



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

PLANNING COMMITTEE

AGENDA

Meeting to be held in
The Ceres Suite,
Worksop Town Hall, S80 2AH
on Wednesday, 5th December 2018
at 6.30 p.m.

(Please note time and venue)

**Please turn mobile telephones to silent during meetings.
In case of emergency, Members/officers can be contacted
on the Council's mobile telephone: 07940 001 705.**

**In accordance with the Openness of Local Government Bodies Regulations 2014,
audio/visual recording and photography at Council meetings is permitted
in accordance with the Council's protocol 'Filming of Public Meetings'.**

PLANNING COMMITTEE

Membership 2018/19

Councillors D. K. Brett, H. Burton, G. Clarkson, S. Fielding, G. Freeman,
K. H. Isard, G. A. N. Oxby, D. G. Pidwell, M. W. Quigley,
S. Scotthorne, A. K. Smith and T. Taylor.

Substitute Members: None

Quorum: 3 Members

Lead Officer for this Meeting

Myles Joyce

Administrator for this Meeting

Bethany Pinkney

NOTE FOR MEMBERS OF THE PUBLIC

- (a) *Please do not take photographs or make any recordings during the meeting without the prior agreement of the Chair.*
- (b) *Letters attached to Committee reports reflect the views of the authors and not necessarily the views of the District Council.*

PLANNING COMMITTEE

Wednesday, 5th December 2018

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS * (pages 5 - 6)
(Members' and Officers' attention is drawn to the attached notes and form)
 - (a) Members
 - (b) Officers
3. MINUTES OF MEETING HELD ON 7th NOVEMBER 2018 * (pages 7 - 12)
4. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 8th OCTOBER AND 5th NOVEMBER 2018* (pages 13 - 30)
5. OUTSTANDING MINUTES LIST * (page 31)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None

Other Decisions

6. REPORT(S) OF THE HEAD OF REGENERATION *
 - (a) Public Interest Test:
(Ms B Alderton-Sambrook, Head of Regeneration, has deemed that all Items on the Agenda are not confidential)
 - (b) Appeal Decisions Received (pages 33 - 86)
 - (c) Planning Applications and Associated Items (pages 87 - 150)
 - (d) Planning Services; Establishment of a Viability Protocol (pages 151 - 162)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

Other Decisions

None.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

* Report attached

NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533252 or by e-mail: bethany.pinkney@bassetlaw.gov.uk
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DECLARATION OF INTEREST

COMMITTEE

DATE

NAME OF MEMBER :

Type of Interest

- 1. Disclosable Pecuniary
- 2. Non Pecuniary

| Agenda Item No. | REASON * | Type of Interest (1 or 2) |
|-----------------|----------|------------------------------|
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| Dated | | |

Note:

* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

DECLARATION OF INTERESTS

HOW TO USE THIS FORM

There are now only two types of Declaration of Interest:

| | | |
|---------------------------------|---|--|
| Disclosable Pecuniary Interests |) | Details can be found in the Councillors |
| |) | Code of Conduct which is contained in |
| Non Pecuniary Interests |) | the Council's Constitution (a summary is |
| |) | printed below) |

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

Disclosable Pecuniary Interests

May relate to employment, office, trade, profession or vocation carried on for profit or gain
May relate to sponsorship
May relate to contracts
May relate to interests in land
May relate to licences to occupy land
May relate to corporate tenancies
May relate to securities

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- withdraw from the room
- not seek improperly to influence a decision on the matter

Non Pecuniary Interests

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday, 7th November 2018 at Worksop Town Hall

Present:

Councillor D G Pidwell (Chair)

Councillors D Brett, H Burton, G Clarkson, S Fielding, G Freeman, K H Isard, G A N Oxby, M W Quigley, S Scotthorne, and T Taylor.

Officers in attendance: T Bannister, K France, M Freeman, M Joyce and B Pinkney.

(Meeting commenced at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure. He also enquired as to whether any member of the public wished to film the meeting or any part thereof; this was not taken up.)

47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Smith.

48. DECLARATIONS OF INTEREST

(a) Members

Councillor G A N Oxby raised a disclosable pecuniary interest in planning application 18/00747/OUT.

Councillor M W Quigley raised a non-pecuniary interest in planning application 18/00747/OUT.

Councillor K H Isard raised a non-pecuniary interest in planning application 18/00830/FUL.

(b) Officers

There were no declarations of interest by officers.

49. MINUTES OF THE MEETING HELD ON 10th OCTOBER 2018

It was noted that a minor amendment has been made to the minutes, 1,300 homes are planned to be built not 13,000.

RESOLVED that the Minutes of the meeting held on 10th October 2018 be approved.

50. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 24th SEPTEMBER AND 1st OCTOBER 2018

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 24th September and 1st October 2018 be received.

51. OUTSTANDING MINUTES LIST

Members were advised that a discussion will take place prior to the next Planning Committee on the Scheme of Delegation.

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

52. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS

(a) Public Interest Test

The Head of Regeneration had deemed that all Items on the Agenda were of a non-confidential nature.

(b) The Bassetlaw District Council Five Year Housing Land Statement

The Planning Policy Manager presented the Bassetlaw District five year housing land statement.

Members were advised of an amendment made to the five year housing land statement. The amendment is as follow; The basic OAN figure for Bassetlaw is not 324 dwellings per annum (dpa). The basic minimum OAN is 299 dpa. The target of 324 dpa is a more appropriate figure to be used for the five year supply target as it better aligns with past delivery rates. This target still uses the NPPF standard OAN methodology but is based on an earlier set of household projections and an earlier base year for establishing the average projections.

Members welcomed the statement but some concerns were raised regarding the increase in the total housing supply from 3 years to 7.9 years. The Planning Policy Manager explained to Members of the calculations to get to these figures.

(c) Appeal Decisions Received

Members were presented with five appeal decisions.

The Interim Development Team Manager outlined to Members the appeal decision on Walkeringham Road as this was overturned at Committee and dismissed by the inspector.

RESOLVED that the appeal decisions be received.

(d) Planning Application and Associated Items

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|---|--|
| 15/00493/OUT | The Hospital of The Holy and Undivided Trinity. | Variation of S106 agreement of outline application for a mixed use development of up to 196 dwellings and 11.11ha of employment land with all matters reserved except access. Land at North Road, Retford. |

Members were advised that the application sought to vary the S106 agreement of an outline planning application for a mixed use development of up to 196 dwellings and 11.11ha of employment land with all matters reserved except access. Slides were used to show the site location.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant planning history and planning policies was set out within the report.

Members were advised that the outline application was granted planning permission subject to conditions and a Section 106 Legal Agreement at Planning Committee in November 2015. The Section 106 Agreement has still yet to be completed.

An independent assessor was appointed to appraise the submitted viability assessment and its conclusions in respect of the S106 contributions. The Independent Assessor indicated that the full 25% affordable housing contributions would make the development unviable. However, it was concluded that the development could provide six affordable housing units together with the full remaining S106 and CIL contributions.

Reverend Cannon John Patrick spoke in support of the application as the applicant, he advised that:

- He is a trustee of Trinity Hospital and the land owner of the site.
- He spoke at Planning Committee in 2015 when the outline application was granted subject to Section 106 agreement.
- A viability exercise was carried out and the site was identified as not viable with some of the Section 106 contributions.
- Other Section 106 contributions will remain.
- Trinity hospital is not medical care but is for hospitality.
- He is committed to the town and the built heritage assets around.
- The proposal is a high quality gateway and hopes that the modification of the Section 106 is agreed.

Members raised questions/concerns regarding the following:

- The project price level for affordable housing within the area.
- The drop in affordable housing from the original outline application.
- The timelines from when planning permissions are granted and the agreement of the Section 106.
- Relationship between CIL and affordable housing.

In response to questions raised it was noted that affordable housing prices are normally 25% less than market value. The Interim Development Team Manager also outlined that an independent assessor has been out to the site and concluded that the development could provide only six affordable housing units.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant planning permission subject to the modifications to the S106 planning obligations as detailed in the report.

Voting for taking this course of action:

FOR: None.

AGAINST: Councillors D Brett, H Burton, G Clarkson, S Fielding, G Freeman, K H Isard, G A N Oxyby, D G Pidwell, S Scotthorne and T Taylor.

ABSTAIN: Councillor M W Quigley.

COMMITTEE DECISION – Refuse planning permission for the following reason:

- Reduction in affordable housing.

FURTHER RESOLVED that the final wording of the reasons for refusal be approved at the Planning Consultation Group.

(Councillor G A N Oxby left the meeting)

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------------------|--|
| 18/00747/OUT | Mr T & M Strawson & Horrocks | Outline planning application with some matters reserved (approval being sought for access) for up to 71 dwellings and other associated works. Land north of Bracken Lane, Retford. |

Members were advised that the agent had made a request to defer the application prior to the meeting due to the five year land supply statement.

Members discussed and agreed to defer the application to a future committee.

RESOLVED that the application be deferred to a future meeting.

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------------------|--|
| 18/00903/OUT | MLN(Land and Properties) Ltd | Outline application with some matters reserved – approval being sought for access for residential development for up to 199 dwellings. Land rear of Grange Farm, Blyth Road, Harworth. |

Members were advised that the agent had made a request to defer the application prior to the meeting due to the five year land supply statement.

Members discussed and agreed to defer the application to a future committee.

RESOLVED that the application be deferred to a future meeting.

(Councillor G A N Oxby joined that meeting)

(Councillor K H Isard left the meeting)

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------|--|
| 18/00830/FUL | Mr Robert Clough | Erection of six agricultural buildings for poultry rearing with associated buildings and infrastructure and construct new access. Farley's Farm, Ollerton Road, Tuxford. |

Members were advised that the application sought to erect six agricultural buildings for poultry rearing with associated buildings and infrastructure and to construct a new access. Slides were used to show the site location. The site had been subject to a site visit prior to the meeting.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant planning history and planning policies was set out within the report.

The site is currently part of an agricultural field. A new access will be created from the existing farm access track. It is proposed to amend the line of the existing access track to take it away from residential properties and improve the access onto the A6075.

The additional associated buildings and infrastructures were outlined to Members.

Ian Pick spoke in support of the application as the agent, he advised that:

- The agricultural industry is changing.

- Brexit may change things, don't know what will happen in 2020.
- 96% of produce is all done indoors.
- The site has an environment permit which holds a high level of protection to control issues such as odour, dust and disposable waste etc.
- Through the pre-application stage issues regarding the highways access were raised because of the visibility splays. The highways access has been moved and is compliant with highway safety.

Members raised questions/concerns regarding licenses and the extraction system.

Members commented on how clean and tidy the site looked during the site visit.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant planning permission subject to conditions as circulated.

COMMITTEE DECISION – Grant planning permission subject to conditions as circulated.

(Councillor K H Isard joined the meeting)

(e) Development Management Performance Report Quarter 2 2018-19

Members were presented with a performance report for the Development Management function for the second quarter of 2018-19.

Members were given a summary of the report. The measures of performance outcomes and current positions for determining 'major' and 'non-major' applications were given.

The outcome of appeals against refused applications allowed was also given along with planning enforcement.

The chair thanked officers for their continued hard work and thanked Members of the Committee for decisions that have been made.

RESOLVED that the report be received and the current performance data be noted.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None.

53. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other urgent business to be considered, the Chair closed the meeting.

(Meeting closed at 8.02pm.)

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday 8th October 2018 at Worksop Town Hall

Present: Councillors S Fielding, K H Isard, D G Pidwell and M W Quigley.

Officers in attendance: M Joyce and B Pinkney.

(Meeting opened at 4.00pm.)

75. APOLOGIES

There were no apologies for absence.

76. PLANNING APPLICATIONS

Application No

Proposal

18/00968/FUL

Demolition of existing entrance and construction of new single storey entrance area to the front, new external drinking area including children's play area, fixed seating, and external surface finishes, glazed and canvas sail covered area. Removal of existing kitchen extract duct and installation of new kitchen extract duct. The Birches, Thrumpton Lane, Retford.

Members were advised that the application sought to demolish existing entrance and construct a new single storey entrance area to the front, erect a new external drinking area incorporating a children's play area, fixed seating and external surface finished, glazed and canvas covered area and a replacement kitchen extract duct and installation of new kitchen extract duct. Site plans, elevations and photographs were tabled.

One letter of concern has been received from a local resident regarding the loss of car parking.

Highways Authority have raised no objection to the application and commented the proposal would result in a loss of six car parking spaces out of 16. However, more car parking spaces are available in other areas.

Environmental Health has no objections subject to the imposition of conditions regarding construction hours.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No

Proposal

18/01073/HSE

Erect single storey side extension. 23 South View Drive, Clarborough, Retford.

Members were advised that the application sought to erect a single storey side extension. A location map and elevations were tabled.

Clarborough and Welham Parish Council have no objections.

A letter of objection has been received from a neighbouring property raising concern on the following grounds:

- The shared drive is cluttered.
- The added driveway installed in 2016 is dangerous.
- A sufficient maintenance gap should be left between the property and the fence.
- Fire Services will not be able to gain access down the bridleway.

Nottinghamshire's Rights of Way Officer has no objections.

Members raised concerns regarding the close proximity of bridleway and access.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/01046/VOC | Variation of condition 2 (Relating to plot 7 only) on planning application 16/01411/FUL – Proposed two houses with double garages off a private drive. (Plot 7) Narnia and lane at Eastfield, North Wheatley. |

Members were advised that the application sought to vary condition 2 on planning application 16/01411/FUL, relating to plot 7 only. A location map was tabled.

It was noted that planning permission was granted in January 2017 to erect two houses with double garages.

Nottinghamshire County Highways have no objections.

The Environmental Officer has no objections.

Wheatley Parish Council has no objections.

A letter of objection has been received from a local resident on the following grounds:

- The access on to Eastfields is narrow and congested.
- The exit should be nearer to the Gainsborough Road.

Sturton Neighbourhood Plan is made so full weight is accorded.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

77. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.16pm.)

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday 15th October 2018 at Worksop Town Hall

Present: Councillors S Fielding, G Freeman, K H Isard, and S Scotthorne.

Officers in attendance: M Joyce and B Pinkney.

(Meeting opened at 4.00pm.)

78. APOLOGIES

Apologies for absence were received from Councillor D G Pidwell.

79. DECLARATIONS OF INTEREST

Councillor K H Isard declared a non-pecuniary interest in planning application 18/01069/HSE.

80. PLANNING APPLICATIONS

(Councillor K H Isard left the meeting)

Application No

Proposal

18/01069/HSE

Erect detached timber framed car port/garden store. The Old Vicarage, High Street, Gringley on the Hill.

Members were advised that the application sought to erect a detached timber framed car port/garden store. A location map, site plans and photographs were tabled.

It was noted that the application has been referred to the Planning Consultation Group as the Applicant is a District Councillor.

Gringley on the Hill Parish Council have no objections.

Bassetlaw's Conservation Officer has no objections.

Initial officer recommendation – Grant planning permission subject to conditions - refer to PCG.

Outcome following PCG – Delegate for officer decision.

(Councillor K H Isard joined the meeting)

Application No

Proposal

18/00812/FUL

Proposed residential development of nine dwellings incorporating two rural offices. Land west of Corner Farm, Bawtry Road, Everton.

Members were advised that the application sought to erect nine residential dwellings incorporating two rural offices. A location map and elevations were tabled.

A reserved matters application to erect ten dwellings was refused in August 2017. Planning permission was then allowed on appeal for the erection on nine dwellings in July 2018.

The appeal decision was tabled for Members.

Highways Authority, Bassetlaw's Conservation Officer and the Environmental Health Officer have no objections subject to conditions.

Everton Parish Council have no objections to the five dwellings on the northern part of the site but object to building houses and conversions due to the scale, appearance, height and lack of car parking.

Members were advised that eight letters of objection have been received from local residents on the following grounds:

- Inadequate cycle storage.
- House buyers have been informed that no other dwellings would be served by Corner Farm Drive.
- Overlooking.
- Lack of car parking.
- No demand for dwellings in the village.
- Loss of privacy.
- Out of character with the local area.

Three letters of support have been received from local resident on the following grounds:

- Refreshing to see a mix of housing types and services.
- Good design in accordance with the surrounding area.
- The development is what the village needed.

One letter was received requesting conditions relating to additional car parking, a footpath access from A631 and no footpath access from Corner Drive.

It is considered that the proposal will have no adverse impact of residential or visual amenity.

Initial officer recommendation – Grant planning permission subject to conditions - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 18/00461/FUL | Change of use from class B1 (Offices) to a flexible class A1 (Shops), A2 (Financial and Professional), A3 (Café/Restaurant), and D1 (Non-residential) use. Former Co-operative Society, 31 High Street, Misterton. |

Members were advised that the application sought change of use from class B1 (Offices) to a flexible class A1 (Shops), A2 (Financial and Professional), A3 (café/Restaurant) and D1 (Non-residential use). A location map, floor plans and photographs were tabled.

Misterton Parish Council supports the use of the building.

The Highways Authority and the Environmental Health Officer have no objections subject to conditions.

A letter of objection has been received from a local resident raising concern regarding the following issues:

- Increased street parking and congestion.
- Loss of privacy for the adjacent property.
- Increase in anti-social behaviour.
- Noise and disturbance.
- Loss of security.

- An additional take away is not required in the village.
- Increased littering.

