representation has been received from local residents/interested parties, raising the following concerns: -**

In 2008 JBA consulting were commissioned by Newark and Sherwood council to do a survey on the stream and flood elevation scheme for the Mastercare centre and surrounding area. The conclusion of this survey was that the flood alleviation scheme was totally inadequate. As a result of this survey the planning services manager at the time Mr Peter Wilkinson put a stop to all further development in the area until the flood elevation scheme was improved and built to a standard fit for purpose. Any development without improvement of the flood scheme would put Winthorpe village which is down stream and agricultural land which is up stream of this development at risk of serious flooding.

No objection is raised to the principle of the proposed use or the layout and design of the buildings.

Objection is raised to the vehicular access arrangements and the allocation implied by the indicative masterplan. The objection is raised on the grounds that the development as presently proposed would be prejudicial to the proper planning of the area & would conflict with policy NUA/SPA/1.

Specifically concern is raised that the proposed development fails to address/provide for future access to the showground to the north of the application site.

At the time of the construction of the Long Hollow Way roundabout on the A17 (which is proposed to provides access to the application site, the showground society were given a clear assurance by the planning & highways authority that the junction had been designed to accommodate future access/egress to the showground.

Policy NUA/SPA1 requires that proposals within the policy area must specifically address, amongst other things the need to address access constraints relating to the A1/A46/A17 junctions. Moreover the mixed use allocation under policy NUA/MU/1 is explicitly made subject to the requirements of the Newark Showground Policy.

The creation of more access/egress points between the showground and the surrounding primary road network is clearly a public interest that is promoted through 2 grounds – 1) facilitating the safe flow of traffic 2) the contribution the showground makes to the local economy in terms of employment

The society has been in negotiation with the owners of the application site with a view to creating a better shape for the mixed use allocation especially at its western end so to enable a more efficient effective and viable layout. The society was seeking to swap land for access to the A17 roundabout, however the site owners have not responded to the latest offer. If the current planning application is granted the opportunity for an agreement to secure access to the A17 for the showground would either be lost or impaired.

The objector requests that the LPA seeks the applicant to amend the design to make provision for an additional access to/from the southern end of the showground & that the TA be amended accordingly.

The north eastern corner of the indicative masterplan is not in the ownership of the applicant and the objector does not agree with the layout of the indicative masterplan.

### Comments of the Business Manager

#### Principle of development

Paragraphs 18 & 19 of the NPPF state the following; *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. 19; The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

This is reflected in local policy in the form of the Core Strategy. Spatial Policy 1 sets out the Settlement Hierarchy for the District, identifying the Sub Regional Centre as the Newark Urban Area and setting out that the function of it is to be the main focus of housing and employment growth in the District over the Development Plan period. Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark.

This site is identified by policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1 within the adopted Allocations and Development Management DPD. The site has been identified to accommodate a hotel/conference facility, restaurant facilities to support the wider showground uses and of particular relevance to this application employment uses. In addition to general policy requirements development on the site shall be subject to:

- The requirements of the Newark Showground policy area notably;
  - Addressing access constraints relating to the A1/A46/A17 junctions
  - Need to adequately screen new development
  - Investigation of potential archaeology on site
  - Address any issues regarding potential impact on neighbouring amenity
- The preparation of a site specific master plan for the allocation setting out the location of various land uses and a phasing policy for new development;
- Until appropriate improvements have been made to the A1/A46/A17 junction employment development will not be considered appropriate. Any proposed development will need to demonstrate that it will not generate significant am and pm peak traffic as part of any planning application.

The proposed submission has been reviewed by colleagues in Planning Policy and based on the submitted information they are confident that the proposed development would be policy compliant, subject to comments of consultees and relevant conditions. As a matter of principle, it

is important that this development does not prejudice the wider delivery of the site. This is discussed in further detail below, especially in the highways section. Other individual elements of the above policy requirements are discussed in greater detail in the relevant sections.

### Design and Visual Impact

Core Policy 9 of the Core Strategy requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 echoes this stating that the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy NUA/MU/1 also refers to screening of any development, which I take to mean securing appropriate siting, landscaping/and or boundary treatment being secured rather than simply hiding a development given that the allocation is in itself for significant development.

The proposed site is currently grassed and forms part of the wider allocated site which has been regularly cultivated and cropped. In terms of surrounding built form; the area is relatively open to the east and similarly to the north and west albeit bound by the A46. However, on the southern side of the A17 is the Know How distribution site which is occupied by a collection of vast warehouses, which members may remember will be further expanded given the granting of consent at December's meeting for a further 47m by 12m building (16/01505/FULM). This application seeks consent for the construction of a building in the southern half of the 9.55 acre site with the northern portion remaining open. To the east of the building would be an array of machinery used by the applicant for road construction and to the west car parking for employees.

The building proposed would measure approximately 72.5m by 49m, giving an internal ground floor space of 3,552m<sup>2</sup>. For comparison purposes the building within closest proximity to the site on the Know How site to the south west measures approximately 218m x 302m with a floor space of 66,000m<sup>2</sup>. In terms of scale; the building which forms the basis of this proposed application would be approximately 95% smaller, whilst of course still being significant. The submitted massing exercise & landscape review demonstrate that views of the proposed development will be relatively limited with exception from the nearby Public Right of Way (PRoW). This is due in part to the proposed siting of the building and screening vegetation alongside the A17 to the south and A46 to the north. Due to the relatively sparsely populated location of the development site, views from further afield would be restricted to transient views, i.e. those from vehicles passing the site on nearby roads. The clustering of the proposal within proximity to the A17 and the adjacent Know How site has the effect of containing the development and preventing the appearance of urban sprawl in the countryside.

The applicant has stated that the building has been designed so that the front elevation presents an active frontage and would achieve some visual prominence from the A17 to passing motorists. The building is proposed to be constructed of modern dark grey metal cladding synonymous with the commercial character of the area as established by the Know How centre. The more industrial side of the building and machinery storage areas would be in the majority screened from view by the built form of the building and surrounding screening vegetation. To further assimilate the development into its surroundings it is recommended that a condition be attached to any future consent for a landscaping scheme to be submitted & agreed prior to commencement.

Given the position of the site within proximity to the Know How centre and the relatively modest scale of the development in so far as comparison with the adjacent site it is not considered that the development will be read as being visually isolated or having an adverse impact upon its

surroundings. Subject to further landscaping as detailed above which would further assist in screening and assimilating the development I do not consider that the proposal would have any further visual impact than already exists and is acceptable in respect of Policies CP9 and DM5.

### Highway Impacts

Spatial Policy 7 requires developments to minimize the need for traffic, provide safe and convenient accesses for all and be appropriate for the highway network in terms of volume of traffic and the nature of the traffic involved amongst other things. Policy DM5 also reflects this.

In terms of wider highway network context Members will be fully aware of central government plans to priorities works to the A46 via the Highways England Road Investment Strategy (RIS) and the announcements in two successive Autumn Statements (2014, 2015). A further update has been provided in the form of the Highways England Delivery Plan 2016-2017 which confirms work on option development for the A46 will be started in 2017-18.

The site would be accessed from an existing partially constructed spur on a roundabout on the A17 which currently serves the Know How site to the south. Colleagues at Highways England & Nottinghamshire County Council Highways Authority have been consulted and have raised no objection to the proposed development. Plans submitted detail pedestrian access to the Wirtgen site would be available via a new footway to be provided on the northern side of the site access road. Land for a 3 metre shared footway/cycleway on the southern side of the new road would be safeguarded for future provision by others as development of the overall allocation site proceeds. Concern has been raised to this approach by officers and colleagues at County Highways in relation to the difficulties of securing these facilities without a legal agreement. As such in the interests of completeness it has been agreed with the applicant that the proposed development provide a shared footway/cycleway on the southern side of the road prior to the Wirtgen scheme being occupied. The footpath on the northern side of the road would be provided at a later date as part of the wider site development. This approach is considered to be acceptable by both the applicant, officers and colleagues at County Highways and will be secured by way of condition.