Members were advised that the original application included a take away, this has now been removed due to environmental health issues.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

81. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.13pm.)

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday 22nd October 2018 at Worksop Town Hall

Present: Councillors S Fielding, K H Isard (for the last application only), G A N Oxby and A Smith.

Officers in attendance: M Joyce and B Pinkney.

(Meeting opened at 4.00pm.)

82. APOLOGIES

Apologies for absence were received from Councillor D G Pidwell.

83. PLANNING APPLICATIONS

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 18/00887/FUL | Conversion of existing chill stores to packing hall and construction of a new cold store, staff facilities and offices. Land north east of Ploughmans Cottage, Retford Road, North Wheatley. |

Members were advised that the application sought to convert an existing chill store building to a packing hall and the erection of a new cold store building, staff facilities and offices. A location map, site plans, photographs and elevations were tabled.

North Wheatley Parish Council has no objections but raised concerns regarding the increased traffic on the public highway, which is also a designated public footpath.

County Highways Authority has no objections as sufficient information has now been provided.

The Lead Local Flood Authority made no comments.

Bassetlaw's Environmental Health Officer raised no objections.

It is considered that the proposed development will have no adverse impact on residential or visual amenity.

Members were advised that the proposal is in line with objectives 1, 2, 4 and 5 of the North Wheatley neighbourhood plan.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/00866/RES | Reserved matters application to seek approval for landscaping, appearance, layout and scale (phase 1 food store element) following outline application 02/09/00033 – Mixed use regeneration including offices, light industry, storage/distribution, food store, hotel, restaurants, petrol filling station and safeguarded community sport land. Former Vesuvius Works, Sandy Lane, Worksop. |

Members were advised of the reserved matters application to seek approval for landscaping, appearance, layout and scale (phase 1) following outline application 02/09/00033. A location map, site plan and elevations were tabled.

It was noted that the outline application was heard at Planning Committee.

No objections or comments were received from the following:

- The Lead Local Flood Authority.
- County Highways Authority.
- Environmental Agency.
- The Environmental Health Officer.
- Sports England.
- The National Air Traffic Service.
- The Coal Authority.
- Severn Trent Water.

Councillor Pressley commented that the waste disposal site should have substantial screening to give the development a much needed green feel. He also commented that the hours of delivery to the supermarket should be limited.

The application proposes an amendment to the footprint, colours and features, reduction in the height of the store, amended service yard layout and the introduction of a jet wash.

It is considered that the proposal will have no adverse impact on residential or visual amenity.

Initial officer recommendation – Grant planning permission subject to conditions - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/01070/VP08 | Variation of section 106 Agreement under outline application 16/00968/OUT. Land at Wood End Farm, Coach Road, Shireoaks, Worksop. |

Members were advised that the application sought to vary the section 106 agreement under outline application 16/00968/OUT.

It was noted that the original application was refused at Planning Committee in November 2016.

The variation of the section 106 relates to the appeal decision, the inspectors decision outlined that two aspects of the section 106 are not justified. The inspector commented that the management fee and the library contributions can't be justified. Therefore, it is proposed that the management fee and the library contribution be taken off the section 106.

Initial officer recommendation – Agree variation of section 106 - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 15/00493/OUT | Variation of section 106 agreement based on the viability statement and independent assessment. Land at North End Road, Retford. |

Members were advised that the application sought to vary section 106 agreement under outline application 15/00493/OUT. A location map was tabled.

(K H Isard joined the meeting)

Members were advised that the argument regarding the section 106 was that they could not provide 25% affordable housing. An independent assessment has been completed and considers that a reduction to six affordable housing units remains viable. This was accepted by the applicant.

Councillor Oxby commented that he would like to refer the application to Planning Committee and have a full viability statement provided for Members at Committee.

Members raised concern regarding the mass reduction in affordable housing from the original scheme and agreed to refer the application to a future Planning Committee.

Initial officer recommendation – Agree variation of section 106 – refer to PCG.

Outcome following PCG – Refer to Planning Committee.

84. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.25pm.)

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday 29th October 2018 at Worksop Town Hall

Present: Councillors S Fielding, K H Isard and T Taylor.

Officers in attendance: M Joyce and B Pinkney.

(Meeting opened at 4.00pm.)

85. APOLOGIES

Apologies for absence were received from Councillor D G Pidwell.

86. DECLARATIONS OF INTEREST

Councillor S Fielding raised a non-pecuniary interest in planning application 18/01107/RSB.

87. PLANNING APPLICATIONS

(Councillor S Fielding left the meeting)

Application No

Proposal

| | |
|--------------|--|
| 18/01107/RSB | Variation of conditions 1, 2, 3, 4, 9 and 10 on Planning Application 17/00802/COU – Change of use from Sui Generis to mixed use B1 (Business), B2 (General Industrial) and Sui Generis (MOT Centre). Resubmission of Planning Application 18/00616/VOC. Bolham Lane Buisness Park, Bolhom Lane, Retford. |
|--------------|--|

Members were advised that the application sought to vary conditions 1, 2, 3, 4, 9 and 10 on Planning Application 17/00802/COU – change of use from SUI Generis to mixed B1, B2 and Sui Generis. It was noted that the application is a resubmission of Planning Application 18/00616/VOC. A location map was tabled.

Planning Permission was granted for Planning Application 17/00802/COU at Planning Committee in 2017. Planning Application 18/00616/VOC was previously refused as the information was insufficient regarding conditions 9 and 10.

Bassetlaw’s Tree Officer has recommended further planning on the southern boundary.

County Highway has no objections now sufficient information has been provided.

The Environmental Health Officer raised no objections.

A letter of objection has been received from local residents regarding traffic levels and the noise generation from traffic.

A condition has been implemented to limit the hours of operation.

Initial officer recommendation – Grant planning permission subject to varied conditions - refer to PCG.

Outcome following PCG – Delegate for officer decision.

(Councillor S Fielding joined the meeting)

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 18/01053/FUL | Erection of detached dwelling, land rear of 123 Station Road, Misterton. |

Members were advised that the application sought to erect a detached dwelling. A location map and site plans were tabled.

Misterton Neighbourhood Plan has been submitted so carries material planning consideration.

The Environment Agency and Tree Officer have no objections.

Three letters of objection have been received from local residents raising concern regarding the following:

- Loss of light.
- Loss of privacy.
- Highway safety.
- Poor design.
- Parking issues.

It was noted that the site will use the existing access.

It is considered that the application will have no adverse impact on residential or visual amenity.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/00748/FUL | Erection of 12 unit apartment building and ancillary works, land at 18-20 West Street, Retford. |

Members were advised that the application sought to erect a 12 unit apartment building and ancillary works. A location map, site plan and elevations were tabled.

No objections have been received from the following:

- Bassetlaw's Conservation Officer.
- Bassetlaw's Environmental Health Officer.
- Bassetlaw's Waste and Recycling.
- The Lead Local Flood Authority.
- The Environmental Agency.

County Highways Authority commented that the amended plans have overcome initial concerns regarding the access.

A letter of objection has been received from a local resident due to insufficient cycle storage.

Members were advised that the site is within the development boundary, therefore is acceptable in principle.

It is considered that the development will have no adverse impact on residential or visual amenity.

Members raised concerns regarding the lack of parking. An Elected Member requested to refer the application to Planning Committee due to this issue.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/01074/FUL | Erection of five dwellings with associated garages, parking and construction of new access. Land at Laurels Farm, Main Street, Mattersey. |

Members were advised that the application sought to erect five dwellings with associated garages, parking and construction of a new access. A location map, site plans and elevations were tabled.

It was noted that Mattersey neighbourhood plan has been submitted, therefore material planning consideration applies.

County Highways Authority and Mattersey Parish Council raised no objections subject to conditions.

Bassetlaw's Conservation Officer has no objections.

Three letters of objection have been received from local residents raising concerns regarding lack of privacy and the retention of the rights of way access across the site.

It is considered that the development will have no adverse impact on residential or visual amenity.

(Councillor K H Isard left the meeting)

Initial officer recommendation – Grant planning permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|---|
| 18/01080/RES | Reserved matters application in respect of scale, appearance and landscaping pursuant to outline planning permission 17/01243/OUT for the erection of four retail units, 82 bed hotel and pub/restaurant, together with associated parking and hard and soft landscaping. Land adjoining High Grounds Road, Rhodesia. |

Members were advised that the application sought reserved matters application in relation to scale, appearance and landscaping pursuant to outline planning permission 17/01243/OUT for the erection of four retail units, 82 bed hotel and pub/restaurant, together with associated parking and hard and soft landscaping. A location map, site plan and elevations were tabled.

It was noted that the outline application was granted at Planning Committee earlier in the year.

County Highways has no objections.

Bassetlaw's Conservation Officer and Environmental Health Officer have no objections.

The Lead Local Flood Authority has no objections.

It is considered that the development will have no adverse impact on amenity issues.

Initial officer recommendation – Grant planning permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No

Proposal

18/01315/CDM

Retrospective application for site cabin and compound, land at Misson Sand Quarry, Bawtry Road, Misson.

This application was deferred to the next Planning Consultation Group.

88. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.55pm.)

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday 5th November 2018 at Worksop Town Hall

Present: Councillors D Pidwell and S Scotthorne.

Officers in attendance: C Hopkinson and M Joyce.

(Meeting opened at 4.15pm.)

89. APOLOGIES

Apologies for absence were received from Councillor S Fielding.

90. DECLARATIONS OF INTEREST

There were no declarations of interest.

91. PLANNING APPLICATIONS

Application No

Proposal

18/01315/CDM

Retrospective application for site cabin and compound, land at Mission Sand Quarry, Bawtry Road, Misson

Members were advised that the application is a Nottinghamshire County Council matter, the District Council is a consultee.

The application seeks retrospective planning permission for a site cabin and compound. A site plan and photographs were tabled.

Initial officer recommendation – Raise no objection.

Outcome following PCG – Delegate for officer decision.

Application No

Proposal

18/00526/FUL

Change of use and extensions to glamping site (3 huts) new access and associated works, Hawthorn Lodge, Brickyard Lane, Walkeringham

Members were advised that the application sought change of use to a glamping site with access and associated works. The original application was for six huts and has subsequently been amended to three.

The Walkeringham Neighbourhood Plan is at the early stages therefore no weight can be accorded.

A summary of comments received was given:

- The Environment Agency and Lead Local Flood Authority have no comments.
- There is no archaeological input required.
- Conservation have no objections.
- Highways originally objected to six huts however they have withdrawn their objection after the application was amended to three glamping huts.
- Public Rights of Way have requested signage.

- The Council's Environmental Health, Tree, Waste and Recycling Officer have no objection.
- The Canal Trust have no objection subject to conditions.
- Walkeringham Parish Council support the proposal.

One letter of objection has been received from a local resident on the grounds of noise; traffic; highway safety; the proposal would be harmful to rural character of the area; and the site is remote with no facilities.

Members were advised that the principal of the application is accepted as the National Planning Policy Framework and Core Strategy support tourism development. It is not considered that there would be any adverse impact on visual or residential amenity. Highways and Rights of Way matters can be mitigated through the imposition of conditions. A condition is also proposed to limit the use for holiday accommodation.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 18/00776/FUL | Change of use and extensions to create dog training facility, Waggy Tail Farr Gainsborough Road, Saundby |

Members were advised that the application sought change of use and extensions to create a dog training facility.

Saundby Neighbourhood Plan is at the early stages therefore no weight can be accorded.

A summary of comments received was given:

- Highways have no objection subject to conditions and the widening of the vehicular crossing prior to use.
- The Council's Conservation Officer has no objections.
- Environmental Health have no objection.
- The Parish Council have no objection to the application.

Five letters of objection have been received from local residents on the grounds of the location of the building and increased noise and traffic.

Members were advised that the principle of the development is considered to be acceptable. It is not considered that there would be any adverse impact on residential or visual amenity.

The Interim Development Team Manager noted that there is another matter on site relating to Condition 9 of a previous planning permission for conversion of barns into a dwelling annex and garage. The garage block is unimplemented without parking and manoeuvring facilities provided, this is a breach of permission, however Highways have no objection and it would be superseded by this application.

In response to questions raised regarding the distance to the nearest property Members were advised that Environmental Health have no objection and the application is for a dog training facility not kennels.

Initial officer recommendation – Grant planning permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

92. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.30pm.)

PLANNING COMMITTEE

5th December 2018

OUTSTANDING MINUTES LIST

Members please note that the updated positions are shown in bold type following each item.

(DTM = Development Team Manager)

| <u>Min. No.</u> | <u>Date</u> | <u>Subject</u> | <u>Decision</u> | <u>Officer Responsible</u> |
|------------------------|--------------------|---|---|-----------------------------------|
| 22(a) | 18.07.18 | Development Management Scheme of Delegation for Determining Planning Applications | The report be deferred to a future Planning Committee meeting to allow for further consideration of the Scheme of Delegation. | DTM |
| | | | Report to be presented to a future meeting | |
| 45(c) | 10.10.18 | Planning Application and Associated Items | A report be brought to a future Planning Committee on the production of viability statements being made public. | DTM |
| | | | Report to be presented to a future meeting | |

PLANNING COMMITTEE,

5 December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

| | | |
|--------------|---------------------------|--|
| 17/01717/FUL | MR Anthony Manfredi | Appeal against the refusal of planning permission for the demolition of a garage and replacement with one-bedroom bungalow at 72, Newgate Street, Worksop. |
|--------------|---------------------------|--|

DECISION: Appeal DISMISSED by the Inspector.

The Inspector considered the main issues to be the impact of the proposal on the living conditions of the occupiers of 72, Newgate Street with particular regard to sense of enclosure, outlook, overlooking and privacy and the impact on the living conditions of future occupiers of the proposed dwelling with particular regard to outlook, private amenity space, noise and disturbance.

The Inspector considered the proposal would result in limited private amenity area for occupiers of 72, Newgate Street particularly resulting in a sense of enclosure and outlook.

The Inspector also concluded that the proposal would result in an unacceptable level of living conditions for occupiers of the proposed dwelling, with particular regard to outlook and private amenity space and noise and disturbance from the adjoining commercial premises.

A copy of the appeal decision letter follows this report.

INSPECTORS DECISION: Dismiss the appeal

OFFICER RECOMMENDATION: Refuse planning permission

FINALISED DECISION LEVEL: Delegated



Appeal Decision

Site visit made on 16 October 2018

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2018

Appeal Ref: APP/A3010/W/18/3200233 72 Newgate Street, Worksop S80 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Manfredi against the decision of Bassetlaw District Council.
 - The application Ref 17/01717/FUL, dated 15 December 2017, was refused by notice dated 6 March 2018.
 - The development proposed is the demolition of garage and replacement with one-bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - the living conditions of the existing occupiers of No 72 Newgate Street, with particular regard to sense of enclosure, outlook, overlooking and privacy; and
 - the living conditions of future occupiers of the proposed dwelling, with particular regard to outlook, private amenity space, noise and disturbance.

Reasons

Living conditions of existing occupiers of No 72

4. The appeal site is located within the market town of Worksop. It currently contains a garage building with its own vehicular access, sited to the rear and slightly elevated in relation to the nearest residential neighbour of No 72 Newgate Street, a 2-storey end-of-terrace dwelling. There is no formal boundary to separate the appeal site from No 72 other than the sloping driveway and as a consequence there is a sense of relative openness.

5. Reference has been made to the garage being used for vehicle repairs. At the time of my site visit, the garage was not in active use, other than for some limited general storage. Whilst the blockwork walls and main doors were in reasonable condition, much of the plasterboard ceiling was absent and water was coming through the flat roof in various points. The external appearance of the garage was largely obscured from public view by the ivy that had established itself. Consequently, given the seemingly limited and relatively inactive use and external condition of the building I consider it would be an unobtrusive neighbour at the present time and as such would not adversely affect the privacy or outlook of the existing occupiers of No 72.
6. The rear elevation of No 72 contains a single storey extension with an obscure glazed window and a window at both ground floor and first floor level. No 72 has no defined private amenity space. At the time of my visit several chairs were clustered within the small concreted area immediately adjacent the rear elevation and extension of No 72. Whilst the appellant suggests that this informal amenity area would become formalised as result of the appeal proposal; I find that the proposed 2 metre high fence which would be necessary for privacy would in fact serve to make this small amenity area particularly oppressive for the existing occupiers of No 72.
7. Given the slightly elevated site level there is already a sense of enclosure for the occupiers of No 72 created by the presence of the garage. I note that the proposed eaves facing No 72 would be marginally below the existing level of the garage. However, the proposed roof profile is very steeply sloped and would introduce a much higher roof and as a consequence it would increase the sense of enclosure from the proposed built form to an unacceptable level. Accordingly I find that it would harm the living conditions of the existing occupiers of No 72, with particular regard to a sense of enclosure and outlook.
8. The proposed dwelling would have limited window openings; those on the northern elevation in relation to No 72 would contain a bathroom and bedroom window. The nearest window to the rear of No 72 would be the bathroom window which is indicated to be obscure glazed. The off-centre bedroom window would be at a more oblique angle to No 72 and as such would not provide an opportunity for direct overlooking. As the glazing and functioning of the bathroom window could be secured by condition, I do not find that there would be any significant harm from overlooking that would affect the privacy of the existing occupiers of No 72.