Highways colleagues have reviewed the undertaken Traffic Assessment and are in agreement that the analysis confirms that the modest volume of traffic generated by the proposed development can be safely and adequately accommodated and that this first phase of development of the allocated site can be brought forward immediately. That is subject to the works to the existing roundabout serving Know How off the A17 and the internal spur road up to the development being provided. As the illustrative master plan confirms (as it is required to by policy NUA/MU/1) it is recognized that further mitigation works may be required to unlock the remainder of the site allocation. That may comprise mitigation which is user specific (eg. localized highway works to the roundabout or plot) or may indeed require the implementation of the wider strategic A46 works contained within Highways England Road Investment Strategy.

Each of the highway authorities is satisfied that subject to conditions the current proposals are acceptable. I have no reason to disagree, albeit I do note that any further development would need to be subject to additional technical work by highway engineers. Officers and the Council as a whole will also be continuing to promote and support the wider A46 RIS proposals as soon as reasonably practicable.

The comments raised by the objector in relation to provision of access to the showground as part of this development are noted and a response has been sought from the applicant and colleagues

in planning policy. The applicant has responded that *'Local Plan Policies NUA/MU/1 and NUA/SPA1 are not prescriptive in the need to deliver an access from Long Hollow Way into the Showground site. There is therefore no specific policy requirement to deliver it. Importantly however, neither the indicative masterplan nor the proposed access road from Long Hollow Way Roundabout prevent a potential access into the Showground site coming forward in the future. Clearly there are issues of land ownership here which sit outside of this planning application, but I would reiterate that the development as proposed would certainly not prevent any future link from being delivered'*.

Officers are in agreement with this view and do not believe that the proposed development would prejudice any future potential access from the A17 roundabout to the showground site situated to the north. Issues associated with the A46 itself will be subject to the wider RIS discussions.

In conclusion the proposal subject to condition is considered to have no adverse impacts in terms of highway safety and is in compliance with SP7 and DM5.

### Flood Risk/Drainage

Core Policy 10 seeks to avoid present and future flood risk and mitigate where necessary. The NPPF provides that development should be placed in areas of at least risk of flooding where possible, where appropriate applying the Sequential and Exception Tests. The site lies with flood zone 1 which is at lowest risk of flooding, albeit the site lies within an area shown to be prone to surface water drainage issues according to the EA flood maps. A Flood Risk Assessment and Surface Water Drainage Strategy have been submitted in support of the scheme and reviewed by the Lead Local Flood Authority, the Environment Agency and the Trent Valley Internal Drainage Board. No objections have been raised from these bodies subject to condition.

The proposed building would be located in Zone 1 and would represent a 'less vulnerable' use (according to the NPPF) which is an appropriate use for its location. The applicant has acknowledged the siting within a location prone to surface water drainage issues and is proposing that the finished floor level of the proposed building be raised above the existing ground level of the site to mitigate against this risk. Long term ground water monitoring is being undertaken on the site to best inform the strategy for managing surface water. Both approaches will adopt SuD's principles, namely;

- Shallow infiltration techniques to drain the proposed hard standing & parking areas combined with discharge at an attenuated rate to the Winthorpe Airfield drain for roof drainage
- Discharging surface water from the entire development to the Winthorpe Airfield drain at an attenuated rate

Whilst two strategies are being formulated it is clear that a SUDs scheme is achievable on the site to manage surface water. The LLFA & Environment Agency have raised no objection to the surface water being managed by either of these techniques but have requested that confirmation of the preferred approach be secured by way of a surface water management condition prior to commencement of works.

There are no public foul sewers within reach of the site and as such foul water discharge is proposed to be managed via a package treatment works & septic tank. No objection has been raised to this approach subject to further details being submitted & agreed by way of condition.

Whilst I note the Parish Council's concerns with regards flooding, the site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping. Furthermore, the LLFA have advised that given the site's location away from the village and the proposed indicative surface water management techniques as discussed above that there is no risk of surface water flooding from this application site to residents of Winthorpe. I see no reason to disagree with the professional advice received.

Based on the above and subject to the detailed conditions I do not consider there would be any adverse impacts relating to flooding or surface water run-off and I conclude that the proposal accords with CP10 and the NPPF in flood risk terms.

### Residential Amenity

Policy DM5 (Design) 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. The Newark Showground policy (NUA/SPA/1) details that developments should address any issues arising from proposals which may adversely affect nearby residents.

There are no residential properties located within proximity to the site. The closest residential accommodation to the site would be the properties at the southern edge of Winthorpe to the north west. Given the degree of separation and the nature of the business proposed it is not considered that the proposed development would result in a loss of neighbouring amenity. The proposal is therefore considered to comply with policy DM5 & policy NUA/SPA/1.

### Impact on Archaeological interests

In accordance with the requirements of the Newark Showground policy (NUA/SPA/1), an Archaeological Geophysical survey has been submitted in support of the application. The site has been surveyed and no clearly defined geophysical evidence of buried archaeological remains recorded. As such it is not considered that the proposed development would impact on heritage interests and the development would accord with Core Policy 14 & DM9 of the NSDC DPD.

### Impact on Trees & Ecology

A Phase one Habitat Survey & an Arboricultural Assessment have been submitted in support of the application. The ecology report concludes that the area of field inspected and being proposed for commercial development contains land of low ecological value and there is no indication that the proposed development will impact or compromise any area of significant biodiversity.

With regards impact on trees; there are no trees situated on the development site with the closest being approximately 10m to the south alongside the drainage channel. The Root Protection Area's for these trees have been calculated and the majority of the trees will avoid any impact of the proposed development or suffer minor root loss during the creation of hard standing. No objection to the proposed development has been raised by the Tree Officer subject to condition in relation to implementation of tree & hedgerow protection during construction and the submission of a landscaping scheme to strengthen existing boundaries which has already been detailed within the above section on visual impact. However, it is officer's view that the requirement for a condition to protect trees and hedgerows is not considered necessary given that none are sited within the development site. In conclusion it is not considered that the proposed development

would detrimentally impact upon biodiversity on the site and the proposal would accord with policy DM7 of the NSDC DPD.

### Contaminated Land

The application has been supported by a submitted Geo-Environmental Report undertaken by Delta Simon. The report includes an assessment of potential contaminant sources, a site history and site walkover. Initial concerns were raised by the Environmental Health officer in relation to lack of detail in relation to proposed gas protection measures. A further Ground Gas Monitoring Letter Report was submitted by the applicant in support of the application. The environmental health officer is now of the opinion that potential ground gas contamination has been adequately assessed and that no gas protection measures are required as part of the development.

### Impact on Heritage Assets

The proposed development has been considered by conservation colleagues. Colleagues consider that the closest assets to the proposed development are notably the Conservation Areas of Winthorpe (1km to the North West) and Coddington (1km to the south east) and Winthorpe House (1km to the North West). Notwithstanding the proposed scale of the development site it is considered that given the separation distances and intervening vegetation that any impact on the setting of these assets would be limited. As such it is not considered that the proposed development would detrimentally impact upon these assets and the proposal would accord with Core Policy 14 of the Core Strategy and Policy DM9 of the NSDC DPD.

### Other matters

The proposal will clearly lead to inward investment and to the provision of employment for Newark and beyond (including those relocating from Lincoln). The proposal will also bring with it other financial benefits such as business rates. Whilst this latter financial benefit is noted it is not, for the avoidance of any doubt, material to the planning decision or this recommendation.

The comments from the objector in relation to the indicative masterplan and ownership are noted; however the masterplan as per the description is just indicative and as per the requirements of policy NUA/MU/1 and has just been produced to demonstrate how the wider site could be delivered regardless of land ownership constraints.