Living conditions of future occupiers of the proposed dwelling

9. The proposed design incorporates a number of roof lights including a lantern style central roof feature for the living room which would allow a reasonable amount of light to penetrate into the dwelling. However, it does not provide a satisfactory alternative to windows. The outlook for future occupiers of the proposed dwelling would be limited to a north facing bedroom window and the western facing living room patio doors. Whilst the proposed patio doors from the living room would provide a reasonable outlook onto the private amenity area; given the size of this amenity area it would be a limited outlook. On balance, given the constrained nature of the site and the limited number of openings illustrated for the proposed dwelling I find that the proposal would represent an unacceptable level of living conditions for future occupiers of the proposed, with particular regard to outlook.

10. The one-bedroom bungalow would have 2 separate areas of amenity space totalling 44 square metres. This combined total is below the 50 square metres minimum amenity space standard for 1 or 2 bedroom residential unit as contained within the Bassetlaw District Council Successful Places Supplementary Planning Document, adopted 2013. It would not therefore provide satisfactory living conditions for future occupiers of the proposed dwelling, with particular regard to private amenity space.
11. The appellant has suggested other examples with less amenity space, no cogent evidence of these has been provided to enable me to undertake any form of meaningful comparison. I saw 'The Pines', however, this is a much larger overall development incorporating communal open space and as such it is not comparable to the appeal proposal.
12. The smaller area of private amenity space would be formed from and be adjacent the appellant's commercial premises. The Council's concern relates to the noise and disturbance that the commercial activity would have on future occupiers. I understand that these premises are closed between September and March/April which would reduce the potential for noise and disturbance to surrounding occupiers. At the time of my site visit during the closed winter period, no audible sounds could be heard above the general background traffic noise. However, activity on the adjacent site would occur during the spring and summer months when the future occupiers of the proposed dwelling would be more likely to be using the adjacent amenity space.
13. No substantive evidence has been presented to enable me to fully understand the nature of the activities, particularly vehicle maintenance and the equipment associated with that activity, which take place on the appellant's adjacent commercial site. Furthermore, I have no information regarding any planning conditions which relate to the existing uses on the adjacent site. I note the proposed boundary treatment is another section of 2 metre high fence; however this would not in my judgement necessarily provide a sufficient noise attenuation measure since I have no details regarding the activities and noise levels that occur on the adjacent site. In the absence of evidence I cannot be satisfied that it would not harm the living conditions of future occupiers of the dwelling, with regard to noise and disturbance.

Other matters

14. The Council indicate that No 72 is defined as a non-designated heritage asset. I have not been provided with any evidence regarding its significance, other than it forms part of a 19th century row of houses (Nos 64-72). However, I note the comments of the Council's Conservation Officer who indicates that the appeal proposal would have no impact on this non-designated heritage asset. Consequently, in the absence of any evidence to the contrary I have no reason to disagree.
15. As referred to earlier, I do not find that the garage presently provides a bad neighbour to the occupiers of No 72. Furthermore, given the present physical state of the garage I am not persuaded that an active use would be possible to be re-commenced in the garage without investment in the structure, particularly the roof. Therefore I give limited weight to the appellant's suggestion that the former vehicle maintenance activity could be resumed.

16. I have had regard to the appellant's intention to provide a dwelling for the owners of the ice cream business in their retirement. However, personal circumstances are rarely sufficient to justify development and in this case do not outweigh the harm that I have found.

Conclusion

17. For the reasons given above, on balance, the appeal proposal would be contrary to Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies, adopted 2011. This policy seeks, amongst other things new development does not have a detrimental effect on residential amenity for both existing and future occupiers. Consequently, the appeal is dismissed.

Rachael A Bust

INSPECTOR

PLANNING COMMITTEE,

05 December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

| | | |
|--------------|---------------------|---|
| 18/00118/OUT | Mr & Mrs Overton | Appeal against the refusal of outline planning permission for the erection of a single detached dwelling and garage on formation of new vehicular access at garden to 80 Station Road, Misterton. |
|--------------|---------------------|---|

DECISION: Appeal DISMISSED by the Inspector.

The Inspector considered the main issues to be whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the area and the living conditions of future occupiers of the site.

The Inspector considered the proposal would be occupying a prominent position; the narrow depth of the site would cause the proposed development to appear cramped within the plot and would be an incongruous addition to the street scene.

The Inspector considered that due to the unrestricted view from the public footpath to the rear elevation of the proposed property, along with the limited garden space that would be available at the site, the development would result in an unacceptable and detrimental loss of privacy. While solid fencing would avoid these problems, the height required would result in an unacceptable level of overshadowing and an oppressive sense of enclosure in rooms served by rear facing windows and in the garden space.

The Inspector concluded that the site lies in an unsustainable location and the adverse impacts of the proposal would not outweigh the contribution one dwelling would make to the Council's housing supply deficit.

A copy of the Inspector's Decision Letter follows this report.

INSPECTORS DECISION: Dismiss the appeal

OFFICER RECOMMENDATION: Refuse outline planning permission.

FINALISED DECISION LEVEL: Delegated



Appeal Decision

Site visit made on 27 September 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 October 2018

Appeal Ref: APP/A3010/W/18/3204895

Garden to 80 Station Road, Misterton, Doncaster DN10 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Brian Overton against the decision of Bassetlaw District Council.
 - The application Ref 18/00118/OUT, dated 29 January 2018, was refused by notice dated 29 March 2018.
 - The development proposed is erection of single detached dwelling and garage and formation of new vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Issue

2. The application is made in outline with all matters save scale and access reserved for future consideration. A possible site layout plan has been provided with the application but given the confines of the site and the scale of the buildings shown there would be limited scope for an alternative layout. I have therefore considered the site plan to be indicative and have determined this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on its impact and I have taken any comments into account in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of future occupiers of the site.

Reasons

5. The appeal site comprises land within the curtilage of 80 Station Road. The plot is roughly triangular in shape and lies between Station Road and the busy A161, with the third side forming the boundary with No. 80. The proposal is for the construction of a single detached dwelling with a garage and vehicular access off Station Road.

Character and Appearance

6. The surrounding area is predominantly residential with a mixture of architectural styles and dwellings typically sitting in relatively spacious plots. The proposed building would be erected a metre or so from the flank wall of the host property with the garage being built close to the acute angle in the footprint of the site formed at the junction between Station Road and the A161. Vehicular access would be across the existing footpath and would lie between the house and the garage. Because of the tapering depth of the site the house would be built well forward of the existing build-line created by No. 80 and the neighbouring property at No. 82, which would roughly accord with the line of the proposed rear elevation. As a result of its location forward of the build-line and its proximity to the junction between Station Road and the A161 the house would occupy a prominent position. The narrow depth of the site would cause the proposed development to appear cramped within the plot and would be an incongruous addition to the street scene.
7. Therefore, the scheme would not accord with Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD 2011 (the Local Plan), which seeks to ensure that development proposals respect the character and appearance of the wider surroundings, development patterns and plot forms.

Living Conditions

8. To the rear of the site the A161 passes on a high embankment that slopes down towards the junction with Station Road. There is a footpath along the embankment running parallel to the carriageway along the length of the rear boundary of the site and within a few metres of the likely location of the proposed dwelling. The footpath is at the approximate level of the eaves of the neighbouring property at No. 80 and as the path slopes downwards, pedestrians would have a clear view into any rear-elevation ground- and/or first-floor windows. In addition, pedestrians would have a clear view of the limited garden space that would be available at the site resulting in an unacceptably detrimental loss of privacy.
9. While boundary treatments could mitigate some of the potential for overlooking any vegetation would take time to grow and would require the sacrifice of a significant amount of the very limited ground-space that would be available on the site for garden land. Solid fencing would avoid these problems but the height required would result in an unacceptable level of overshadowing and an oppressive sense of enclosure in rooms served by rear facing windows and in the garden space.
10. Therefore, the proposal would not accord with Policy DM4 of the Local Plan which seeks to ensure that developments provide a decent standard of private amenity space.

Other Matters

11. On the evidence before me the Council is only able to demonstrate a 3.7-year supply of deliverable housing sites. Footnote 7 of the Framework provides that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites then the policies restricting housing development should be considered out of date. Paragraph 11 of the Framework advises that

where the Policies most relevant for determining an application are out of date then planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

12. The appellants state that the proposed development could be used to house a relative who requires care while allowing for independent living. Alternatively, the scheme could provide for an additional unit of market housing that would contribute to the Council's delivery of housing land sites. The personal circumstances of the appellants is a material consideration but neither these nor the very modest impact of a single dwelling on housing land supply would be sufficient to overcome the significant and demonstrable harm to the character and appearance of the area and the living conditions of future occupiers of the proposed development described above.

Conclusion

13. For the reasons given, and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

PLANNING COMMITTEE,

05th December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

| | | |
|--------------|----------------------|---|
| 18/00814/HSE | Mr and Mrs Tutalo | Appeal against the refusal of planning permission to erect garden wall to front of dwelling at Ashmere, Infield Lane, North Leverton. |
|--------------|----------------------|---|

DECISION: Appeal DISMISSED by the Inspector.

The Inspector considered the main issues is the effect of the proposal on the character and appearance of the area. Including on the landscape character.

The Inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area, inducing on the landscape character. The proposal does not comply with Policies DM4 and DM9 of the Council's Core Strategy. Policy DM4 states that individual development proposals will only be accepted where they are of a high-quality design that address local character and distinctiveness, amongst other considerations. Policy DM9 states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Landscape Character Assessment.

The proposal would also not comply with the National Planning Policy Framework where it seeks that developments are sympathetic to the local character.

A copy of the Inspector's decision letters follow this report.

OFFICER RECOMMENDATION: Refuse Planning Permission.

FINALISED DECISION LEVEL: Delegated



Appeal Decision

Site visit made on 16 October 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2018

Appeal Ref: APP/A3010/D/18/3210428

Ashmere, Infield Lane, North Leverton DN22 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Tutalo against the decision of Bassetlaw District Council.
 - The application Ref 18/00814/HSE, dated 23 June 2018, was refused by notice dated 21 August 2018.
 - The development proposed is described as an 'application for front wall to dwelling.'
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including on the landscape character.

Reasons

3. The site is located along a single track lane. The current boundary treatment on the long frontage of the site is a hedgerow, apart from an open vehicular access, which has brick pillars on either side. Beyond the access, there is a short section of a wall which then extends along part of the side boundary. The site, due to its location down the lane, is set away from the main built form of the settlement.
4. The predominant forms of boundary treatment along the lane are hedgerows and trees, and these appreciably contribute towards the rural character of the area. The Bassetlaw District Council, Bassetlaw Landscape Character Assessment (2009) (LCA) identifies that hedgerows are a characteristic feature of the area and the associated guidance identifies that they are to be conserved.
5. The proposal would significantly detract from this rural character because it would result in the removal of a considerable length of the hedgerow and its replacement with the scale and solid form of the proposed boundary treatment. As it would be positioned along part of the site frontage it would be clearly visible along the lane and so it would appear in marked contrast to the majority of the other boundary treatments. It would be more akin to that which is found in a built up area and not a location which is noticeably informed by its countryside surroundings.

6. Similarly, the loss of this amount of hedgerow would detract from a landscape feature that provides a distinctive quality to the area. The type of boundary treatment proposed would also not be characteristic. As a consequence, the proposal would also cause harm to the landscape character of the area.
7. This harm would not be overcome by the length of the hedgerow that would remain because it would be evident that the proposed boundary treatment would vary considerably in its appearance. The existing brick pillars and wall do not unduly detract from their context and are modest compared to the proposal.
8. In relation to the building which abuts the entrance to the lane, this is located where there is appreciably more built development associated with the settlement. The circumstances are, therefore, sufficiently different so as not to alter my conclusion. Concerning the buildings towards the end of the lane, whilst they display more of a built appearance in their countryside surroundings, they have not changed the prevailing character to the extent that softer forms of boundary treatment are no longer predominant.
9. The appellant has stated that the hedgerow will be removed even if the appeal is unsuccessful. This would not, though, address the harm that would arise from the proposed replacement boundary treatment itself. Alternative options to enclose the boundary are also not before me to consider. Similar maintenance issues would apply to other hedgerows along the lane and in the broader area, including in relation to encroachment, and so if this was accepted as a justification for their removal it would result in a substantial degradation of the landscape character.
10. The lane is a public right of way (PROW), but is not well trafficked and the hedgerow does not appear to unduly infringe onto the lane. Hence, the pedestrian safety benefits would be of a modest nature and these would be outweighed by the reduction of the enjoyment of the use of the PROW with the removal of part of the hedgerow, as a pleasing visual feature.
11. The proposal would have an acceptable effect on the living conditions of the occupiers of the nearest residential properties, although this would not address the harm to the character and appearance that I have identified. Nor would the timing of the removal of the hedgerow so as not to have a detrimental effect on nature conservation interests. The lack of objections during the planning application is not in itself decisive as I have to base my considerations on the merits of the proposal. I also have limited evidence before me in relation to preventing dust entering the site. With the distance the dwelling is set back from the hedgerow, the additional light it would receive due to the lower height of the proposed boundary treatment is also not persuasive. These matters do not provide sufficient justification for the proposal.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, including on the landscape character. It would not, therefore, comply with Policy DM4 of the Council's Core Strategy & Development Management Policies DPD (2011) (DPD) which states that individual development proposals will only be accepted where they are of a high-quality design that address local character and distinctiveness, amongst other considerations.

13. It would also not comply with Policy DM9 of the DPD which states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. Policy DM9 goes on to state they will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the LCA. It would not, though, accord with the LCA in this regard as it would not conserve existing landscape features through maintaining existing hedgerows. It would also not comply with the National Planning Policy Framework where it seeks that developments are sympathetic to local character.

Conclusion

14. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

PLANNING COMMITTEE

5th December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

17/00845/OUT– Outline Planning Application with all Matters Reserved for up to Six Dwellings at land Fronting Harworth Cemetery and Adjacent to Styrrup Road Harworth

DECISION: Appeal DISMISSED by the Inspector.

The Inspector was provided with an updated five year supply statement and considered the main issues to be:

- The effect of the proposed development on; the character and appearance of an area with particular regard to its location in the countryside and
- The living conditions of the occupiers of the neighbouring property at No. 26 Styrrup Road with particular regard to privacy, overshadowing and overbearing; and
- Whether the proposed development is in an appropriate location having regard to the availability of local services.

It was considered that the scheme would erode the transition to town and countryside and result in an unacceptably abrupt boundary to the settlement and therefore, would have a detrimental impact on the character of an area, particularly rural areas.

The proposal would result in a dwelling on a higher land level than the neighbouring dwelling, there would be some overshadowing, the close proximity of the building would result in a poor outlook for the occupiers of No. 26 Styrrup Road and the height of a building would cause an oppressive sense of enclosure. Therefore, the proposal would not accord with policy Dm4 of the Local plan and policy 1 of the neighbourhood plan.

The Inspector concluded that the site is located outside the built form of Haworth and Bircotes and would not accord with policies CS1 and CS9.

An application for costs was made and refused.

A copy of the Inspector's decision letter follows this report.

OFFICER RECOMMENDATION: Refuse

FINALISED DECISION LEVEL: Delegated after referring to planning consultation group



Appeal Decision

Site visit made on 27 September 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/A3010/W/18/3201421

Land fronting Harworth Cemetery and adjacent to Styrrup Road, Harworth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brian Carter against the decision of Bassetlaw District Council.
 - The application Ref 17/00845/OUT, dated 10 June 2017, was refused by notice dated 21 November 2017.
 - The development proposed is outline application for up to 6 dwellings (all matters reserved), development adjacent to Harworth Cemetery, Styrrup Road, Harworth.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Brian Carter against Bassetlaw District Council. This application is the subject of a separate Decision.

Preliminary Issues

3. The application is made in outline with all matters reserved for future consideration. I have therefore considered drawings submitted with the application showing a proposed site layout to be merely illustrative and have determined this appeal accordingly.
4. Two illustrative site layouts for six detached dwellings were proffered during the application process, marked as Proposed Layout Plan A and B respectively. The principle difference between the plans was that Plan A showed vehicular access to the front of the proposed dwellings, whereas Plan B proposed access to the rear of the site for three of the six dwellings. Additional plans were submitted with the appeal which differed from those considered as part of the decision-making process, and these were respectively marked as Appeal Block Plans 1 to 4, which all showed vehicular access at the front of the properties.
5. None of these plans showed the red line around the appeal site and Plans 1 and 2 were for only five dwellings. Plan three was for six dwellings but two of these were semi-detached. Plan 4 also showed a semi-detached pair but in a different configuration to Plan 3. However, Plan 4 also showed a seventh dwelling outside the area defined as the appeal site on the application plans.

6. The seventh dwelling is not accompanied by any description and no curtilage is defined which indicates that the addition of this dwelling may be a simple illustrative error. However, as all matters are reserved and the plans are illustrative only and not indicative I do not think the Council or any interested party would suffer prejudice by my taking these plans into consideration. I would add a sole caveat, namely that the seventh dwelling on Plan 4 is outside the appeal site and would not be considered as part of this decision.
7. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. As final comments were received after the adoption of the Framework I am satisfied that the parties have had the opportunity to comment on its impact and I have taken any comments into account in reaching my decision.
8. Since the date of the decision the Council has also published a revised estimate of its housing land supply and whereas it could not previously demonstrate a five-year supply of deliverable sites, it is now able to demonstrate a seven-year supply. The appellant has had the opportunity to comment and stated that the appeal should be determined on the basis of the previous figure and I have taken those comments into account. However, I must determine this appeal on the basis of the evidence as it is at the time of my determination, and as the appellant does not specifically dispute the Council's estimate I have proceeded on the basis of a seven-year supply.

Main Issues

9. The main issues are:
 - a) the effect of the proposed development on:
 - i) the character and appearance of the area with particular regard to its location in the countryside; and
 - ii) the living conditions of the occupiers of the neighbouring property at No. 26 Styrrup Road with particular regard to privacy, overshadowing and overbearing; and
 - b) whether the proposed development is in an appropriate location having regard to the availability of local services.

Reasons

Character and Appearance

10. Harworth is a small town physically connected to Bircotes but which is otherwise surrounded by open land largely in agricultural use. The nearest large settlement is Worksop, some seven or so miles away. The appeal site comprises two adjacent plots of land west of Styrrup Road and separated by the access into the Styrrup Road Cemetery to the rear of the site. The cemetery and the site are located on the edge but outside the developed footprint of the town and therefore in the open countryside.
11. The access road to the cemetery comprises a narrow metalled road bounded on one side by a kerb and the other by a path that connects to the footpath running along the front of the site. The site is bounded by the footpath on Styrrup Road to the front and the palisade fence surrounding the cemetery to the rear. Internally the dividing lines are marked by the edge of the kerb and

the edge of the footpath respectively. The northern boundary is shared with No. 26 Styrrup Road and the southern boundary is shared with open fields.

Character and Appearance

12. Styrrup Hill is a relatively gently inclined road rising up from the town. Further uphill towards the countryside housing density lessens and the built form terminates below the summit of the hill. No. 26 is the last house on the western side of the road when leaving the town along Styrrup Road, though on the eastern side of the road a few houses are built up to a point roughly opposite the access road to the cemetery. There are open fields in agricultural use opposite the remainder of the site. The pattern of development provides an attractive and important transition from urban environment to open fields.
13. The appeal site is located close to the summit of the hill and therefore is in a prominent position. The relatively dense housing of the proposal and the location would result in the introduction of an incongruous and dominant built form into the area. The scheme would detrimentally erode the existing transition from town to countryside and result in an unacceptably abrupt boundary to the settlement.
14. Therefore the proposal would be contrary to Policies CS9, DM4 and DM9 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD 2011 (the Local Plan) and Policies 1 and 8 of the Harworth and Bircotes Neighbourhood Development Plan 2015 (the Neighbourhood Plan) which seek to ensure that developments do not have a detrimental impact on the character of an area, particularly rural areas.

Living Conditions of Neighbouring Occupiers

15. The appeal site is roughly level which, to account for the slope of the hill, results in the ground level of the plot close to the boundary with No. 26 sitting a metre or so higher than the ground level of the latter. Given the relative constraints of the appeal site, the likely location of the building on the appeal site in the parcel of land adjacent to No. 26 would be in close proximity to the boundary.
16. Any of the various designs proposed for a dwelling erected in such a location would necessarily be close to the flank wall and would rise significantly higher than the house at No. 26. There are windows in the flank wall of No. 26 at least one of which appears to serve a bedroom. Ground floor windows serve the kitchen and look out onto the drive.
17. The rear garden boundary comprises a number of outhouses and high walls and overlooking is unlikely. The orientation of the buildings is such that there would be some overshadowing particularly in the afternoon but this is most likely to affect the kitchen window which is a secondary window. However, the likely close proximity of the proposed building would result in a poor outlook for the occupiers of No. 26 and the height of the building above the drive would cause an oppressive sense of enclosure.
18. Therefore, the proposal would not accord with Policy DM4 of the Local Plan and Policy 1 of the Neighbourhood Plan which seek to ensure that developments do not have a detrimental impact on the residential amenity and living conditions of the occupiers of neighbouring properties.

Availability of Local Services

19. Policy CS1 of the Local Plan provides for a settlement hierarchy that identifies Harworth Bircotes as a main regeneration settlement expected to accommodate significant development. Policy CS9 of the Local Plan seeks to ensure that housing developments are contained within settlement boundaries.
20. The appeal site is well served by public transport and there are bus stops within a few metres of the site providing serves to and from the town. The town has plenty of facilities readily accessible from the bus routes operating from the nearby stops. Many of the facilities are within walking distances and the furthest are within a kilometre or so of the site. However, the site is located outside the built form of Harworth Bircotes.
21. Therefore, while the Council's decision notice is imprecise in stating that the area is poorly served by facilities, the proposal would nevertheless not accord with Policies CS1 and CS9 of the Local Plan by dint of location outside the settlement.

Other Matters

22. The appellant has referred me to a number of appeal and planning decisions¹ within the Council's administrative district and which the appellant states are outside but adjacent to settlements. However, none of these sites is adjacent to Harworth Bircotes and would therefore not necessarily share the appeal site's characteristics. Moreover, I do not have before me the evidence that the Council, or in the case of the appeal, the Inspector considered when reaching the respective decisions. I cannot therefore be confident that any of the decisions would be directly comparable with the current proposal. In any event, I must determine this appeal on its own merits.
23. Styrrup Road is a 30 mph stretch of highway but a short distance from the site becomes a national speed limit road. There is evidence from the Council of vehicles travelling at excessive speed and at the time of my site visit I noticed several cars and vans travelling at speeds I estimated to be well in excess of the 30 mph limit either as they exited the national speed limit zone or having sped up before entering it. Highway safety at the site is therefore a matter of concern. This could be alleviated if all houses were to enter the carriageway by the existing road to the cemetery, which has relatively good visibility in both directions.
24. However, the Town Council, which owns the cemetery, states that the access road is a private road and not highway and therefore the appellant would be unable to connect any private driveways without permission which the Town Council states would not be given. Therefore, notwithstanding the speed limit, current road conditions would result in the proposal presenting a risk to highway safety, which would be contrary to Policy DM4 of the Local Plan.
25. Interested parties have raised concerns about potential flooding. However, the site is not in a high-risk flood zone and there is no compelling evidence before me of a specific site flood risk or a risk of water escaping the site and causing flooding elsewhere.

¹ Planning references 5/00670/OUT, 15/00669/OUT, 17/01427/FUL, 15/00514/OUT, 17/00425/OUT and appeal reference APP/A3010/W/15/3139679 (planning reference 15/01159/OUT).

Conclusion

26. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Costs Decision

Site visit made on 27 September 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Costs application in relation to Appeal Ref: APP/A3010/W/18/3201421 Land fronting Harworth Cemetery and adjacent to Styrrup Road, Harworth

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Brian Carter for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission for outline application for up to 6 dwellings (all matters reserved), development adjacent to Harworth Cemetery, Styrrup Road, Harworth.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded to any party regardless of the outcome of the appeal. The PPG makes it clear that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal or with respect to procedural matters by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant submits that the Council has acted unreasonably by preventing or delaying development which should clearly be permitted.

Reasons for Refusal

4. In summary, the application for outline planning permission was refused on the grounds that the proposal would adversely impact on the character and appearance of the area and the impact on the living conditions of neighbouring occupiers, although the evidence also referred to the access to services and facilities. This latter point was addressed as a main issue in the substantive appeal decision. In addition, at the time of its decision the Council was unable to demonstrate a five-year supply of deliverable housing sites and therefore the presumption in favour of sustainable development in paragraph 11 of the National Planning Policy Framework would have been engaged. The housing land supply issue has changed and this is addressed in the substantive appeal.

Character and Appearance

5. The determination of whether a development proposal would have an adverse impact on the character and appearance of an area is fundamentally an issue of planning judgment. Provided the Council took account of all relevant matters and did not rely on matters that were not relevant, there is wide scope for differing assessments on the impact of a proposal on character and appearance. Accordingly it would not be unreasonable behaviour merely because the Council reached a conclusion that differed from the applicant.
6. In the absence of a five-year housing land supply and where the presumption in favour of sustainable development applies, there is still a planning balance to be applied to determine whether or not and adverse effects of a proposal would significantly and demonstrably outweigh the benefits of the proposal. While this was no longer a factor in the appeal it was a relevant issue at the time of the decision. However, provided the Council again took account of all relevant matters and did not consider matters that were not relevant, there would be further scope for reaching different conclusions within a range of reasonable responses.
7. It will be seen from the decision in the substantive appeal that I reached a similar conclusion to the Council with regard to the impact of the proposal on the character and appearance of the area. Although I did not have to address the presumption in favour of sustainable development, there is nothing in the evidence before me to demonstrate that the Council's conclusion that the adverse effects of the proposal significantly and demonstrably outweighed the benefits was beyond the range of reasonable responses. Therefore the Council's decision in this regard did not constitute unreasonable behaviour.

Living Conditions

8. As with character and appearance, determining whether an effect of a proposal on the living conditions of neighbouring occupiers would be unacceptably harmful is a balancing exercise. Again, provided the conclusion is within the range of reasonable responses, reaching a different conclusion to the applicant would not constitute unreasonable behaviour.
9. It will be seen from the decision in the substantive appeal that I reached a similar conclusion to the Council that the proposal would result in an unacceptable adverse effect, although I did not find any loss of privacy. Therefore the Council's decision in this regard did not constitute unreasonable behaviour.

Access to Services

10. The Council's evidence, and indeed Reason 1 of the decision notice, referred to the availability of services, although reason 1 eventually concludes against character and appearance. The statement in reason 1 that the appeal site is identified as having limited or no service provision would be technically correct as the site is outside the built form of Harworth Bircotes. However, there is a plethora of services and facilities available within a short distance. In addressing this evidence I identified the nearby services and the public transport connections but concluded that the proposal would still not accord with local policy due to its location.

11. By referring to the non- availability of services in the decision notice, rather than correctly identifying the availability of those services in relatively close proximity, the Council behaved unreasonably. However, despite mentioning it in the decision notice, the availability of services was not the basis of the decision. Moreover, I found that the proposal would not accord with the relevant policies in any event.
12. The applicant would have needed to appeal to address the other main issues in any event and therefore, while the Council's reference to services was unreasonably misleading, the applicant would not as a result have suffered any wasted costs in addressing the point.

Other Matters

13. In the response to the Council on the costs application the applicant refers to a number of planning applications where pre-application discussions were held, while accepting that no such discussion occurred regarding the substantive application in this matter. The applicant also pointed to decisions referred to in the statement supporting the substantive appeal. There is no compelling evidence before me to show that the applications referred to were comparable to the substantive decision in this matter and I therefore attach little weight to them in determining this application.
14. Having regard to all of the above, I cannot conclude that the Council acted unreasonably overall by delaying development that should have been permitted having regard to the policies in the development plan, national policy and other material considerations. Where the Council's behaviour was unreasonable, it did not cause the applicant to incur wasted costs.

Conclusion

15. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council behaved unreasonably and/or caused unnecessary or wasted expense in so far as an award of costs could be justified. I therefore determine that the costs application should fail and no award is made.

D Guiver

INSPECTOR

PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday, 20th November 2017 at Worksop Town Hall

Present: Councillors S Fielding, K H Isard and A Smith.

Officers in attendance: M Joyce and B Pinkney.

(Meeting opened at 4.00pm.)

80. APOLOGIES

Apologies were received from Councillor D G Pidwell.

81. DECLARATIONS OF INTEREST

Councillor A Smith declared a non-pecuniary interest in planning applications 17/00845/OUT.

82. PLANNING APPLICATIONS

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|-----------------|
|-----------------------|-----------------|

| | |
|--------------|--|
| 17/01167/VOC | Vary condition 1 of planning application 16/01487/RES to amend approved drawings for minor amendments to the positioning of dwellings and garages on plots 194-197, land at Gateford Park, Ashes Park Avenue, Worksop. |
|--------------|--|

Members were advised that the application sought to vary condition 1 of planning application 16/01487/RES to amend approved drawings for minor amendments to the positioning of dwellings and garages on plots 194-197. A site plan was tabled.

Members were advised that no objections had been raised by the following:

- Nottinghamshire County Council Highways;
- Nottinghamshire Flood Risk Management Team;
- Highways England;
- District Environmental Health Officer;
- Environment Agency;
- Sport England;
- Historic England.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|-----------------|
|-----------------------|-----------------|

| | |
|--------------|---|
| 17/01266/COU | Change of use of agricultural building to form new detached dwelling with associated garaging and amenity space, Willow Farm, Town Street, Cottam, Retford. |
|--------------|---|

Members were advised that the application sought change of use of agricultural building to form a new detached dwelling with associated garaging and amenity space. A site plan, elevations and photographs were tabled.

Members were advised that Highways raised no objection subject to conditions relating to access width, surfacing, drainage, dropped kerb, off street parking provision and visibility splays.

Environmental Health have recommended that a condition be added to the application relating to hours of operation for the construction activities and a note to be included regarding the potential discovery of contaminated land.

Members were advised that the Parish Council support the application.

Members were advised that the recommendation is to refuse the application as it is considered that the proposed development is contrary to the aims and objectives of policy DM2 of the BCS which restricts the conversion of modern, purpose built agricultural or industrial buildings into residential use.

Initial officer recommendation – Refuse Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 17/01032/FUL | Retention of mobile home for agricultural occupancy for a period of three years and retention of external decking, land to the north of Fox Covert Lane, Misterton, South Yorkshire. |

Members were advised that the application sought to retain mobile home for agricultural occupancy for a period of three years and retain external decking. Photographs were tabled.

It was noted that the application had been deferred at PCG on 16th October 2017 for additional information relating to a business plan. Further information had been provided by the applicant.

Initial officer recommendation – Grant Planning Permission subject to conditions - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 17/01309/RSB | Erection of a two storey front extension to End Terrace House (Resubmission of planning application 17/00812/HSE) 17A Windyridge, Everton, Doncaster, South Yorkshire. |

Members were advised that the application sought to erect a two storey front extension. Elevations were tabled.

It was noted that the application is a resubmission of planning application 17/00812/HSE.

Members were advised that Everton Parish Council had raised objection relating to the size of the extension, out of character with the area and the loss of light to adjoining properties.

The Conservation Officer has not objected to the application as it has been considered that the proposal would be not detriment to heritage assets in the locality.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 17/00845/OUT | Outline application with all matters reserved for up to six dwellings, land fronting Harworth Cemetery and adjacent to Styrrup Road, Harworth. |

Members were advised that the application sought all matters reserved for up to six dwellings. Site plans were tabled.

Members were advised that the Parish Council had raised comments regarding the access road and pavement leading up to the cemetery. This access road is part of the land owned by the Town Council and not Highways. Therefore, the proposed layout on plan B of a private road would not be approved by the Town Council.

The Parish Council raised no objection subject to the following concerns being addressed I preparation of the full planning application:

- Speeding traffic coming into Haworth from stirrup (over the brow of the hill which is close to the development) and extension of the 30 mph limit.
- Screening of the development down the cemetery access road and along the rear boundary backing onto the cemetery.
- Less housing on the development; and set further back on the plot to enable larger driveways so it doesn't encourage on road parking for any additional cars.
- The new boundaries fronting Styrrup Road do not obstruct driver's vision when leaving the cemetery access road.

Two letters of objection had been received from local resident's raising concern regarding the following issues:

- Plan A requires a dropped kerb to six entrances on Styrrup Road just below the brow of the hill with busy traffic at certain times of the day.
- Plan B would alleviate this but would be more sensible for all new house drive entrances to be off the existing cemetery access road, to allow for landscaping.
- The rear vehicular access would also prevent the rear gardens looking over the graves in order to site family gardens away from graves.

Members were advised that an objection had been received from land immediately to the north of the application site raising the following concerns:

- Neighbouring property is 1 Metre lower than the application site flooding has occurred from the field in the past.
- Due to the difference in land level the kitchen window would be overshadowed and privacy would be comprised.
- Highway safety issues – there is a difficulty leaving the driveway and additional vehicles serving proposed development would make this worse.

Severn Trent Water raised no objection subject to conditions.

It was noted that the application site is outside the settlement boundary.

Members were advised that the proposal is considered to be contrary to policies CS1, CS9, DM4 (Design and Appearance) and DM9 (Landscape).

Initial officer recommendation – Refuse Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No Proposal

17/01291/FUL Erection of detached dormer bungalow with detached double garage to rear and erection of 1.2 metre high boundary walls and construct new access, land at The Beeches, Great North Road, Ranskill.

Members were advised that the application sought to erect a detached dormer with detached double garage to the rear and to erect 1.2 metre high boundary walls and construct new access. A location map, site plan, elevations and photographs were tabled.

Ranskill Parish Council have no objections.

County Highways have no objection subject to conditions.

Members were advised that a letter had been received from a local resident not objecting to the proposal but requesting that construction works take place only between the hours of 8am and 5pm and not at weekends. A request that the access to the site is sufficiently distanced from the North Road bus stop had been made.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No Proposal

17/01307/HSE Erection of a single storey side extension with external wall rendering, 88 Milne Road, Bircotes.

Members were advised that the application sought to erect a single storey side extension with external wall rendering. A location map, elevations and photographs were tabled.

Harworth and Bircotes Town Council have no objections.

Members were advised that Notts County Council had concerns with the original plans however, after being re-consulted on the amended plans highways have no longer any concerns.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No Proposal

17/00670/FUL Proposed change of use of land to Professional Equine Services including the erection of a single storey stable building with hay store, formation of a ménage and car park and creation of vehicle access, land fronting Main Street, Dunham On Trent, Nottinghamshire.