### Conclusion

The proposal is to implement the first element of employment on this allocated site. Technical assessments, together with the views of both Highways England and Nottinghamshire County Council have demonstrated that this development can come forward without an unacceptable impact on the highway network (subject to conditions). The scheme will not prejudice the delivery of the wider site allocation with any future proposals still needing to carefully assess highway impacts and deliver any necessary mitigation. The site would deliver significant economic and social benefits in investing c£14m and in the employment of 118 members of staff, 77 of which will be based at the site. Whilst significant in size the scheme is considered appropriate in visual impact terms to its context. There are no other reasons as detailed above to withhold or delay the granting of planning permission. Approval is therefore recommended.

## **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, drawing references

- Proposed Connection to the A17 Roundabout Drawing No. NTP-16009-01 Rev A
- Site Location Plan Drawing No. L5/586-00
- PH1 Construction Works Site Layout Plan Drawing No. L5/586-07 Revision F
- Proposed Site Layout Plan Drawing No. L5/586-08 Revision H
- Enlarged Proposed Site Lyaout Plan Drawing No. L5/586-09 Revision H
- Proposed Ground Floor Plan Drawing No. L5/586-11 Revision J
- Proposed First Floor Plan Drawing No. L5/586-12 Revision D
- Proposed Second Floor Plan Drawing No. L5/586-13 Revision D
- Proposed Roof Plan Drawing No. L5/586-14 Revision D
- Proposed Elevations Drawing No. L5/586-15 Revision C
- Section 1-1 Drawing No. L5/586-16 Revision A
- Section 2-2 Drawing No. L5/586-17 Revision A
- Section 3-3 Drawing No. L5/586-18 Revision A
- Section 4-4 Drawing No. L5/586-19 Revision A
- Office Façade Section Drawing No. L5/586-20 Revision A
- Indicative Site Usage Plan Drawing No. L5/586-90 Revision B
- Pylon Signage Details Drawing No. L5/586-43

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Notwithstanding the plans hereby approved the use of the site shall be Sui generis as detailed within the application description with an element of ancillary specialist retail.

Reason: The presence of a pure retail development in this location would be contrary to the development plan and national policy.

05

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.

06

The development hereby permitted shall not be commenced until such time as a scheme to agree the package treatment plant and septic tank specifications has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. There must be no siting of the septic tank or package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.

Reason: To protect the underlying secondary A aquifer from contamination.

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;

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.)

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

Prior to the implementation of the landscaping details hereby approved, within each phase of development, details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells (as appropriate) shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

10

Notwithstanding the plans hereby approved no part of the development shall be brought into use until the access road from the A17 has been provided including the provision of a combined footpath and cycleway of a width of no less than 3m on the southern side of the access road in accordance with details which are to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel and in the interests of highway safety.

11

No gates shall be erected at the access to the development from the public highway unless and until details of such gates have been first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure vehicles stand clear of the highway whilst gates are opened/closed.

12

No part of the development shall be brought into use unless or until improvements for pedestrians and cyclists at the A17 roundabout have been provided as shown *indicatively* on drawing no. NTP-16009-01A to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel and in the interests of highway safety.

### Notes to Applicant

01

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

02

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

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

03

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

04

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

05

In order to carry out the required off-site works at the A17 roundabout you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

06

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

#### Background Papers

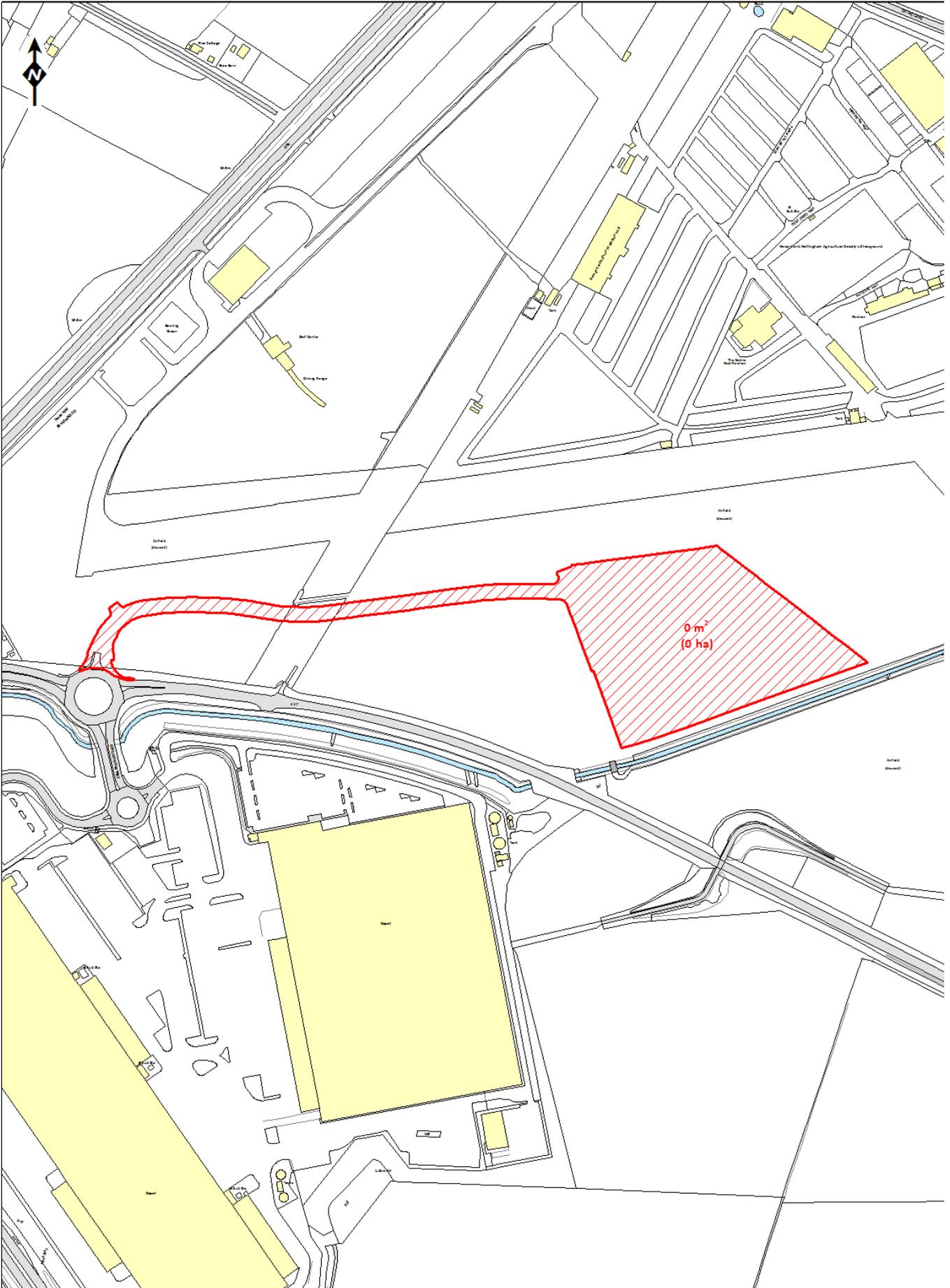
Application case file.

For further information, please contact James Mountain on 01636 655 840.

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

**K Cole**  
**Deputy Chief Executive**

Committee Plan - 16/01796/FULM



<b>Application No:</b>	<b>16/01912/FUL</b>	
<b>Proposal:</b>	<b>Conversion to 6 No. Apartments</b>	
<b>Location:</b>	<b>Basement Lighting, Unit 3 The Old Maltings, George Street, Newark</b>	
<b>Applicant:</b>	<b>Mr Paul Marple</b>	
<b>Registered:</b>	<b>15.11.2016</b>	<b>Target Date: 10.0.2017</b>

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

The Site

The site lies within the defined built up part of Newark, on the fringe of the town centre. It is within walking distance of the town and within meters of Northgate Train Station.

The site comprises part of a former Maltings building that was last used for office/storage space and is the last one in the vicinity that is not already converted to residential use. The Maltings has three floors, the lower ground or basement, a first and second floor. The building has been altered with the insertion of a large roller shutter opening to the south (frontage) elevation. Internally the building has been studded out with a modern inner shell that would be removed to reveal the original floors. The windows on the northern side (facing into the Lovers Lane School) are existing although those on the second floor have been blocked off in recent years and this proposal would open these up again.