Members were advised that the application sought change of use of land to professional equine services including the erection of a single storey stable building with hay store, formation of a ménage and car park and creation of a vehicle access. Location map and site plans were tabled.

The Environmental Agency and Tree Officer have no objections.

Members were advised that Highways and Environment Health raised no objection subject to conditions.

The Conservation Officer raised comments suggesting that the proposed development will result in a degree of harm to the setting of Grade I listed Church of St Oswald and thereby fail to preserve its setting. The degree of harm is considered to be less than substantial in National Planning Policy Framework policy terms for which no public/heritage benefits had been demonstrated that could be considered to outweigh the harm.

Members were advised that the Parish Council have raised objection on the grounds of highway safety.

Councillor K Isard had made a request for the application to be deferred to a future Planning Committee.

Following discussion members agreed to defer the application to a future Planning Committee.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Defer to future Planning Committee.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|--|
| 17/00487/FUL | Construction of a Drive-Thru Burger King Restaurant with associated Parking, north corner of Tesco car park, Gateford Road, Worksop. |

Members were advised that the application sought to construct a Drive-Thru Burger King Restaurant with associated parking. Site plans and elevations were tabled.

Nottinghamshire County Council Highways have no objections.

Members were advised that Environmental Health have raised no objection subject to conditions.

Four letters of objection had been received from local residents raising the following concerns:

- Increased levels of traffic and noise 24 hours a day;
- Potential light pollution and additional litter problems;
- Excessive noise, smells and disturbance, detrimental to residential amenity;
- Overlooking and loss of privacy;
- Pedestrian safety concerns, detrimental to highway safety;
- No net increase in job creation, detrimental impact on town centre;
- Highway safety concerns, close to a school;
- Potential for anti-social behaviour;
- No need to additional Burger King;
- Increased traffic through Bonemill Lane Junction, which serves many businesses, used by HGV's, difficult junction and restricted visibility.

Members were advised that one letter of objection from a local business, Pandrol UK Ltd had been received raising the following concerns:

- Proposal does not adequately address safe vehicular access to the site;
- Highly likely that customers will use Bonemill Lane which has a narrow entrance and tight turning circle which is already used by Tesco customers;
- Increased use will increase safety risk;
- As a large business they rely on frequent HGV access, therefore a traffic survey should be taken;
- Bonemill Lane is not an adopted road, increased cost of wear and tear.

Members were advised that a condition is imposed to limit the hours of operation to 8pm-11pm daily and to limit delivery hours to 8am-6pm, Monday – Saturday.

Initial officer recommendation – Grant Planning Permission - refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|-----------------|
|-----------------------|-----------------|

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|--------------|--|
| 17/01304/HSE | Single storey flat roof rear extension, Applegarth, High Street, South Leverton, Retford |
|--------------|--|

Members were advised that the application sought to erect a single storey flat roof rear extension. Site plans, photographs and elevations were tabled.

Members were advised that the Parish Council had raised objection on the following grounds:

- A rendered surface finish for the extension construction would contravene the South Leverton Design Statement.
- New building materials should be in keeping with surrounding buildings, which are predominantly of red brick construction.
- Do not support the practice of retro submission of planning applications.

A letter of objection had been received from one local resident raising concern regarding the following issues:

- Object over the rendering of entire property and extension.
- Exterior rendering is not in keeping with South Leverton Village Design Statement.
- Work has commenced and nearly completed before planning permission has been granted.

Members were advised that a letter of support had been received from a local resident stating that plenty of other houses within the village have rendering, therefore see no reason to object.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

| <u>Application No</u> | <u>Proposal</u> |
|-----------------------|-----------------|
|-----------------------|-----------------|

| | |
|--------------|--|
| 16/01077/FUL | Proposed new buildings, change of use of land and buildings to create a new tourist attraction including the conversion and extensions to existing brick barns to provide a Café/Ice Cream Parlour, craft units, toilets, conversion and external alterations to existing Dutch Barn to use as farm shop. Erect new buildings to create a building for educational use, reception building, stable block with associated ménage and paddock. Seventeen holiday lodges, change of use of land for siting of touring caravans, outdoor animal enclosures and adventure play space, crazy golf and to alter existing access. Pear Tree Farm and Land North West of Gainsborough Road, Beckingham. |
|--------------|--|

Members were advised that the application sought to erect new buildings, change of use of land and buildings to create a new tourist attraction including the conversion and extensions to existing brick barns to provide a café/ice cream parlour, craft units, toilets, conversion and external alterations to existing Dutch barn to use as farm shop. Erect new buildings to create a building for educational use, reception building, stable block with associated ménage and paddock. Erection of seventeen holiday lodges, change of use of land for siting of touring caravans, outdoor animal enclosures and adventure play space, crazy golf and to alter existing access. Site plans and elevations were tabled.

Members were advised that in August 2013 and January 2013 planning permission and listed building consent was refused for restoration and reconstruction of original farm including replacement farmhouse, repair and reconstruction of original farm buildings and new landscaping works. In May 2011 planning permission was granted for the retention of concrete thrust walls, pad, ramp, apron and re-sheeting of existing building with insertion of roller shutter doors. In June 2009 planning permission was refused to retain use of land for storage of building materials. In March 2009 planning permission had been granted for the erection of a detached dwelling and to alter existing access. In January 2009 planning permission had been refused for the retention and completion of onsite roadway, however it was allowed on appeal.

Nottinghamshire County Council Highways and the Environment Agency have no objections.

Members were advised that the Conservation Officer had raised no objection; however, feel that it is a missed opportunity to include the listed building within the development.

The Lead Local Flood Authority and Internal Drainage Board have no objection subject to the imposition of a condition in respect of surface water drainage.

Members were advised that Beckingham Cum Saundby Parish Council remains fully supportive of the application.

Members were advised that one letter of objection had been received from a local resident raising objection on highway grounds, that is, inadequate walking and cycling provision, 50mph speed limit, needs sustainable access, should include NCC Planning Obligation Strategy contribution.

Members were advised that Councillor Simpson had commented that the proposal would eliminate access to surrounding agricultural land.

Members agreed to defer the application to a future Planning Committee.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Defer to future Planning Committee.

83. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 5:09pm.)

PLANNING COMMITTEE

5th December, 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

18\00187\FUL - Mr Shaun Wass, Land adjacent 34 Highland Grove and gardens rear of 34 and 36 Highland Grove, Worksop, Notts.

Appeal against the refusal of planning permission to Erect One x 6 Bedroom Detached Dwelling and Two x 3 Bedroom Bungalows with Detached Garages and Construct New Access, Land adjacent 34 Highland Grove and gardens rear of 34 and 36 Highland Grove, Worksop

DECISION: Appeal DISMISSED by the Inspector

The Appeal Inspector considered that the main issue was the effect of the proposal on the character and appearance of the site and surrounding area, including whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

The Inspector considered that the appeal proposal would harm the character and appearance of the site and surrounding area. It would also fail to preserve or enhance the character or appearance of the Conservation Area. Consequently, the proposed development is in conflict with policy DM8 of the Core Strategy, which seeks, amongst other things, that the development is not detrimental to the significance of a designated heritage asset.

A copy of the Inspector's decision letter follows this report.

OFFICER RECOMMENDATION: Refuse planning permission

FINALISED DECISION LEVEL: Delegated

Appeal Decision

Site visit made on 16 October 2018

by Rachael A Bust BSc (Hons) MA MSc LL.M MIEnvSci MInstLM MCI MRTPI
an Inspector appointed by the Secretary of State

Decision date: 08 November 2018

Appeal Ref: APP/A3010/W/18/3204345

Land adjacent 34 Highland Grove and gardens to the rear of 34 & 36 Highland Grove, Worksop, Nottinghamshire S81 0JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Wass of Glass Properties Development Ltd against the decision of Bassetlaw District Council.
 - The application Ref 18/00187/FUL, dated 14 February 2018, was refused by notice dated 16 May 2018.
 - The development proposed is residential development of 1No 6Bed detached dwelling and 2No 3Bed Bungalows
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal.
3. The appeal site address differs between the application form and the appeal form. Whilst this difference is noted, I find the original description of the address to be more accurate in terms of the location and indication of the land involved. As such it has been used in the heading of this decision.
4. The red line site boundary on the submitted location plan (drawing reference NE/17.017, dated 21.02.17) only illustrates a small portion of land to the rear of No 34 Highland Grove and none of the land to the rear of No 32 Highland Grove. It also extends into the adjacent hospital site. Whilst this discrepancy is noted, there is no dispute as to the extent of the site and the proposed development from the other plans submitted.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the site and surrounding area, including whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons

6. The appeal site lies within Mr Straw's Conservation Area (CA) on the northern side of the market town of Worksop. The significance of the CA can be drawn from the historical development of this part of the town which encompasses a range of predominantly Victorian and Edwardian residential dwellings and the large buildings of North Nottinghamshire College. The residential area is characterised by late 19th century and early 20th century semi-detached and detached dwellings.
7. The appeal site lies at the end of Highland Grove where the prevailing development pattern is rectangular shaped individual plots of land with the semi-detached or detached dwellings being sited fronting the road in a formal building line. Whilst there are some exceptions, as identified by the appellant, I find that the vast majority of dwellings on Highland Grove each have a modest front garden area with a generous length of rear garden. The existing development pattern together with the individually designed dwellings and groups of dwellings with red brick, natural slate together with some specific detailing in the form of render, stone or timber exemplifies the special characteristics of this part of the CA. The mature trees within Highland Grove make a strikingly positive contribution to the character of this part of the CA.
8. The appeal proposal would involve the subdivision of the existing generous gardens to the rear of Nos 34 and 36 Highland Grove. It would also sub-divide the previously vacant piece of land upon which the 6-bedroom dwelling is proposed. Whilst the appellant's desire to make better use of land is noted, having regard to the features that contribute to the significance of the CA, in my judgement this subdivision would be harmful to the character and appearance of the CA.
9. My attention has been drawn to the scheme behind Barrowby House, which I noted on my site visit to be the largest building on Highland Grove. Limited details have been presented to help me understand the planning circumstances that led to the approval. However, from map extracts and the approved plans supplied by the appellant, it is apparent that this site previously contained a large rear car park. As such it was effectively all a previously developed site with a significantly different character to the appeal site and the other dwellings on Highland Grove. Consequently, I do not agree with the appellant that the Barrowby House scheme sets a precedent for the appeal proposal.
10. The appellant has drawn my attention to an outline planning permission¹ on the appeal site. Whilst noting it was an outline application from the decision notice it is clear that approval was issued for 4 of the 5 standard reserved matters². As such it is almost a full permission given the only reserved matter remaining was approval for landscaping. Consequently, this represents a 'fall-back' position for the appellant were this appeal to be dismissed. From the approved layout plan the 2 dwellings would be sited, fronting the road and broadly in line with the 2 existing neighbouring dwellings of 'Loren' and No 34 Highland Grove. The siting of the 2 dwellings specifically retaining a long rear garden for each property together with their appearance and scale is therefore

¹ Planning permission 16/01805/OUT, granted 7 September 2017

² Reserved matters are appearance, means of access, landscaping, layout and scale.

in keeping with the character and appearance of the CA. I have no evidence before me to indicate that the fall-back scheme would not be implemented.

11. Having regard to the proposed design, the house would incorporate several features which are found within the other properties on Highland Grove and it would assimilate into the context. The bungalow design is simpler and the only architectural design features drawn from the context is a small front bay to the third bedroom. Whilst the appellant suggests that they would not be seen, this does not preclude them from having the benefit of interesting architectural features. However, the general acceptability of the proposed design and appearance does not outweigh the harm that arises from the subdivision of the land.
12. Accordingly the appeal proposal would harm the character and appearance of the site and surrounding area. It would also fail to preserve or enhance the character or appearance of the CA. Consequently, it is in conflict with Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies DPD, adopted December 2011. This policy seeks, amongst other things, that development is not detrimental to the significance of a designated heritage asset.

Other matters

13. A number of concerns have been raised in addition to those which relate to the main issue including a potential right of way across the appeal site, the ownership of the land and the rights of the appellant to use a section of private road. Matters relating to rights of access on the private road are civil matters outside the scope of this appeal.
14. I note that an application has been made to the County Council for the suggested footpath across the site to be registered as a formal right of way. I must determine the appeal on the basis of the position at the time of making my decision. As no right of way has been confirmed at this point in time, it is not therefore a reason in itself to withhold planning permission. In any event, as I have found the appeal proposal to be unacceptable for the reasons given above, this is not a matter which alters my decision.
15. Concerns have also been expressed by interested parties regarding highway safety. The Council and the Highway Authority do not share these concerns and having viewed the site I see no reason to take a different view.
16. Other concerns including reference to the Ombudsman and the Police do not relate to the planning merits of the proposal. The concerns regarding the Barrowby House development activity and the clearance of trees are a matter for the Council and do not relate directly to the appeal proposal before me.

Conclusion

17. I have had regard to my statutory duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons above I find that the proposal as a whole would fail to preserve or enhance the character or appearance of the CA. This harm would be less than substantial when considered against paragraphs 196 and 198 of the Framework and the appellant has not presented any public benefits that would outweigh the harm to the CA in this case.

18. Taking all matters into consideration, I conclude that the proposal would conflict with relevant local and national planning policies and the development plan as a whole. Consequently, the appeal is dismissed.

Rachael A Bust

INSPECTOR

PLANNING COMMITTEE,

5th December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

| | | |
|--------------|---------------------------|---|
| 17/01443/FUL | SRG Park Holdings Limited | Appeal against the refusal of planning permission for the addition of one caravan unit at Mill House Park, Newcastle Avenue, Worksop. |
|--------------|---------------------------|---|

DECISION: Appeal DISMISSED by the Inspector.

The Inspector considered the main issues were the effect of the proposal upon living conditions of the existing occupants of the dwellings with particular regard to outlook and enclosure; and on the provision of open space.

While the proposed dwelling together within its private amenity space, parking space and plot size will have relatively similar dimensions to the existing dwellings, the flank wall of the proposal would be in close proximity to the front facing windows of the row of dwellings immediately to the north. The overall height and length of this elevation would be substantial. Owing to its bulk and closeness the overall impact of the proposal would be oppressive and overpowering.

While the area of open space has very few facility and only modest portion of the open space would be affected by the development, the proposal fails to protect or enhance the existing open space as required by policy DM9 of the BCS 2011.

The Inspector concluded that the proposal would have an unacceptable harm to the living conditions of the occupants of the dwellings in particular Nos. 4 and 12; and unacceptable effect upon the open space provision in the area. Among other things, the proposed development would have detrimental effect on the residential amenity of the nearby residents and the adversely affect to the loss of open space.

A copy of the Inspector's decision letter follows this report.

OFFICER RECOMMENDATION: Refuse Planning Permission.

FINALISED DECISION LEVEL: Delegated



Appeal Decision

Site visit made on 2 October 2018

by **E Brownless BA (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2018

Appeal Ref: APP/A3010/W/18/3200666

Mill House Park, Newcastle Avenue, Worksop S80 1NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by SRG Park Holdings Limited against the decision of Bassetlaw District Council.
 - The application Ref 17/01443/FUL, dated 18 October 2017, was refused by notice dated 22 December 2017.
 - The development proposed is the addition of 1 caravan unit.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appellant lodged the appeal the revised National Planning Policy Framework (NPPF) was published. The parties were given the opportunity to comment on the relevance of this to their appeal.

Main Issues

3. These are: the effect of the proposed development upon the living conditions of the existing occupants of the dwellings with particular regard to outlook and enclosure; and on the provision of open space.

Reasons

Living Conditions

4. Notwithstanding the generally small size of Mill House Park, the central area of open space gives the site a reasonably spacious feel that provides visual relief to the high density nature of dwellings present. Together with the arrangement of the majority of dwellings to face inwards towards the open space, the residents of those dwellings have a reasonable degree of outlook which lessens the feeling of enclosure.
5. Whilst the proposed dwelling together with its private amenity space, parking space and plot size will have relatively similar dimensions to the existing dwellings, the flank wall of the proposal would be in close proximity to the front facing windows of the row of dwellings immediately to the north. The overall height and length of this elevation would be substantial. Owing to its bulk and closeness the overall impact of the proposal would be oppressive and overpowering.

6. In addition to being visually intrusive, the outlook from those dwellings immediately to the north would be significantly impaired and would correspondingly lead to an unacceptable feeling of enclosure. The impact would be experienced most severely at Nos. 4 and 12.
7. Despite separation distances of approximately six metres being a common feature throughout the site, this relationship typically exists between side elevations. It is considerably less frequent to find this relationship between a flank wall and a front elevation comprised of windows of habitable rooms.
8. For the reasons given above, I conclude that the proposed development would unacceptably harm the living conditions of the occupants of the dwellings in particular Nos. 4 and 12. This would be contrary to policy DM4 of the Bassetlaw Core Strategy adopted December 2011 (BCS 2011) which, amongst other things, seeks to ensure that new development does not have a detrimental effect on the residential amenity of nearby residents.

Open Space

9. Whilst the area of open space has very few facilities, and was not included in the Council's 2012 Open Space Study, it is maintained and has localised usage. I also note from the representations received that the area is a local resource valued by the residents, especially given their individual limited private outdoor space. I am aware that the open space has no formal designation, however, I observed that there are no other similar areas within Mill House Park and thus I find that it contributes positively to the health and well-being of the residents.
10. Whilst only a modest portion of the open space would be affected by the development, the proposal fails to protect or enhance the existing open space as required by policy DM9 of the BCS 2011. In accordance with this policy, exceptions are capable of being allowed, however, no exception has been advanced by the appellant in this instance.
11. I find the proposal would have an unacceptable effect upon open space provision in the area contrary to policies DM9 and CS2 of the BCS 2011. Among other things, these policies seek to protect and enhance the built and natural environment and protect against development that would adversely affect or result in the loss of open space.
12. Furthermore, whilst I have noted the appellant's comments in relation to the applicability of provisions of the NPPF, I find the proposal is contrary to paragraphs 96 and 97 of the revised Framework 2018 which seeks to promote access to high quality open spaces for the health and well-being of communities.

Conclusion

13. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR

PLANNING COMMITTEE,

05th December 2018

INFORMATION REPORT

APPEAL DECISION RECEIVED

| | | |
|--------------|-----------------------------|--|
| 18/00084/FUL | Mr and Mrs Wayne Cook | Appeal against the refusal of planning permission for two-storey zero-carbon, energy efficient dwelling together with a detached garage and formation of new onsite access way on land adjoining Southside, Welham Hall, Welham. |
|--------------|-----------------------------|--|

DECISION: Appeal ALLOWED by the Inspector.

The Inspector considered the main issues is the effect of the proposal on the character and appearance of the area and whether the proposal would be in an appropriate location with regard to local and national policy.

The Inspector concluded that the proposal would sit comfortably within its site and wider landscape. There is also nothing in the evidence that there would be any detrimental impact from the proposal that would significantly and demonstrably outweigh the benefit of a zero-carbon rated additional housing unit.

The site is outside the development boundary of Clarborough and Welham. The Council is unable to demonstrate a 5-year supply of deliverable housing sites and in accordance with NPPF, policies most important for determining the application should be considered out of date. NPPF paragraph 11 advises that where policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

A copy of the Inspector's decision letters follow this report.

OFFICER RECOMMENDATION: Refuse Planning Permission.

FINALISED DECISION LEVEL: Delegated



Appeal Decision

Site visit made on 27 September 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6 November 2018

Appeal Ref: APP/A3010/W/18/3202720

Land adjoining Southside, Welham Hall, Welham, Retford DN22 0SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Wayne Cook against the decision of Bassetlaw District Council.
 - The application Ref 18/00084/FUL, dated 23 January 2018, was refused by notice dated 21 March 2018.
 - The development proposed is erection of a two-storey zero-carbon, energy efficient dwelling together with a detached garage and formation of new onsite access way.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a two-storey zero-carbon, energy efficient dwelling together with a detached garage and formation of new onsite access way at Land adjoining Southside, Welham Hall, Welham, Retford DN22 0SF in accordance with the terms of the application, Ref 18/00084/FUL, dated 23 January 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16_1761-1C; 16_1761-3E; 16_1761-4; Forest Farm Tree Services RPAs; and Forest Farm Tree Services BS5837 Tree Category Map.
 - 3) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
 - 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Preliminary Matters

2. Shortly before the date of the Council's decision the appellants submitted an arboricultural assessment and site plan which proposed a slight change to the location of the dwelling. The Council states in the delegated report that it did not have time to consider the assessment and proposed changes before making its decision. However, it is aware of the amended proposals and has had the opportunity to comment during this appeal but has not done so. The amendments to the proposal do not fundamentally alter the scheme and I am satisfied that the Council and interested parties would not be prejudiced by consideration of the assessment and new site plan.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on its impact and I have taken all comments into account in reaching my decision.

Main Issues

4. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area with particular regard to the location in the countryside;
 - b) whether the proposal would be in an appropriate location with regard to local and national policy.

Reasons

Character and Appearance

5. Policies DM4 and DM9 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document 2011 (the Local Plan) and Policy 2 of the Clarbrough and Welham Neighbourhood Plan 2017 (the Neighbourhood Plan) seek to ensure that proposed developments respect their wider surroundings and enhance the distinctive qualities of the landscape identified in the Bassetlaw Landscape Character Assessment (the Character Assessment). The appeal site is located between Welham Hall and Welham and therefore falls within Policy Zone 04 of the Character Assessment which advises that developments should conserve local brick-built vernacular of the character of the area.

6. The proposal is for the construction of an 'L-shaped' two-storey, four-bedroom dwelling with associated access and double garage. The house would be timber-clad and principally roofed with reclaimed blue slate tiles. However, the south and west facing roof pitches would also support a number of photovoltaic cells. Surrounding buildings off the private drive and on Little Gringley Lane are an eclectic mix of bungalows, dormer bungalows and two-storey dwellings with no prevailing form, together with the impressive Welham Hall. Buildings are faced with a combination of red, pale yellow and painted brick, painted and unpainted render and timber cladding.
7. The wide variation in facing materials in the vicinity of the appeal site is a perhaps localised deviation from a brick-built vernacular that results in an absence of any predominant style. Given the natural facing materials proposed, when juxtaposed with the surrounding buildings, the dwelling would sit comfortably within its site and the wider landscape.
8. Therefore, although the proposal would not accord with the advice in the Character Assessment, it would accord with the requirements of Policies DM4 and DM9 of the Local Plan and Policy 2 of the Neighbourhood Plan.

Location

9. Policy CS1 of the Local Plan seeks to ensure that development takes place within the settlement boundaries of identified service centres and to restrict development in other settlements and the countryside. Policy CS9 of the Local Plan provides general exceptions to Policy CS1 limited to conversion of buildings or replacement of existing dwellings. Policy 4 of the Neighbourhood Plan seeks to ensure that developments in Clarborough and Welham are limited to infill developments in existing frontages within the built-up area of the villages and where the site is closely surrounded by buildings.
10. The appeal site lies outside the settlement boundary of Clarborough and Welham and therefore the proposal is contrary to Policies CS1 and CS9 of the Local Plan and Policy 4 of the Neighbourhood Plan. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and in accordance with footnote 7 to Paragraph 11 of the Framework, the policies most important for determining the application should be considered out of date. Paragraph 11 advises that where policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Other Considerations

11. The proposed dwelling is designed to be an energy efficient dwelling with a zero-carbon rating. Space and water heating would be delivered by a Ground Source Heat Pump augmented by the photovoltaic cells on the roof and using a heat exchanger installed in the proposed plant/utility room. The Council does not dispute the appellants' evidence regarding achievement of a zero-carbon rated dwelling and there is nothing in the evidence that would lead me to reach a different conclusion. The energy efficiency designed into the proposal far exceeds expected minimum standards and I therefore consider the design to be exceptional.

12. The Council does question whether the site would be in shadow which might impact on the efficacy of the solar panels but the proposed location of the building does not sit within the canopy of any of the trees to be retained on the site. At the time of my visit the site was well lit with significant direct sunlight. The majority of the high trees are located on the northern and eastern boundaries which should not impact on the south and west facing solar panels.
13. The Council states that Welham provides few if any facilities and therefore future occupiers of the appeal site would have to travel to access services. However, the Council's district is largely rural and travel for access to services is to be expected for all save those living in the larger services centres. There is a bus stop within walking distance of the site which provides a connection to Retford, whose outskirts are a mile or so away which would provide access to a number of services. While use of a private motor vehicle might be a more attractive option any increase in journeys from a single additional household would not have a significant detrimental impact on the environment.
14. I conclude that there is nothing in the evidence before me to show that there would be any detrimental impact from the proposal that would significantly and demonstrably outweigh the benefit of a zero-carbon rated additional housing unit.

Other Matters

15. The Council referred to Policy 3 of the Neighbourhood Plan in reference to the proposal being for a four-bedroom dwelling, whereas the Policy refers to an identified need for smaller dwellings particularly two-bedroom properties. However, Policy 3 relates to larger developments and refers to delivery of a mix of housing within a proposal. This is clearly not relevant to a proposal for a single dwelling and was not relied on in the decision notice.

Conditions

16. I have imposed the standard condition in respect of time limits and for certainty I have also imposed a condition requiring compliance with the approved plans. The Council has not suggested any conditions though it does state that no drainage details have been provided and that these would normally be required subject to a planning condition. To ensure that the site is properly drained I have therefore imposed conditions for foul and surface water disposal.

Conclusion

17. For the reasons given above, and taking account of all material considerations, I conclude that the appeal should succeed.

D Guiver

INSPECTOR

BASSETLAW DISTRICT COUNCIL
INDEX FOR PLANNING COMMITTEE 05.12.2018

| Sheet No. | Ref No. | Applicant | Location and Proposal | Recom. Decision |
|---------------------|--------------|------------------------------|--|-----------------|
| A1 Pages-89-102 | 17/01356/OUT | William Davis Limited | Land North Of Mansfield Road Including 220 Mansfield Road, Worksop. Outline Application with Some Matters Reserved (Approval Being Sought for Access) for up to 275 New Residential Units and a Replacement Residential Unit, Following the Demolition of 220 Mansfield Road, Along with Site Access, Open Space and Surface Water Attenuation. | Refuse |
| A2 Pages-103-122 | 17/01239/RSB | Sundown Adventureland | Land At Elmwood Lodge Sundown Adventureland, Rampton Road, Treswell. Proposed 49 Holiday Lodges, 32 Touring Caravan Pitches, 14 Glamping Pods, Reception Area with Manager's Accommodation, Store and Play Areas, Parking and Associated Infrastructure (Resubmission of 16/01363/FUL) | Grant |
| A3 Pages-123-140 | 18/00747/OUT | Mr T & M Strawson & Horrocks | Land North Of Bracken Lane, Retford. Outline Planning Application with Some Matters Reserved (Approval Being Sought for Access) for Residential Development | Refuse |
| A4 Pages-141-150 | 18/01093/OUT | FCC Environment | Carlton Forest Quarry And Landfill Site, Blyth Road, Worksop. Outline Application With Some Matters Reserved, Approval Being Sought for Access For The Erection Of B1 (Business), B2 (General Industry) And/Or B8 (Storage And Distribution) Units | Grant |

ITEM SUBJECT OF A SITE VISIT

Item No: a1

| | |
|-------------------------|---|
| Application Ref. | 17/01356/OUT |
| Application Type | Outline Planning Application |
| Site Address | Land North Of Mansfield Road Including 220 Mansfield Road Worksop Nottinghamshire |
| Proposal | Outline Application with Some Matters Reserved (Approval Being Sought for Access) for up to 275 New Residential Units and a Replacement Residential Unit, Following the Demolition of 220 Mansfield Road, Along with Site Access, Open Space and Surface Water Attenuation. |
| Case Officer | Jamie Elliott |
| Recommendation | REF - Refuse |
| Web Link: | Link to planning documents |

THE APPLICATION.

Site Context

The site currently consists of 16.42 hectares of undeveloped agricultural land.

The site is bounded by the A60 Mansfield Road to the south, the St Anne's housing estate to the east, and agricultural land to the north and west.

The application site is currently located outside the Worksop development boundary as defined in the Bassetlaw Local Development Framework.

The site is located with the setting of a number of heritage assets including:

- i.) Manor Lodge (Grade I listed);
- ii.) Lodge Farm (Grade II listed);
- iii.) Unregistered Park and Garden at Worksop manor Lodge (non-designated heritage asset);
- iv.) Boundary walls, railings and gate at Worksop Manor (Grade II listed);
- v.) Wider setting of Shireoaks Hall and associated Registered Park and garden and Scheduled Monument.

Worksop Bridleway No. 18 follows the lane that runs along the western boundary of the site.

Worksop Footpath No.2 bisects the site running east to west.

Proposal

The application seeks outline planning permission with some matters reserved for the demolition of 220 Mansfield Road, the erection of a replacement dwelling and the erection of 275 new residential units.

The only matter under consideration at this time is the means of access.

Further details have been submitted, in the form of an illustrative masterplan and amended Design and Access Statement, showing the design concept for the western boundary of the site and the approaches to the Grade I Listed Manor Lodge.

The applicant's agents have submitted a number of supporting documents which include, a Design and Access Statement, an Ecological Appraisal, a Bat Survey Report, an Arboricultural Assessment, a Transport Assessment, a Travel Plan, Archaeological Desk Based Assessment, a Heritage Statement, a Flood Risk Assessment, a Landscape and Visual Impact Assessment, a Phase 1 Site Appraisal, a Soil and Land Use appraisal, a Planning Statement, a Statement of Community Involvement.

The applicant's agent has also submitted a response to the District Council's 5 Year Housing Land Supply Statement, published in October 2018.

Copies of these documents are available for inspection either on the Council's web page or in the Council Offices.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

Environmental Impact Assessment Regulations 2011

The proposal falls into Schedule 2, 10(b) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 defined as requiring EIA Screening.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The relevant parts are as follows:

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

Bassetlaw District Council – Local Development Framework

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- Policies CS1, CS2, DM4, DM5, DM8 DM9, DM11, DM12.

RELEVANT PLANNING HISTORY

SoS Ref: NPCU/EIASCRA3010/76985

Screening opinion issued by the Department of Communities and Local Government confirming that the development was 'Not EIA Development'. September 2016.

RESPONSE OF STATUTORY BODIES

NOTTINGHAMSHIRE COUNTY COUNCIL POLICY.

Strategic Highway.

There are no objections from a strategic highways perspective.

Minerals and Waste

The County Council does not wish to raise any strategic planning objections to the proposal in terms of a minerals or waste matters.

Ecology

Whilst there are no objections, it is recommended that conditions be imposed to secure appropriate ecological mitigation and enhancement measures and landscaping and planting.

Bus Service Support.

An indicative Public Transport Contribution of £100,000 would provide a service to serve the development for at least two years.

In addition £40,000 would be required to facilitate the provision of bus stops within or close to the development.

Public Health

Obesity is major public health challenge for Nottinghamshire, it is recommended therefore that the development is age friendly providing good access to health and social care facilities.

Rights of Way

The line of the Bridleway 18 should be retained on its current alignment. Consideration should also be given to upgrading Footpath FP2 to a bridleway to provide a link to BW18 and the wider area.

Clarity should be provided in respect of the maintenance responsibility for vegetation in the green space corridor.

Both rights of way should remain free from obstruction and available throughout the development.

In lieu of the increase in use of the rights of way, the developers should contribute to the upgrading of the existing Public Right of Way infrastructure.

Education

The development of 275 dwellings would yield an additional 58 primary and 44 secondary places. Based on current projections primary schools are at capacity. The County Council would therefore wish to seek an education contribution of £664,390 (58 x 11,445) to provide primary places to accommodate the additional pupils arising from the development.

NOTTINGHAMSHIRE COUNTY COUNCIL – HIGHWAYS

There are no objections in principle to the development, subject to conditions requiring:

1. Stage 1 road safety audit for the site access junction;
2. The stopping up or diversion of Bridleway 18 from its junction with the A60 Mansfield Road;
3. Enhancements to bus stops;
4. Site access arrangements;
5. Approval of Travel Plan;
6. Details of future management and maintenance of the proposed streets;
7. Details of reserved matters.

NOTTINGHAMSHIRE COUNTY COUNCIL - FLOOD RISK MANAGEMENT TEAM

No objection subject to the submission of a drainage strategy for the site.

The DISTRICT CONSERVATION OFFICER.

Conservation has advised previously on this scheme, and since previous comments were made the NPPF has been updated and as such the updated paragraph references above should be acknowledged. The significance of the site has been covered in earlier comments.

Conservation has previously expressed concern about the lack of information provided with the application due to the outline nature. It is understood that following legal opinion, many matters of concern regarding impact on the setting of the designated heritage assets can be addressed at reserved matters stage, provided that the principle of development is acceptable.

Conservation maintains that developing the site will result in change to the setting of Grade I listed Manor Lodge and Grade II listed Lodge Farm through a loss of the agricultural, open landscape that these buildings are historically associated with.

Development that encroaches ever closer to the Lodge reduces the degree of isolation that the building had in the landscape and its earlier parkland setting, thereby is likely to reduce the extent in which the Lodge can be experienced and understood in this context. The degree of harm is considered to be **less than substantial**.

The most recent submitted information (Design and Access Statement. August 2018) does attempt to address this harm through mitigation measures including,

- retaining views of the Manor Lodge,
- retaining the majority of the access lane and hedgerows,
- creating an open rural landscape space between the development and the curtilage boundary of Manor Lodge, and
- lower density housing that adopt a local vernacular design between the lane and the majority of the new housing development.

Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies DPD states that “*the setting of a heritage asset is an important aspect of its architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported.*”

The revised NPPF is clear that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*” [NPPF paragraph 193].

The NPPF goes on to further state that “*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require a clear and convincing justification.*” [NPPF paragraph 194].

And “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.*” [NPPF paragraph 196].

With regard to setting the NPPF states that “*local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*” [NPPF paragraph 200]

In considering the Planning (Listed Buildings and Conservation Areas) Act 1990, Bassetlaw Core Strategy and Development Management Policies DPD policy DM8 and the NPPF policies, the setting of the Grade I listed Manor Lodge must be given considerable importance and (great) weight in determining the application, and harm should be avoided. For any harm to be accepted it must be clearly justified with evident public benefits delivered.