The attached units, also facing into the school, have already been converted into residential use.

Relevant Planning History

The following applications directly relate to the site:

10/00678/FUL - Renewal of extant planning permission (07/00692/FUL) for conversion to 6 apartments. Approved 28.06.2010.

07/00692/FUL - Conversion to 6 No. apartments. – approved 16.07.2007.

The Proposal

The proposal is essentially a re-submission of the now lapsed planning permissions (applications 07/00692/FUL and 10/00678/FUL) seeking full planning permission for the conversion of the former Maltings buildings into 6 apartments (1x one bedroom and 5 x two bedroom). Each apartment would be on a single floor. The conversions have been designed so that each one has

access to an open courtyard/lightwell which would provide an element of amenity space and additional natural light to some of the living space. At the front of application building on George Street, there would be limited provision of off-street parking. Four spaces are proposed in total but 2 spaces of these would be tandem.

### Public Advertisement Procedure

Occupiers of 21 properties have been individually notified by letter. A site notice has also been displayed near to the site.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 – Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 14 – Historic Environment  
NAP1 – Newark Urban Area

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

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3 – Developer Contributions and Planning Obligations  
Policy DM5 – Design  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

*National Planning Policy Framework (NPPF) 2012*  
*National Planning Policy Guidance (NPPG) web based resource*

### Consultations

**Newark Town Council** - Members were concerned that the application was for 6 no. apartments and only 4 parking spaces. It was suggested that without a Traffic Impact Assessment, this application shouldn't be considered. Members were in agreement that if the number of apartments were reduced to 4, commensurate with the number of parking spaces, this would be more acceptable. Therefore, objection was raised to this application.

**Newark Business Club** - Please note that we SUPPORT the proposal.

**NCC Highways Authority** – The application site has been the subject of two previously approved applications, both of which have now expired. The site frontage is expected to accommodate 4 parked vehicles. Whilst it is understood that the Highway Authority have raised concerns with the proposed parking provision for the previous applications, there are parking restrictions along the site frontage and there are a number of neighbouring properties with minimal parking provided.

In view of this, there are no highway objections to this proposal

**Environment Agency** – This site falls in Flood Zone 2 and there is standing advice for new development in these areas. The advice includes setting finished floor levels above flood risk, clearly in the conversion of an existing development raising finished floor levels may not be feasible. The applicant would be advised to compare ground levels with flood levels and if possible raise internal floor levels. If this is not feasible then flood barriers should be provided and services brought in at high level.

**NSDC Environmental Health (Contamination)** - This application includes the conversion former industrial buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

**NSDC Access and Equalities Officer** - As part of the consideration of access to and use of the building, with particular reference to access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful standards in respect of visitable, accessible and adaptable and wheelchair user dwellings.

Occupants requirements can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

To this end it is recommended that inclusive access to, into and around the proposals be carefully examined from the edge of the site and any car parking together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. Carefully designed approach, level flush thresholds, generous doorways, horizontal and vertical circulation etc., should be carefully considered and designed to facilitate easy access and manoeuvre on all floors. Switches and sockets located at suitable heights and design to assist those whose reach is limited to use a dwelling together with suitable accessible WC and sanitary provision etc. are useful provisions. It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

**Representations have been received from 2 local residents/interested parties which can be summarised as follows:**

- Concerns over overlooking issues from the windows on the rear elevation facing the neighbouring school site.
- Concerned over the potential communication between pupils of the school and residents of the proposed apartments.
- The conversion to residential could increase demand for pickup/drop off parking at the school, which is very limited currently.
- Lack of notification of the application to neighbouring residents.

### Comments of the Business Manager

#### Background

Members will note that two previous applications at this site have previously been approved, albeit they are now time expired. Previously the Town Council supported the schemes and the Highways Authority raised objections due to insufficient parking provision. Both applications were determined under delegated powers. On this occasion the Town Council object to the scheme but the Highways Authority do not.

Some Members may also recall that similar schemes for conversion relating to this building have come before the Planning Committee in previous years. Of note is the conversion of no. 1 The Maltings from one dwelling into two dwellings (13/00134/FUL) in April 2013 where the Town Council supported the scheme but the Highways Authority objected due to a lack of parking. Members however agreed with Officers and granted permission. Another relates to the conversion of Newark Boys Club also on George Street (16/00314/FUL) to 7 apartments which was considered by the Planning Committee in June 2016 and approved as recommended, contrary to the views of the Town Council but not the Highways Authority.

#### Principle of Development

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

The site is located within the Newark Urban Area (NUA) as set out in the Settlement Hierarchy defined by Spatial Policy 1. This provides that new housing and employment growth should be focussed in the NUA as it is considered to be a sustainable location for new development. The new dwellings would also contribute positively to the 5 year housing land supply for the District.

#### 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. CP14 and DM9 also seek to protect the districts heritage assets.

The application building is an attractive traditional building that requires some restoration. It is not listed nor within a conservation area but it considered to be a non-designated heritage asset that is worthy of retention and makes a positive contribution to the character and appearance of the area. It is considered that the alterations to the external elevations that form part of the conversion works are sensitive to the design of the host building. For example the opening up of previously blocked up windows would better reveal the non-designated heritage asset whilst retaining the original character and providing visual improvement to the building. The proposal in this regard is considered to be in line with the identified policies.

### 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 6 C'C Design Guidance indicated that for developments of 5 or more dwelling applicant would normally have to estimate parking demand and supply details of how demand would be met using a DCLG paper method.

The Town Council's concerns regarding parking area noted. It is noted that limited information on expected parking demand has been provided with the application. However the Highways Authority have made their own assessment of the scheme and I consider that there is sufficient information to be able to make an assessment of the proposal. Indeed I note that the Highways Authority which, having had regard to the parking restrictions along the site frontage and that there are a number of neighbouring properties with minimal parking provided, raise no objections to the proposal. Four parking spaces are to be provided albeit it is equally noted that some are in tandem and therefore parking can only be said to be provided for 2 of the 6 dwellings to be created.

In considering the location of the site, I am mindful that the site is located on the fringe of the town, within walking distance of both the town center and Northgate Train Station. I therefore consider that this is a very sustainable location. There are double yellow lines along one side of George Street and on-street parking is restricted elsewhere in the vicinity by residents parking schemes although there are also areas of unrestricted parking spaces in the neighbourhood. The result is that parking in the vicinity of the application site is self-regulated by the presence of parking restrictions. Occupiers of the apartments would also be aware that parking is limited before deciding to occupy.

Taking all of the above into account, whilst it is noted that some dwellings would not have dedicated off-street parking, I am not convinced that there would be demonstrable harm arising from not having parking in such a highly sustainable location. This was the view taken by Officers previously in granted permission for the same number of dwellings back in 2007 and 2010 under the previous Development Plan. Whilst new policies are now in place with differing parking standards (advice was previously that a maximum of 1 space per dwelling should be provided), it is noted that the Highways Authority have changed their position in any event and appear to accept there would be no demonstrable harm arising from the scheme. My view is that this is a matter that the Council would be unable to defend successfully on appeal. Therefore I am satisfied that given its sustainable location, proximity to on-street parking in very close proximity to Northgate train station and easy walking distance to the town centre, it is considered that the limited off

street parking provision would not warrant refusal of the scheme. I consider it appropriate to safeguard the provision of the limited parking and its laying out through the suggested imposition of condition 3.

### Flooding

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

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

Para 104 of the NPPF states that applications for minor developments and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site specific flood risk assessments.

I note that the Environment Agency have referred to their standing advice. Standing advice for vulnerable development within flood zone 2 requires development proposals to follow advice on surface water management, access and evacuation and floor levels. As the proposal involves the conversion of the existing building and raising floor levels are not proposed, conditions requiring details of further flood mitigation measures in line with the standing advice and a flood warning and evacuation plan is considered appropriate in this instance in order to ensure flood risk is not significantly increased and that the development is safe for its lifetime.