Public benefits are defined in Planning Practice Guidance [Paragraph: 020 Reference ID: 18a-020-20140306, Revision date: 06 03 2014] as “*benefits that follow from developments and could be anything that delivers economic, social or environmental progress as described in the NPPF. For heritage that may include heritage benefits, such as;*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation”*

There is no evidence submitted that the proposals shall deliver any public benefits to the heritage assets. Any wider social or economic benefits shall stem from the housing development itself. However, these would be benefits that could be delivered by housing in any location in Worksop, and as such do not have to be delivered by this site.

There is a strong statutory presumption against development that does not preserve the setting of a listed building under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Preserve is taken to do ‘no harm’. In this case the level of harm in NPPF terms would be less than substantial and would stem from the loss of the agricultural and open landscape that forms the historic setting to Grade I listed Manor Lodge and Grade II listed Lodge Farm. This open landscape also provides a sense of isolation to these heritage assets and contributes to how they are experienced. Grade I listing is the highest grade of listing given to buildings of special architectural and historic interest. The NPPF is clear in ensuring that great weight should be given to preserving heritage assets of the most importance and their setting.

Less than substantial harm is not a less than substantial objection, but can, in some instances, be overcome if in considering the material consideration of public benefits of the scheme, they weigh in its favour. Due to the higher grade, at Grade I listing of Manor Lodge, any benefits would need to be considerable to outweigh the harm, and to weigh in favour of the development. The public benefits of this proposal, unless otherwise demonstrated, are benefits that could be delivered from other housing developments in Worksop.

In considering the statutory presumption against harm to the setting of listed buildings in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Bassetlaw Core Strategy and Development Management Policies DPD policy and NPPF policy, the proposals appear not to comply.

The DISTRICT PARKS DEVELOPMENT OFFICER.

Based on the erection of 275 dwellings, a contribution of £103,812.50 should be secured towards the improvements existing play areas off Oakwood Mews and Glebe Close.

The DISTRICT ENVIRONMENTAL HEALTH OFFICER. has no objections to the development subject to conditions securing:

1. Restricting on the hours of audible construction works;
2. No burning of waste on the site;
3. Submission of air quality assessment;
4. Investigation into contamination.

The DISTRICT STRATEGIC HOUSING OFFICER. 15% affordable housing should be sought from the development. Demand for social rented accommodation is greatest for family accommodation.

The DISTRICT ENGINEER. Access will be required to allow maintenance of the watercourse that runs along the eastern boundary of the site.

It is recommended therefore that a condition be imposed on any permission requiring a minimum of 5m wide access and maintenance strip.

The DISTRICT COUNCIL'S ARCHAEOLOGICAL CONSULTANT.

The revised Design and Access Statement does address some of the concerns regarding the visual impact on the listed buildings, although it does show that there will be a negative impact on the setting.

There is still insufficient information regarding any possible archaeological remains on the development site and it is always my preference that this information be provided before determination.

HISTORIC ENGLAND.

Paragraph 192 of the NPPF encourages local authorities to sustain and enhance the significance of heritage assets. The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 194). Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Whilst we recognise the public benefit that is delivered through the provision of housing which may or may not outweigh any harm, it will be for your authority to carry out that balancing exercise and be satisfied that there is clear and convincing justification to outweigh any harm to significance if minded to approve this planning application.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194, 196 of the NPPF.

ENVIRONMENT AGENCY No comment

NATURAL ENGLAND has no comments to make.

RETFORD(GAMSTON) AIRPORT No objections

OTHER COMMENTS RECEIVED

35 Letters have been received from LOCAL RESIDENTS, objecting to the development on the following grounds:

1. The development would result in overlooking, loss of privacy, light and an increase in noise and disturbance;
 2. Clarification should be provided in respect of boundaries;
 3. Further dwellings would lead to an increase in congestion on Mansfield Road;
 4. Traffic lights will be required at the junction;
 5. The increase in traffic would be detrimental to highway safety and adversely impact on the recent improvements to the roundabout;
 6. Linking the development to Birchfield Close would result in this road turning into a rat run;
 7. The Manton Wood employment development will further exacerbate traffic congestion around the St Annes area;
 8. A new entrance should be provided at nearer to Sainsburys;
- The traffic assessment is incorrect in stating that there have been no report accidents in 200m of the junction;
9. Vehicles and queuing associated with the turning lane will conflict with existing properties accesses onto Mansfield Road;
 10. At peak times properties on Mansfield Road will have great difficulty leaving their 11. properties;
 11. Vehicles exiting the new access will obstruct visibility of existing access drives (photographs provided);

12. If permitted the proposed access would conflict with the County councils guidelines relating to vehicular access points close to junctions;
13. The existing drain should be kept clear to avoid flooding;
14. The site is waterlogged;
15. The new development should not increase the risk of flooding elsewhere;
16. Who will maintain the existing drains;
17. A fish farm on the other side of Mansfield Road uses the drain when cleaning the ponds;
18. The schools have insufficient places to accommodate the demand for places;
19. Would place unnecessary burden on existing services and facilities;
20. Adverse impact on wildlife;
21. Trees or hedgerows should be retained;
22. The site should be a nature reserve due to its importance as a wildlife habitat;
23. The site should be allocated as green belt and a buffer zone;
24. What contributions will William Davies be making to local services;
25. Open spaces will encourage anti-social behaviour and dumping of litter;
26. The development would result in the demolition of walls at the entrance that are grade II listed;
27. The development would be detrimental to the setting of Manor Lodge a Grade II listed building;
28. A telephone line crosses the site;
29. The site is currently productive agricultural land;
30. A pedestrian link should be provided to Sainsburys;
31. The development of 275 dwellings would be overly dense;
32. New dwellings adjacent to Hazelwood Gardens should be restricted to single storey;
33. The conclusions gained from the public consultation exercise are questionable.

Copies of these comments are available for inspection either on the Council's web page or in the Council Offices.

CONSIDERATION OF PLANNING ISSUES.

The main issues to be considered when determining this application are the requirements of national and local planning policies, the impact on the character and appearance of the area, impact on the residential amenity, heritage assets, flooding and highway safety.

Principal

The application site is currently located outside of but adjacent to the Worksop development boundary as defined in the Bassetlaw LDF.

The Five Year Housing Land Supply Statement published in October 2018 shows that the Council has a current deliverable housing supply of 2,681 dwellings, which equates to a 7.9 year supply when assessed against the total five year housing target of 1,701 dwellings.

This supply can also be seen as a total housing supply with a 65.5% buffer (as opposed to 5% buffer target). This shows that Bassetlaw's five year housing supply has a surplus of 980 dwellings.

Policy CS1 of the LDF states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

The NPPF sets out the requirements for Local Authorities to identify a supply of deliverable sites, sufficient to provide five years' worth of housing against their housing requirements, with an appropriate buffer.

Paragraph 11 of the NPPF states that where local authorities cannot demonstrate a five year supply of deliverable housing sites, their relevant policies for the supply of housing will not be considered up-to-date.

In such circumstances, it states that permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In light of the recently revised housing supply figures, it is considered that there are no exceptional circumstances that would justify granting permission for such development outside of the development boundary. If permitted the proposed development would therefore be contrary to policy CS1 of the Local Development Framework and the aims of the National Planning Policy Framework.

Heritage Assets

As indicated above, the proposed development would be located within the setting of a number of Heritage Assets, the most significant being the Grade I listed Manor Lodge.

The application site is not considered to form the curtilage of the Lodge but is part of the building's setting and is important in understanding the historic landscape.

While the surrounding landscape may not reflect the medieval or Elizabethan landscape that was contemporary with the construction and original use of the Lodge, the undeveloped character of this agricultural landscape does still reflect the open landscape similar to that of earlier parkland along with its later and probably longer established use as a farmhouse. Furthermore this agricultural landscape is of significance to the agricultural buildings at Lodge Farm that depended on the surrounding farming landscape.

Whilst the most recent submitted information (Design and Access Statement, August 2018) does attempt to address this harm through mitigation measures, the degree of harm to the heritage assets is considered to be less than substantial.

Paragraph 192 of the NPPF encourages local authorities to sustain and enhance the significance of heritage assets. The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 194). Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

There is also a strong statutory presumption against development that does not preserve the setting of a listed building under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Preserve is taken to do 'no harm'.

Grade I listing is the highest grade of listing given to buildings of special architectural and historic interest. The NPPF is clear in ensuring that great weight should be given to preserving heritage assets of the most importance and their setting.

Less than substantial harm is not a less than substantial objection, but can, in some instances, be overcome if in considering the material consideration of public benefits of the scheme, they weigh in its favour. Due to the higher grade, at Grade I listing of Manor Lodge, any benefits would need to be considerable to outweigh the harm, and to weigh in favour of the development.

It is considered that the public benefits of this proposal, principally the provision of housing, are benefits that could be delivered from other housing developments in Worksop.

If permitted, the development would conflict with the statutory presumption against harm to the setting of listed buildings in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Bassetlaw Core Strategy and Development Management Policies DPD policy and the NPPF.

Landscape Character

Policy DM9 of the Bassetlaw Local Development Framework states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

The site in question is located in Policy Zone ML11: Worksop, which states that the rural character of the landscape should be conserved and reinforced by concentrating new development around the existing settlement of Worksop.

In addition, it states that development should conserve the local built stone vernacular and reinforce this in new development.

It is considered that subject to the sympathetic design and use of materials of the dwellings on the western edge of the site, the development would largely comply with the provisions of the above policy.

Residential Amenity

Whilst there are a number of dwellings that directly bound the site, it is considered that the development would not result in significant impacts in terms of overlooking and loss of privacy or be significantly overbearing or oppressive. However further consideration would need to be given to such issues at the reserved matters stage when details of layout, scale and landscaping are being considered.

Highways Matters

The County Highways Authority has indicated that there would be no objection to the development on highway safety grounds subject to the imposition of conditions requiring:

- i) A Stage 1 Road Safety Audit;
- ii) A stopping up or diversion order for Worksop Bridleway 18,
- iii.) Bus stop enhancements;
- iv.) Site access arrangements;
- v.) Approval of Travel Plan;

- vi.) Future management and maintenance of proposed streets;
- vii.) Submission of reserved matters.

In addition, the development would require the following S106 contributions:

- i.) Travel Plan Management and Review Fee - £7,442.60
- ii.) Bus service contribution - £100,000
- iii.) Bus stop infrastructure - £40,000
- iv.) Rights of way Improvements - £75,000

Ecology/Nature Conservation.

The submitted Ecological Assessment concludes that the site has a low ecological value. Notwithstanding this, it is considered that if permission were to be granted appropriate ecological enhancements could be secured in the form of bat and bird boxes, boundary treatments, planting and landscaping.

If permission were to be granted, conditions could also be imposed, ensuring that the hedges and trees on the boundaries of the site are retained and protected from damage during construction.

Drainage

The Flood Risk Management Team has indicated that there would be no objection in principle to the development subject to conditions requiring the submission and agreement of a Drainage Strategy.

In addition, the District Engineer has indicated that access will be required to allow maintenance by appropriate machinery of the watercourse on the eastern boundary of the site.

The above matters will be secured through the imposition of conditions and through the requirements of the Section 106 Legal Agreement.

Open Space

Should permission be granted, a financial contribution of £103,812.50 should be secured through a Section 106 Legal Agreement towards the provision and recreational improvements to the existing play area.

Affordable Housing

Policy CS2 of the Bassetlaw Local Development Framework states that all housing development resulting in a net gain of one or more units, will be required to contribute towards the achievement of an affordable housing target of at least 15% for Worksop. Should permission be granted this would be secured through a Section 106 Legal Agreement.

Education

The proposed development of 275 dwellings would yield an additional 58 primary school places. An education contribution of £664,390 (58 x £11,455) would therefore be required to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Community Infrastructure Levy

The proposed development has been assessed and it is the Council's view that CIL is payable on the development. However, as the application is in outline form the exact contribution would not be determined until the submission of the reserved matters applications.

Conclusion

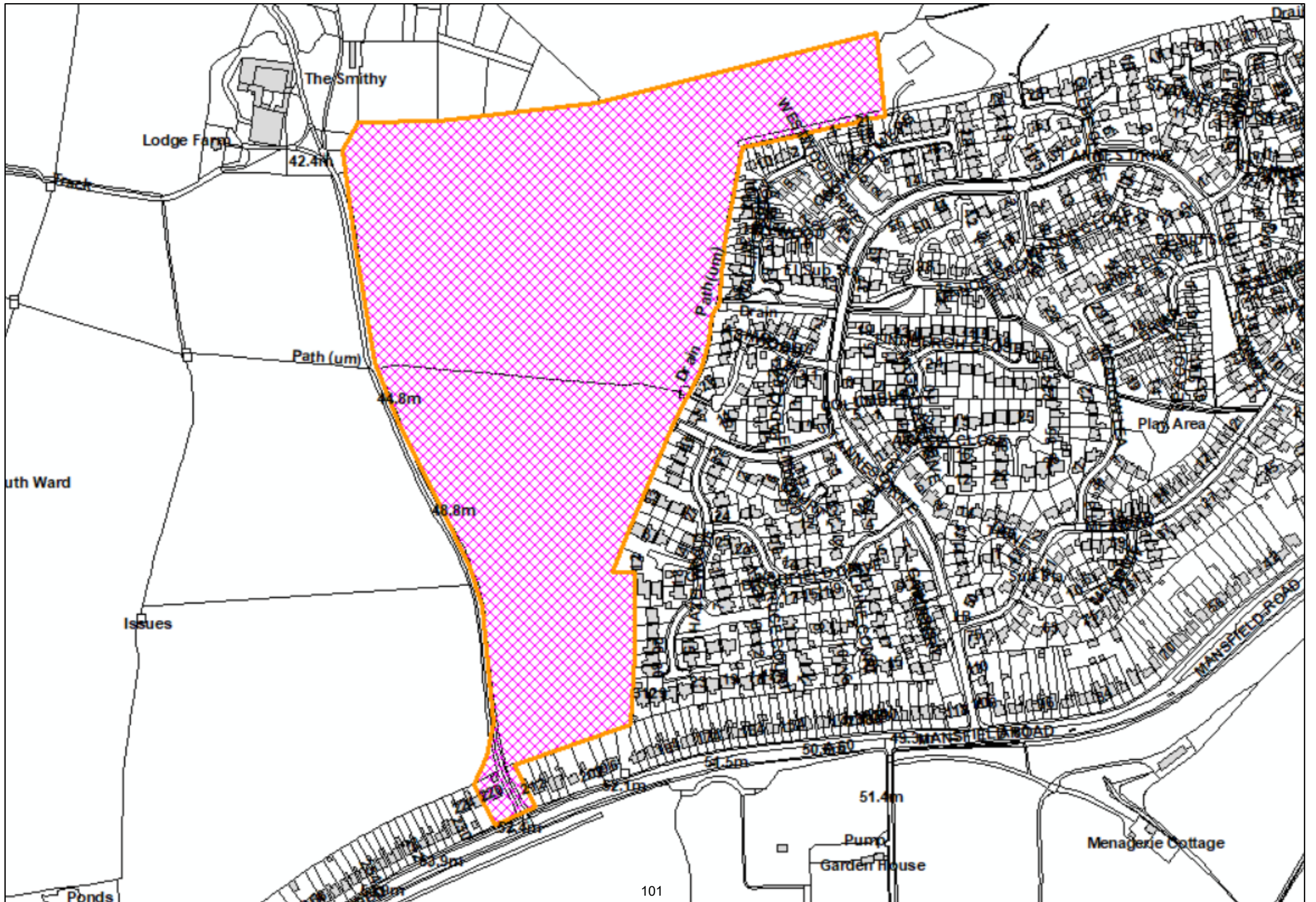
For the reasons outlined above, it is considered that the proposed development would conflict with the aims and provisions of policies of the Core Strategy of the Bassetlaw Local Development Framework, the National Planning Policy Framework.

RECOMMENDATION: Refuse

REASONS:

- 1 Policy CS1 of the Bassetlaw Local Development Framework states that development will be restricted to areas within defined Development Boundaries. The application site is located outside a built up area and outside any defined boundary. The Bassetlaw Local Development Framework states that new development will not be granted for development outside built up areas, except in certain specified circumstances. As the Council can demonstrate a five year housing land supply, the proposed development does not fall within one of the exceptions listed. If permitted, the development would be contrary to the policies of the Development Framework and would conflict with its objectives.
2. The proposed development would result in the loss of the open agricultural landscape, that currently forms the historic setting of the Grade I listed Manor Lodge and the Grade II listed Lodge Farm. The encroachment of further residential development into the setting would distract from the isolation and openness the Grade I listed building, resulting in harm to the historic significance of Manor Lodge. The harm is deemed to be less than substantial. Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies DPD states that proposals that fail to preserve or enhance the setting of a heritage asset will not be supported. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a special regard to the desirability of preserving the setting of listed buildings, while paragraph 193 of the National Planning Policy Framework expects that the more important the heritage asset the greater the weight should be to its conservation. Paragraph 196 of the National Planning Policy Framework requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. The minimal wider public benefits of the proposal are not considered to outweigh the less than substantial harm caused.

The development, if permitted would be contrary to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy DM8 of the Bassetlaw Core Strategy and Development Management Policies DPD and paragraphs 193, 196 and 200 of the National Planning Policy Framework.