I note from the submitted Planning Statement that the site is located within an area identified (from the Environment Agency Flood Risk Map) as having a very low risk of surface water flooding and that the proposed conversion would not change the surface water run-off from the site.

Given the above, the proposal is considered to not result in any material impact on the risk of flooding at the site or wider locality, in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5.

### Impact on residential amenity

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

As the proposed scheme does not involve any increase in height or footprint of the application building, I am satisfied that the proposed development would not result in any material overbearing or overshadowing impact on neighbouring properties.

I note the concerns raised in relation to the potential overlooking issues and that the windows on the north elevation of the building look directly into the School playground on Lovers Lane. However these windows are existing windows and only at second floor where windows have been blocked up would they be re-instated and some small roof lights inserted. I do not consider that this would constitute a reason for refusal, given these are existing openings and given that

adjacent conversions have all done similar works previously.

### Other Matters

The comments of the Environmental health department regarding the potential for contamination at the site are noted. An informative attached to any grant of planning permission relating to this issue is considered appropriate.

### Conclusion

Paragraph 14 of the NPPF provides a clear presumption in favour of sustainable development provided that the benefits of issuing planning permission are not outweighed by significant and demonstrable harm. The principle of residential development at the site accords with the Development Plan and all other relevant material considerations. This scheme would deliver housing in a sustainable settlement and positively contribute to the Council's 5 year housing supply and the proposal would not harm the character and appearance of the application building or wider locality. The proposed development would also not result in any significant increase in flood risk at the site or neighbouring sites in accordance with standing advice. It is also contended that the proposal would not result in any significant harmful impact upon the highway. Accordingly it is recommended 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 1307.W.3, 1307.A.1, 1307.A3, the Design and Access Statement by Rosamund Nicholson and the Planning Statement by Mr Anthony Northcote 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 hereby approved shall be first occupied until a scheme for the laying out of the 4 parking spaces have been demarked on the ground (such as wine lines or inset flush pavers) in materials to be first agreed in writing by the Local Planning Authority. The approved

demarcation scheme shall be implemented on site and the parking spaces shall be kept available for parking for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety.

04

Development shall not be commenced in respect of the details identified below until the following such details at a scale of not smaller than 1:20 (or as may be otherwise agreed) have been submitted to and approved in writing by the Local Planning Authority.

All types of external window and doors and their immediate surrounds (including, if necessary for clarification, notes on glazing).

Rainwater goods.

Proposed fences and walls to the boundaries of the site.

Reason: To ensure that the details (including where appropriate the materials used) are satisfactory for this building in the interests of visual amenity and heritage.

05

No development shall be commenced until a scheme for the provision and implementation of flood protection has been submitted to, and approved in writing by, the local planning authority. The approved works/scheme shall be undertaken prior to the commencement of the use hereby permitted and shall then be retained for the lifetime of the development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard residents against the risk of flooding.

06

No part of the development shall be occupied until a flood warning and action plan/evacuation plan has been submitted to and approved in writing by the local planning authority. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how residents would be evacuated.

Reason: To safeguard residents against the risk of flooding.

07

No part of the development hereby permitted shall be brought into use until a location for wheelie bin storage associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The wheelie bin storage (together with its associated external access) shall be provided on site prior to first occupation and shall be available for this purpose for the lifetime of the development.

Reason: In the interests of Highway safety to avoid bins from being stored on the public highway.

## Notes to Applicant

01

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

02

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

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

03

Your attention is drawn to the comments made by the NSDC Environmental Health section below;

'This application includes the conversion former industrial buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.'

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

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



<b>Application No:</b>	<b>16/01884/FUL</b>	
<b>Proposal:</b>	<b>Change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5m AOD</b>	
<b>Location:</b>	<b>Shannon Falls, Tolney Lane, Newark</b>	
<b>Applicant:</b>	<b>Mr C Price</b>	
<b>Registered:</b>	<b>30 November 2016</b>	<b>Target Date: 25 January 2016</b>

**This application is being referred to the Planning Committee for determination in accordance with the approved scheme of delegation.**

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Core Strategy and within the countryside. The site sits on the north side of Tolney Lane which runs in a westerly direction from the Great North Road which leads to a dead end. It sits at a junction where Tolney Lane forks into two and the northern arm runs towards the railway line. It is located between the River Trent to the south-east and the railway line to the north-west. The application site represents the western part of a wider site known locally as Shannon Falls which is located between the larger gypsy and traveler sites known as Church View to the east and Hoes Farm to the west. The application site is situated on the southern side of a larger site known locally as Shannon Falls.

The vacant site measures 0.4 hectares in area and is roughly rectangular in shape. It measures approx 115 metres long by approx 30 metres wide. The application form describes the site as scrubland although there is evidence of recent earthworks on the site providing a flat earthed application site bounded on three side by bunds of earth whereas the boundary to the south-east (adjacent to Tolney Lane) is defined by high mature leylandii trees. Beyond the application site boundary to the north-east and north-west is the remainder of the larger Shannon Fall site which is rough land, at risk from the dumping of household waste. The south-western boundary of the site is defined by the road, although there is no existing access into the site and the earth bunds are intended to prevent access.

Approximately two thirds of the site (to the south-east) is within Flood Zone 3 of the Environment Agency's Flood Map/Strategic Flood Risk Assessment, and the remaining third to the north-west is located within Flood Zone 2. The application site is outside the designated Conservation Area but the boundary of Newark Conservation Area runs along the southern side of Tolney Lane, opposite the site.

Historically, the site has been subjected to material being tipped onto the land to raise ground levels which occurred roughly in 2001. This has never been authorised in planning terms and continues to be the subject of an Enforcement Notice as set out in the history section below.

Early in 2016, the site was also subjected to fly tipping of household and commercial waste. Following concerns raised by the Council's Environmental Health Service, the waste was removed from the site which has now been left level and clean and tidy with earth bunds around the boundaries to seek to prevent a repeat of waste dumping.

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

### Relevant Planning History

Including the application site and adjacent vacant land to the north and east:

- E/1/1129 - Use of the land as a site for caravans, refused in 1959;
- E/1/2531 - Construct a residential caravan site, refused in 1970;
- 02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

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

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

On land directly to the north but excluding the application site:

- 15/01770/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building, refused by Planning Committee in May 2016 for the following reason:

"The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable, whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, the proposal fails the Exception Test. The submitted Flood Risk Assessment does not comply with the requirements set out in the Site Specific Flood Risk Assessment Checklist (paragraph 68) of the Flood Risk and Coastal Change Section of the Planning Practice Guidance and therefore fails to adequately demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD.”

It is noted that the applicant has recently appealed against this decision.

This application site only:

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

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

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

### The Proposal

Planning permission is sought for the change of the site from scrubland to the creation of 8 pitches each one housing a static mobile home each with its own associated amenity building. Each mobile home measures 4m by 8m and each amenity building measures 3.5m by 4m, 2.1 m to the eaves and 4.3m to the ridge. The latter will be constructed of brick with tiled roof. One parking bay will also be provided within each pitch. The applicant has confirmed that he and his family are a local family of travellers who have a good reputation within the local community and who currently reside with their wider family.

The use has not yet commenced on the site. The proposed site will be served by a 5m wide access road adjacent to the western boundary of the site, each pitch is roughly 300 square metres in area. The majority of the existing hedgerow fronting Tolney Lane is to be retained. The western boundary of the site, together with fencing to sub-divide the pitches are provided by 1.8m high timber panel fencing to provide privacy. Some hardstanding areas outside the mobile homes will

receive a gravel finish suitable for vehicle use.

The site will be accessed from two points, one along the western boundary and one in the south-west corner of the site in accordance with the Highway Authority's specifications.

Accompanying the application is a Design and Access Statement and a Flood Risk Assessment. In support of his proposal, the applicant has confirmed that he owns the site and after travelling from site to site for a number of years, often residing on unauthorised land, he wishes to settle on this site and allow the other pitches to be used by further travellers who require pitches to establish their residence. The Design and Access Statement also states that

“demand for these locations is very high as it allows travellers to re-home legally on land they own and not illegally on private land which can become a nuisance. The need for Gypsy traveler sites within the local area is very high and there is minimal provision for sites within the development plan. By utilizing this unused parcel of land, reduces the demand for mobile homes within this area. It allows travellers to live together on private land designated for this land use, away from the public view, thus having minimal effect on the surrounding area.”

The description of the development includes the lowering of land levels on the site to 10.5m AOD however, no detailed information has been submitted in support of this and how the lowering of levels would relate to the land levels around the site afterwards and how that would be dealt with, and there is nothing provided regarding how the spoil would be removed and where it would be taken.

The submitted Flood Risk Assessment states that the Local Authority has requested that site levels generally are reduced to 11.48m AOD (ie the same level as the entrance from Tolney Lane). The description of proposed development is therefore in direct contradiction to the submitted FRA.

The Flood Risk Assessment (FRA) states that the southern end of the site and its access is within Flood Zone 3 (at risk of fluvial flooding via an over-topping of the River Trent in a 1 in 100 year event) while the northern end of the site is in Flood Zone 2. The Assessment comments that the Technical Guidance of the National Planning Policy Framework states that the Local Planning Authority may permit 'highly vulnerable' development in Flood Zone 3a provided that it ensures the development is of a suitable standard. It goes on to say that although it should be ideally located within Flood Zone 1, it can be sited within Flood Zone 2 if the Exception test is passed and can be sited in Flood Zone 3a at the discretion of the Local Planning Authority.

The FRA confirms that levels on the site rise from 11.48m AOD at its entrance to 12.31m AOD towards the north-west boundary. The Assessment states that the Local Authority has requested that site levels generally are reduced to 11.44m AOD (ie the same level as the entrance from Tolney Lane). It also states that in order to raise floor levels of the mobile homes above flood waters, caravans would be sat on stone gabions that raise them to a minimum of 12.31m AOD. This would give a minimum finished floor level to the caravans of 12.91m AOD, 300mm above the modelled flood level for a 1 in 100 year event including an allowance for climate change, of 12.61m AOD (the 1 in 1000 year event). However, the rest of the land on the site (including the amenity blocks and amenity/parking areas would remain at 11.48m AOD. The report contends that the localised raising of the caravans would remove a small volume from the flood plain however; the caravans would be sat upon permeable stone fill in the form of stone gabions that would allow water to pass through them, thus reducing the flood risk elsewhere by providing some storage volume. Allowing for 600mm between ground level and floor level, the minimum

ground level shall be 12.31m AOD, a maximum of 1070mm above the proposed reduced ground level.

The FRA also states that it is proposed that all caravans should be anchored by tension chains to prevent flotation in extreme flood and concordant risk to persons and property downstream. The FRA contends therefore that the addition of tension chains to the structure creates a building used for residential purposes when considered against the classifications of the Technical Guidance. This means that caravans, when anchored, can be considered as 'more vulnerable' not 'highly vulnerable.'

The FRA concludes that the depth of water is such that access and egress from the site will not be possible during times of flood. Therefore an evacuation plan is required which will remove occupants of the site before an overtopping event. A Flood Warning and Evacuation Plan is included within Appendix D of the FRA.

In terms of the effect on the flood plain, the assessment has considered the impact of the local raising of land on flood levels elsewhere. The flood plain is large spanning 3km between the main River Trent and the Newark Branch at the site and thus the effect of local raising would be minimal on flood levels elsewhere with no significant increase in the risk of flooding.

The caravans and gas tanks should be securely chained down to concrete pads to prevent them from floating away during extreme flood events, according to the FRA.

#### Departure/Public Advertisement Procedure

Occupiers of 17 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 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

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

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

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Core Policy 14 : Historic Environment

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

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM9 – Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance (on-line facility)
- Planning policy for Traveller sites – August 2015

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

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

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

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

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

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

This document states: "New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that "people should be able to evacuate by their own means" without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services."  
"New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely exit their property during flood conditions....The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe."

## Consultations

**Newark Town Council** – Object on the following grounds:

- “1. The site is in a Flood Zone Risk Area 3 which is in one of the highest flood risk categories and the proposed elevation of the land could increase the risk to adjacent sites;
2. The main mitigation proposed for the flood risk is to chain down the mobile homes located on the site; this is not considered to be acceptable given the level of risk and there being only one egress for the site (Tolney Lane);
3. The inclusion of 8 brick built out houses will exacerbate the flooding risk in the surrounding area;
4. The proposal to ensure that there are no moveable items on the site is not credible and will lead to a lack of amenities for any future residents.”

**NCC Highways Authority** – “The application site was the subject of a previous application (12/01088/FUL), and the Highway Authority raised concerns as to whether the proposal would increase traffic congestion at the Great North Road/Tolney Lane junction. Additional information has now come forward and it is considered that these concerns have now been addressed. The site plan submitted indicates that the existing access is to be improved. Therefore, there are no highway objections to this proposal subject to the following:

No part of the development hereby permitted shall be brought into use until the alterations to the existing access have been completed and constructed in accordance with the Highway Authority’s specification.

Reason: In the interests of highway safety.

### Note to Applicant

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

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

### Reasons

Technical Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application site lies within Flood Zone 3a and on the edge of functional floodplain defined by the Technical Guide to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as Highly Vulnerable in accordance with table 2 of the Planning Practice Guidance to the NPPF. Tables 1 and 3 of the Planning Practice

Guidance to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

### **Overcoming our objection**

The development is located in the floodplain of the River Trent is at high risk of flooding. The flood depths on site in comparison to existing conditions could range from 200mm to 1.1 metres. The flood depths on the access adjacent to the site are 1.4 metres and it has been accepted that there is no safe means of access and egress during a flood event for the occupants or emergency services if required to access the site.

There are recommendations to raise platform levels above the 1000 year flood level, and although we would support this in terms of making the new development safe, we do not agree with the conclusion that the loss of floodplain storage does not require compensation. The cumulative impacts of losing floodplain storage can have a significant impact and therefore any new development in the floodplain should look to mitigate their impacts by providing level for level floodplain compensation.

To overcome this objection, the LPA would need to consider the appropriateness of the development to the Flood Zone. If the LPA do consider the development appropriate then we recommend floodplain compensation is provided on a level for level basis. We also recommend NSDC contact their Emergency Planner to review the Emergency Plan. The flood depths on site and adjacent to the site will still pose significant risk to life and therefore the development does not comply with the requirements of the NPPF Planning Practice Guidance. Mitigation to overcome this will need to be considered and we do not support the recommendation of 5.5.3 for occupants to be isolated within the caravans until waters receded, as the Trent will be in flood for a long duration (potentially in excess of a week) and therefore loss of services could pose a significant risk to life.”

**Trent Valley Internal Drainage Board** – “There are no board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

**NSDC, Planning Policy** – “The main policy considerations to be made in assessing this application are the planning status of the applicants as Gypsies and Travellers (G&T) and the balance between the need for G&T pitches and the sites flood risk status.

To consider a site against the current G&T policy, the intended occupants need to satisfy the planning definition contained within PPTS. As this proposal appears to be intended to provide for the needs of a specific family, rather than being speculative, it will be necessary to establish if the definition is satisfied. The statement accompanying the application offers some information but further clarification would appear necessary. The following advice is based on the assumption that the definition is satisfied.

The FRA accompanying the application identifies the site as being within EA defined Flood Zones 2 and 3 with the access back to adoptable highway also being at varying degrees of flood risk. The appropriate sequential test is therefore whether there are any other G&T sites available at lesser risk of flooding. The Council does not currently have a 5 year supply and so cannot identify any available sites at lesser risk of flooding. This situation could however change over the life of this application.

An appeal decision is imminent on a site that would deliver 12 pitches. If this is allowed, in combination with planning permissions already granted, it would meet the pitch requirement for the current 5 year period of 2013 to 2018 and give approximately 1 years supply into the next period.

The Development Plan is currently being reviewed and the next stage – Preferred Approach - Sites due to begin public consultation in January 2017 is aiming to allocate site(s) to meet the pitch need for the remainder of the plan period.

It will be necessary to revisit the above issues at the time of determining this application to make an as accurate as possible assessment of need.

## **CONCLUSION**

If at the time of determination there is no 5 year supply it will be necessary to balance need for pitches against flood risk in a similar manner to other recent applications/appeals for G&T pitches on Tolney Lane. I would suggest that the closer the Council is to demonstrating a 5 year supply of pitches at lesser risk of flooding, the less justification there is for allowing permanent pitches in areas at high risk of flooding. In one appeal on another site on Tolney Lane, an Inspector granted a temporary consent that recognised the appellant's immediate accommodation needs and the high flood risk status of the site by allowing for the possibility of sites at lesser risk of flooding to be identified during the duration of the temporary consent. This approach has been reflected in a planning approval on a further site on Tolney Lane and may be appropriate here."

**NSDC, Environmental Health** – "I would expect the design of this site should follow the recommendations in the government's guide – Designing Gypsy and Traveller Sites – Good Practice Guide.

If approved this site would need a Caravan site licence from Environmental Health, unless exempted this would be chargeable and the holder would need to pay an annual fee to maintain any licence issued.

Conditional within the site licence would be such issues as spacing between caravans and boundaries, firefighting provision, site access, water supply and waste disposal.

The design and access statement states the homes will be positioned a minimum of 1m from the boundary. The homes must be more than 3m from the site boundary with a separation distance between each home of 6m where they are in separate occupation. The proposed site plan shows the drainage and amenity block arrangements should comply with the licence conditions imposed.

The Before and After Tidy Up photographs are evidence of materials once deposited on the site and the materials/soils used to raise levels are of unknown quality. Given the potential for contamination and this sensitive residential use, I would request a contamination condition to ensure the safe use of the land."

**NSDC, Access and Equalities Officer** - It is recommended that the developer be advised to give consideration of inclusive access to and around the proposal. Access to available facilities and features should be carefully considered.

**Representations have been received from two local residents/interested parties which can be summarised as follows (one anonymous response has been received but is not included below):**

- This site is in Flood Zone 3;
- Any increase in surface water run-off to the surrounding areas would create a danger and increase the flood risk;
- The proposal to anchor caravans by chaining them down would not be sufficient to protect the safety of the occupants or nearby residents in the event of a flood, which is a distinct possibility;
- More suitable and safer sites should be found for the gypsy traveller community;
- To provide more accommodation for travelers can only be a good thing;
- Clean- up should be carried out ecologically responsibly;
- Street lighting on Tolney Lane is erratic and should be improved in the interests of highway safety as traffic will increase;
- Provision for pedestrian safety should also be introduced, the lane seems to be used as a racing track;
- Vehicles stopping outside Church View should also be prevented like some plant pots to narrow the lane.

### Comments of the Business Manager

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

### The Need for Gypsy and Traveller Pitches

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

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

The Issues Paper identifies a requirement for 25 permanent pitches in the period 2013-2018. Four pitches have been delivered through the grant of permanent planning permission which leaves a requirement for 21 pitches. There are currently no other sites with planning permission, no allocated sites and consequently the Council does not have a five year supply of sites.

Whilst the Plan Review may ultimately yield a new approach to the provision and distribution of Gypsy and Traveller sites, in determining this application now the main considerations have to include the lack of other available sites, which is a material consideration that needs to be given significant weight in the determination of this application.

I am also mindful of the appeal decision relating to a gypsy and traveller site at Green Park, Tolney Lane, which was granted temporary planning permission for 5 years in light of the fact that the

Council could not demonstrate alternatively available sites. In the more recent appeal at Edingley, it was acknowledged that the Council could not demonstrate a 5 year land supply but was working towards a Gypsy and Traveller DPD which would consider allocating sites to meet the identified need and that individual applications should not pre-empt this process. The Inspector noted that National Planning Practice Guidance (NPPG) sets out guidance when determining planning applications. It confirms that the Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development it states that arguments that an application is premature are unlikely to justify a refusal of planning permission. Preferred sites will be brought forward during the Plan Review process that is currently on-going.

I would also recall to Member's attention the application at Newark Road, Wellow (15/00457/FUL) for 8 pitches that is currently under consideration at appeal.

The absence of a five year supply of deliverable sites represents a material consideration in favour of the proposal. However this needs to be considered and balanced alongside other material planning considerations in coming to a determination.

### Flooding

The description of development refers not only to a new use but also to the lowering of land levels to 10.5m AOD. In contradiction, however, the submitted FRA has been written on the basis of existing land levels being lowered to 11.48m AOD and stone gabions being placed on the site to raise the caravans. Both scenarios are considered below.

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

Notwithstanding the weight to be given to need referred to above, the application site is located within Flood Zone 3a, at high risk from flooding and on the edge of functional floodplain of the River Trent. It is therefore essential that the Local Planning Authority balance the benefits of meeting this need against flood risk.

Table 2 of the Planning Practice Guidance to the NPPF states that caravans, mobile homes and park homes intended for permanent residential use are classified as "highly vulnerable" uses. Table 3 of the Technical Guidance states that within Flood Zone 3a, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.

The NPPF states that local planning authorities should minimise risk by directing inappropriate development away from high risk areas to those with the lowest probability of flooding. However, given that this represents vulnerable development that should not be permitted in the first instance, the Sequential and Exception Tests do not fall to be applied to this type of proposal. Even if the Sequential and Exception Tests were applicable (which they are not) whilst the Sequential Test may be considered passed, on the basis that there are no reasonably available

alternative sites for this use at lower risk, the proposal fails the Exception Test, if it were appropriate to apply it. There are two parts of the Exception Test set out in the NPPF:

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

Firstly, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site and the harm to the wider community in retaining some of the unauthorised tipping on the land, thereby continuing to represent a loss of flood storage capacity within the functional floodplain of the River Trent, and which will inevitably lead to increased flooding impact elsewhere in the wider area. This harm has already been established through the appeal process. There is no evidence submitted of any mitigation for this impact by providing level for level floodplain compensation elsewhere.

Secondly, the Environment Agency states that the flood depths on the site in comparison to existing conditions would range from 200mm to 1.1metres. The flood depths on the access adjacent to the site are 1.4 metres and it has been accepted that there is no safe means of access and egress during a flood event for the occupants or emergency services, if required to access the site. This would be the case if the land levels on the site were reduced to 10.5m AOD or 11.48m AOD.

Members may be aware of the evacuation procedures that have been put in place for existing occupiers of Tolney Lane where residents are allowed to assemble on the cattle market during a flood event. However, this evacuation plan is not ideal and was introduced to try to provide a solution to occupants that already existed along Tolney Lane. It should not be seen as an appropriate mitigation strategy when considering new pitches along the Lane. The Environment Agency have stated that the submitted FRA has made no assessment of the flood risk along Tolney Lane, the only route in and out of the site, nor does the FRA address issues of the impact of the additional residents attempting to egress the site along an already heavily used egress route.

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

The flood depths on site and adjacent to the site will still pose significant risk to life and therefore the development does not comply with the requirements of the Planning Practice Guidance. Mitigation to overcome this will need to be considered and there is no support for the recommendation of 5.5.3 for occupants to be isolated within the caravans until waters receded, as

the Trent will be in flood for a long duration (potentially in excess of a week) and therefore loss of services could pose a significant risk to life.

Whilst Members have accepted evacuation procedures are sufficient to allow proposals to go ahead on other Tolney Lane sites in the past, as has a Planning Inspector on a 5 year temporary basis, it remains my professional view that the principle of locating this highly vulnerable use in an area at high risk from flooding is not appropriate and should not be permitted, in accordance with the PPG of the NPPF. This is relevant to both scenarios.

The scheme set out within the FRA retains some of the unauthorised tipping that currently remains on the site, and so would continue to result in a loss of flood storage within the functional floodplain and therefore continues to exacerbate flooding risk elsewhere.

Whilst reducing the land levels of the site to 10.5mAOD is likely to return the flood storage capacity of the floodplain to its previous capacity, the use still remains a highly vulnerable use on land at high risk of flooding, which cannot be adequately mitigated against through chaining down structures or an Evacuation Plan and occupiers would be at risk.

It is therefore considered that the proposal, under both scenarios, is contrary to the NPPF (and its PPG), Core Policies 5 and 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

The Plan Review will seek to identify and provide appropriate and suitable sites for new pitches moving forward to service local need.

### Planning History

This Council has already considered the principle of a residential caravan use on this site in 2002 and 2013. The first application was refused on the following grounds:

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

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

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

This identical application was considered by the Planning Committee in 2013 and refused for the following reason:

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

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

The proper consideration of such a use in this location has already been considered and found to be unacceptable on flooding grounds both by this Council and the Planning Inspectorate. The Enforcement Notices served remain on the land, although the removal of the tipping has not been carried out. Since this decision in 2005, Tolney Lane has experienced another significant flood event in November 2012, which has only served to affirm the difficulties of allowing such development in this high risk area.

#### Impact on the character of the area

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

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

The site is within the open countryside. The aim of conserving the natural environment, protecting valued landscapes, minimising impacts on biodiversity and pollution is reflected in the NPPF. Whilst development exists along the majority of the Lane, only the eastern third sits within the defined Newark Urban Area. The application site is located between the sites known locally as Church View to the east and Hoes Farm to the east. Church View benefits from an authorised use for 35 residential caravans although it is currently only occupied by approximately 3 caravans. Hoes Farm has planning permission for 25 pitches. Whilst the site is located within the countryside, it is sandwiched between these two sites which are authorised for caravan use and the application site itself is already covered by hard surfacing. The proposed development is for the creation of 8 pitches with 8 associated that would be enclosed and defined by close boarded timber fencing. The FRA states that the floor level of the proposed caravans would be set at 12.91m AOD, which would be 1.43m above the ground level of 11.48m AOD, perched on stone gabions. The appearance of the caravans would therefore be slightly unusual, and access would necessitate steps. Although the stone gabions are not likely to be readily visible, given proposed boundary treatments, the increase in height of the caravans would make them more prominent and slightly odd compared to the height of existing caravans in the area. However, having carefully considered this visual impact, on balance and given the existing character of the area, it is

not considered that this would be so visually intrusive and incongruous to warrant refusal of permission on this basis.

Taking all these matters into consideration, I am satisfied that the proposal is unlikely to represent a significant visual intrusion that would have such a harmful impact on the appearance of the countryside in this location, to warrant refusal of planning permission in this case. However, I would recommend a condition be attached to any approval for additional landscaping works to soften the appearance of the development. I also acknowledge that the site has no special landscape designation and is unlikely to lead to any significant adverse impact on nature conservation or biodiversity.

Although the Newark Conservation Area boundary runs along the south-eastern side of Tolney Lane, it is approx. 100m from the boundary and as such, it is not considered that the proposal would be harmful to the setting of the Conservation Area.

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

### Highway Issues

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

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

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

### Access to and impact on Local Services

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

Whilst the site lies within the countryside, it is acknowledged that it is in relative close proximity to the edge of existing development. Occupiers would have good access to existing Tolney Lane development and to existing services and facilities provided by the Newark Urban Area. The site is ideally located between two established Gypsy and Traveller sites and therefore access to long established community and social facilities associated with the historic use of Tolney Lane would be readily available for occupiers.

Taking the above factors into consideration, the application site is reasonably located in terms of access to the range of amenities and services and as such would be relatively sustainable.

### Residential Amenity

Criterion 4 of Core Policy 5 states ‘the site would offer a suitable level of residential amenity to any proposed occupiers and have no adverse impact on the amenity of nearby residents’.

Policy DM5 requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The size of the proposed pitches are reasonable, measuring approx. 300 square metres in area and I am satisfied that with boundary fencing in place that the sites would offer a suitable level of amenity to proposed occupiers. There would be no negative impact on residential amenity of any existing properties.

The proposals therefore meet the requirements of Criterion 4 of Core Policy 5 and Policy DM5.

### Personal Circumstances

The Government's new ‘Planning Policy for Traveller sites’ (August 2015) introduced following the submission of this application requires a revised assessment of Gypsy and Traveller status. Annex 1 of the document sets out the definition of gypsy and traveller for the purposes of the policy as follows:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’

The guidance states that in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that the applicant along with any other occupier of the site, have Gypsy and Traveller status in accordance with the definition set out in the Planning Policy for Travellers Sites.

The submitted Design and Access Statement states that the applicant and his family are a local family of travellers who have lived within the local area/community for a number of years. It also states that they have been travelling from site to site for a number of years residing in some cases on land which was not designated for this land use. It confirms that the applicant wishes to accommodate himself and his wider family on this site whilst the remainder of the pitches would

be used by other travellers who need accommodation. Some old black and white photographs have been provided showing a family with the Price surname camped in various places two of which refer to Bury St Edmunds.

Very little information has been submitted in this regard to date, although it has been requested. As such, this recommendation to Committee is based on that fact that their status is not proven, however, this may alter in the submission of any additional information and any update will be reported at Planning Committee.

### Conclusions and Balancing Exercise

The NPPF and the PPG is an up to date policy that clearly and explicitly states that this highly vulnerable use should not be permitted within Flood Zone 3a and under these circumstances the Sequential and Exception Test would not be applicable.

Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable (which they are not), whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, the proposal fails the Exception Test, failing to demonstrate that the development would be safe for its lifetime, without increasing flood risk elsewhere, and this would be the case if land levels were reduced in accordance with the description of the development or if land levels were reduced in accordance with the submitted FRA.

Since the up-holding of the Enforcement Notices in 2005, it is clear that whilst flood risk has remained of paramount importance as a material consideration, unmet need and the lack of reasonable deliverable alternative sites and a 5 year supply has significantly increased significance as a material consideration more recently. This is borne out in the Green Park appeal decision, where a temporary permission was approved notwithstanding the flood risk.

At present there is an unmet need for Gypsy and Traveller pitches within the District. National policy and guidance dictates that such an unmet need, lack of a 5 year supply and deliverable alternative sites carries significant weight in favour of the proposal. However, very little supporting information has been provided on the gypsy and traveller status of the applicant or proposed occupiers of the site. In the absence of this demonstration, the onus of which is on the applicant to provide, it is considered that positive weight cannot be afforded to this material consideration, in contrast to the Green Park application. As such it is not considered that a permanent or temporary permission would be deemed acceptable in this particular case.

Whilst the remaining material planning considerations (impact on the countryside and character of the area, residential amenity, highway considerations and access to services) assessed in this report appear to represent positive weight to this proposal, in the professional view of officers, the harm caused by locating this development within an area at high risk of flooding does not and cannot be outweighed in the overall planning balance. It is therefore recommended that the application be refused on flooding grounds.

### **RECOMMENDATION**

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

## **Reason for Refusal**

01

The proposed development represents highly vulnerable development that would be located within Flood Zone 3 and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. Whilst the Sequential and Exception Tests do not fall to be applied in this case, even if they were applicable, whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites for this use, both scenarios of the proposal (i.e. lowering the land levels in accordance with the description of development or the carrying out development in line with the Flood Risk Assessment) fail the Exception Test. The submitted Flood Risk Assessment does not comply with the requirements set out in the Site Specific Flood Risk Assessment Checklist (paragraph 68) of the Flood Risk and Coastal Change Section of the Planning Practice Guidance and therefore fails to adequately demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere. Even with the lowering of land levels to 10.5m AOD (which has not been adequately demonstrated through the submitted FRA), the proposed use would not be safe for its lifetime.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

## **Notes to Applicant**

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Unfortunately these revisions have been unsuccessful in removing the harm identified through the above reason for refusal.

## **BACKGROUND PAPERS**

Application case file.

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

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

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