ITEM SUBJECT OF A SITE VISIT

Item No: a2

| | |
|-------------------------|---|
| Application Ref. | 17/01239/RSB |
| Application Type | Full Planning Application |
| Site Address | Land At Elmwood Lodge, Sundown Adventureland, Rampton Road, Treswell |
| Proposal | Proposed 49 Holiday Lodges, 32 Touring Caravan Pitches, 14 Glamping Pods, Reception Area with Manager's Accommodation, Store and Play Areas, Parking and Associated Infrastructure (Resubmission of 16/01363/FUL) |
| Case Officer | Dave Askwith |
| Recommendation | Grant planning permission with conditions |
| Web Link: | Link to Planning Documents |

THE APPLICATION:

The site is located between the villages of Treswell and Rampton but lies within the Treswell with Cottam Parish area. The site comprises land immediately to the east of Sundown Adventureland, with agricultural land to the north east and west, and extends to some 5.8 hectares. Within the site, although excluded from the red line, is a residential property known as Elmwood Lodge, which is owned by the applicant and served by a private lane. The site is relatively well screened and a public footpath runs through the site.

The proposed development is to change the use of the land to short term holiday accommodation comprising 42 semi-detached two bedroom lodges, 7 detached three bedroom lodges, 32 touring caravan pitches and 14 one bedroom glamping pods. A reception building with a two bedroom site managers accommodation, a toilet and shower block, chemical disposal, recycling areas, water points, play areas, internal roads and parking are also proposed. All new buildings will be single storey to reduce their visual impact. Access to the site will be taken from the existing private roadway through Sundown Adventureland, which operates as a one-way system. The applicant submitted additional supporting information, which was the subject of a re-consultation exercise.

The application was reported to the Planning Committee on 15th August, 2018, with an officer recommendation to grant planning permission subject to the imposition of conditions. It was resolved that the application be deferred to a future meeting to allow for clarity to be sought regarding the proposed access. The applicant's agent has further explored the access options in relation to the proposed holiday accommodation. They have been unable to achieve the required visibility splays to enable the current exit to safely accommodate incoming traffic and therefore cannot utilise the current exit as an access point to serve the development as it would be unsafe on highway safety grounds. They have concluded that they are therefore left with only one option for access, to use the existing access and egress arrangements for the Theme Park.

The submitted correspondence and plans have been the subject of a further round of re-consultation.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS:

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

Environmental Impact Assessment Regulations 2011

It is considered that the proposed development falls within the description in Schedule 2, Paragraph 12(c), 'Holiday villages and hotel complexes outside urban areas and associated developments' to the 2017 Regulations and meets the criteria set out in column 2 of the table of that Schedule.

Bassetlaw District Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development, would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location. Accordingly the Authority is of the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2017 regulations.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

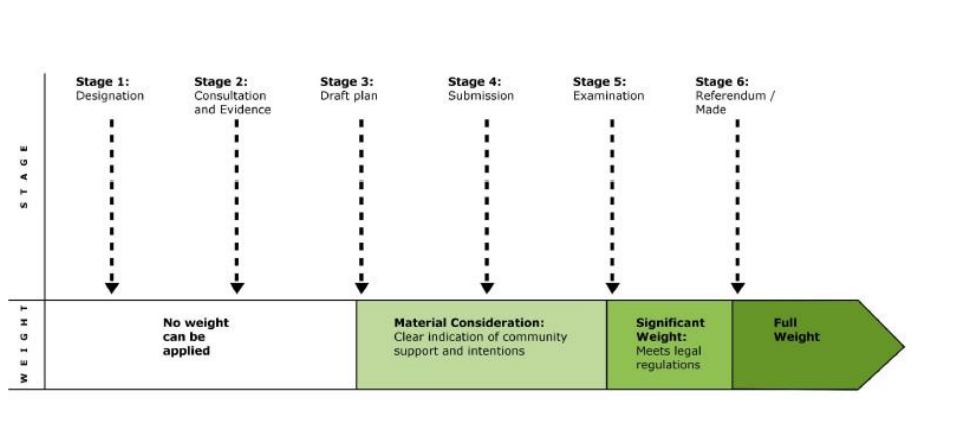
- Part 6 (Building a strong, competitive economy)
- Part 9 (Promoting sustainable transport)
- Part 12 (Achieving well-designed places)
- Part 15 (Conserving and enhancing the natural environment)

**Bassetlaw District Council – Local Development Framework
Core Strategy & Development Management Policies Development Plan Document
(Adopted December 2011):**

- Policy/Policies CS1, CS9
- Policy/Policies DM1, DM3, DM4, DM7, DM9, DM12

Neighbourhood Plan

The Treswell with Cottam Neighbourhood Plan is at the examination stage 5. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded weight. At this stage significant weight can be attached to the document in the determination of this application.



The Treswell and Cottam Neighbourhood Plan has now been formally submitted, to Bassetlaw District Council, for its regulation 16 publication stage of the Neighbourhood Plan process. An independent examination, of the proposed Neighbourhood Plan, is in progress and it is expected to be completed in November, 2018. The Referendum will then follow.

The Neighbourhood Plan proposes a community vision, list of community objectives and proposed planning policies to help manage new developments in a way that will benefit the community. The following aspects of the proposed Neighbourhood Plan are relevant to this planning application 17/01239/RSB:

- Community Objective 1: New Developments - Manage and influence new developments, including local business and rural enterprise, in a way that the community feel will benefit the area over the plan period.
- Policy 1: Development in Treswell and Cottam - 2) Proposals for rural enterprise will be supported where they can demonstrate that such development would support the economic sustainability of Treswell or Cottam, 5) All development will be designed having regard to the policies and supporting evidence set out in this Neighbourhood Plan and will be located to ensure that the development does not significantly and adversely affect the:
 - a) amenity of nearby residents;
 - b) character and appearance of the area in which it is located;
 - c) important views in the parish;
 - d) social, built, historic cultural and natural assets of the parish.

- Policy 6: Supporting Local Employment Opportunities - 1) Proposals for new, or the expansion of existing businesses and enterprises, within the Neighbourhood Plan Area, will only be supported, where:
 - a) it can be demonstrated, to the Local Planning Authority, that there will be no unreasonable impact resulting from increased traffic, noise, smell, lighting, vibration or other emissions or activities generated by the proposed development;
 - b) it would have an acceptable impact on the character and scale of the villages and the adjacent landscape in terms of its scale, colour and height;
 - c) where relevant, opportunities are taken to secure the re-use of vacant or redundant buildings as part of the development;
 - d) it is supporting local employment opportunities;
 - e) It is diversifying or supplementing an established existing business to support its continued economic viability.

RELEVANT PLANNING HISTORY:

16\01363\FUL – WITHDRAWN – March, 2017 - Change of Former Paddock Area to Caravan Pitches and Tent Area, Erect Forty Log Cabins and Fifteen Pods, Convert Existing Stables into a Toilet Block, Erect Reception Building with Caretakers Accommodation, Erect New Toilet Block, Construct Crazy Golf Area with Kiosk, Provide Associated Water/Rubbish Collection Points, Planting Areas, Roads and Parking Areas, Play Areas, New Hedge and Tree Planting and Dyke Clearing at Elmwood Lodge

In addition, there is a long and complex planning history associated with the adjacent Sundown Adventureland site.

RESPONSE OF STATUTORY BODIES:

NOTTINGHAMSHIRE COUNTY COUNCIL HIGHWAYS has not raised any objections and commented that the applicant now wishes to revert back to the original access proposal, that is, for the access to remain and operate as existing. To minimise the potential for delay at the access to the site a condition is requested requiring improvements to the car park layout to reduce obstruction. In relation to the latest amended plans, they have continued to raise no objection, subject to the imposition of appropriate conditions.

With regard to the latest re-consultation, the Highway Authority has commented as follows:-

“Since the Highway Authority’s consultation response of 11th July 2018, the Applicant has undertaken some further work with respect accessing the site. The suggestion has been to access and egress the site from Rampton Road in the position of the current exit. This would be supported by the Highway Authority in principle subject to satisfactory details. However, speed-readings have now been produced that establish the need for 160m of forward visibility to allow an approaching driver to comfortably stop to avoid usually a stationary vehicle, in this case waiting to turn right, but any object in the carriageway. The speed-readings would have been better undertaken around the southern end of the 160m splay to establish the precise speed of traffic at that point. However, given the nature of Rampton Road/Laneham Road, the speed of traffic is likely to be fairly constant in free flow conditions so as not to make a material difference. The use of the exit as an entrance has been ruled out as the required forward visibility is not available due to the road alignment and the western hedge line. Nor would an access in this position be supported by the Highway Authority based on the submitted evidence, at least under a do nothing scenario.

Of course the Applicant has the ability to explore whether the land could be made available to set back the hedge to increase the amount of forward visibility or an alternative access location could be explored.

As a point of clarity, exiting vehicles are not bound by the same constraint. A driver waiting to exit would simply need to be able to observe an approaching vehicle from a driver's eye position up to 160m away to establish whether it is safe to pull out from the exit. Notwithstanding the above, the Highway Authority has no objection to the proposal subject to previously requested conditions."

NOTTINGHAMSHIRE COUNTY COUNCIL STRATEGIC PLANNING has commented on planning policy, waste and minerals, transport and flood risk management, landscape and visual impact, ecology and landscaping. There are no strategic planning objections subject to the imposition of conditions.

NOTTINGHAMSHIRE COUNTY COUNCIL RIGHTS OF WAY has commented that there is an opportunity to make improvements to the footpath and suggests conditions and notes to the applicant. In relation to the latest amended plans, they have no additional comments to make.

BASSETLAW TREE OFFICER has commented that construction materials should be stored away from any trees both on the area for development and away from the grounds of the cottage to avoid potential damage to the ground around the mature trees in the garden.

BASSETLAW ENVIRONMENTAL HEALTH has raised no objections, subject to the imposition of conditions in relation to hours of construction and deliveries, lighting and notes to the applicant regarding contaminated land and water supplies.

ENVIRONMENT AGENCY has no objection to the proposed development, the proposal is of low environmental risk and therefore we have no detailed comments to make.

LEAD LOCAL FLOOD AUTHORITY has no objection, provided that the drainage strategy and proposal are in line with the submitted details.

SEVERN TRENT WATER has no objection subject to conditions.

TRENT VALLEY INTERNAL DRAINAGE BOARD has no objection subject to the imposition of a condition requiring a surface water drainage scheme and notes to the applicant.

NOTTINGHAMSHIRE WILDLIFE TRUST has no objections subject to the imposition of conditions.

TRESWELL WITH COTTAM PARISH COUNCIL have objected to the proposed development on the following summarised grounds:-

1. Clarity of opening times required
2. Traffic data not based on busiest times
3. Who is the target market, younger families, couples, older families, groups, etc
4. Potential impact on sewage network
5. Development should be CIL liable to fund highway improvements
6. Few jobs created
7. Potential light and noise pollution, additional litter
8. No benefit to local shops
9. Potential for stress to horses in neighbouring fields
10. Contrary to draft Neighbourhood Plan

11. Scale, domination, excessive, impact on open countryside
12. Invasion of privacy, noise disturbance, limited local facilities
13. Unlit highway, no pavements, pedestrian safety, speeding vehicles
14. Numerous visitors, speed limits should be reduced, improvements to highway infrastructure needed
15. Would dominate landscape, threaten rural buffer between settlements
16. Contrary to existing planning policy

In relation to the latest amended plans, they have maintained their objection, summarized as follows:-

1. Dismay not to progress alternative access arrangements
2. One way flow plates should be retained
3. Object to any additional lighting at the entrance or within car park
4. Object to the increase in vehicle traffic resulting from residential traffic
5. No measures to direct the additional traffic
6. Road safety concerns resulting from queuing traffic
7. Additional operational management details required
8. Original objections and concerns remain

With regard to the latest re-consultation exercise, Treswell with Cottam Parish Council has commented as follows:-

At a meeting held on Wednesday 21st November, 2018, the members of Treswell with Cottam Parish Council considered:-

1. Above Planning Application- OBJECT
2. New Entrance Barrier- SUPPORT
3. Possible alternative access arrangements - comments

1.Planning Application-Object-please refer to previous relevant applications and comments

A. Objection relates to statements in Planning Policy 4.12 and DM1 Economic Dev. In the Countryside General Principle A, and DM4/5/9 the North Nottinghamshire Transport Plan - states 'scale, design and form of proposal, buildings/operation, will be appropriate for its location/ setting, be compatible with surrounding land uses, will not create significant, or exacerbate existing, environmental /highway safety problems- development will dominate; is not appropriate for location/setting, or compatible with surrounding character, will exacerbate highway safety. Agent's figures state non-peak period of 1200 vehicles in 1 day, and 250,000/year; traffic generated by proposed development will increase. Safety of pedestrians, horse riders, dog walkers, runners and users of the countryside compromised; Treswell Road/ Rampton Roads have no pavement, is unlit, speed limit of 60mph; concerns to safety/emissions/pollution.

B.Objection relates to the Supplementary Planning Guidance document, 2003, 4.14

-states 'local planning authority would not accept any proposal for Sundown which could be viewed as excessive enlargement to existing footprint, that would lead to Sundown Adventureland dominating the landscape. Likewise, proposals would be viewed unfavourably if they are deemed to threaten rural buffer between Sundown and villages of Rampton and Treswell - proposal will dominate landscape/threaten rural buffer. The PC understands this guidance is now out of date but its principles and integrity are relevant and reinforced in A above.

C. Objection relates to the Treswell with Cottam NDP

Document nearing adoption, supports growth/expansion of local businesses. Draft docs. 8.1,2 and 4 states development will be supported only where it can demonstrate 'the scale, mass, colour, and height of development respects surrounding character and amenity value of nearby residents- there should be no adverse impact resulting from increased traffic noise, smell,

lighting, vibrations, emissions or other disturbance generated by proposed development – this development will significantly compromise amenity value of nearby residents and nearby communities in all respects

2. New Entrance Barrier-Support

Automated system utilising vehicle registration recognition will provide additional site security and will facilitate safe access onto carpark premises from Rampton Road, Treswell.

3. Alternative Access Arrangements- comments

- Requisite visibility distance of 160m from a northbound vehicle travelling at 53.8MPH towards a car waiting at junction to turn right, cannot be achieved from the current exit. NCC Highways informed the Parish Council, 21 November 2018, that an alternative access position, where sufficient visibility already exists, could be investigated.

-All traffic, including holiday accommodation traffic and cars towing caravans, if approved, will access Sundown from the junction Laneham Road /Rampton Road, Treswell, to entrance barrier. The Parish Council requests a further independent survey be carried out, by NCC Highways to determine visibility distance/speed for traffic turning right into preferred Rampton Road, Treswell, from the Laneham Road. (NCC judge the visibility distance to be 120m at that point) Importantly, in view of 'on site' safety issue raised by BDC Planning Committee on a pre-meeting visit, site safety should be reviewed by Sundown management and the Health and Safety Executive to ensure measures to secure the health and safety of visitors/staff are adequate, now, and for future needs, should this application be approved.

Comment by Banners Gate, 'transport implications of the holiday accommodation does not justify wholesale changes to the site layout... *would*...involve considerable expense for limited benefit', unhelpful; Parish Council's concern is health and safety of travelling visitors/staff on site. Should safety measures be judged inadequate to secure onsite safety, wholesale changes to site layout may be necessary, to mitigate the consequential hazards of additional traffic travelling through the theme park to the Log Cabins, Pods and Caravan Pitches and the current exit, should this application be approved.

RAMPTON PARISH COUNCIL have objected to the proposed development on the following summarised grounds:-

1. Clarity of opening times required
2. Traffic data not based on busiest times
3. Who is the target market, younger families, couples, older families, groups, etc
4. Potential impact on sewage network
5. Development should be CIL liable to fund highway improvements
6. Few jobs created
7. Potential light and noise pollution, additional litter
8. No benefit to local shops
9. Potential for stress to horses in in neighbouring fields
10. Contrary to draft Neighbourhood Plan
11. Scale, domination, excessive, impact on open countryside
12. Invasion of privacy, noise disturbance, limited local facilities
13. Unlit highway, no pavements, pedestrian safety, speeding vehicles
14. Numerous visitors, speed limits should be reduced, improvements to highway infrastructure needed
15. Would dominate landscape, threaten rural buffer between settlements
16. Contrary to existing planning policy
17. Over intensive development, increased overall noise levels
18. Security concerns

SOUTH LEVERTON PARISH COUNCIL have objected to the proposed development on the following summarised grounds:-

1. Concerns regarding impact of additional traffic
2. Additional traffic serious impact on villages, speeding, etc

In relation to the amended plans, they maintained their objection, summarised as follows:-

1. Large economic commercial business in the rural area, contrary to policy DM1
2. Adverse impact on the infrastructure of surrounding villages
3. Accommodation would be available throughout the year resulting in significant impacts
4. Application should not be granted

With regard to the latest re-consultation exercise, South Leverton Parish Council has commented as follows:-

The Parish Council objects to this application on the grounds originally made as follows:-

This application proposes a very large economic commercial business development in the rural area associated with the village of Treswell. Policy DM1 considers that economic developments in the countryside should appropriately be located in BDC larger settlements and rural service centres. Treswell is a very small "All Other Settlement" with no service provisions. The application is contrary to Policy DM1 (Economic Development in the Countryside) and should be refused. Policy DM1 is applicable to "All Other Settlements" where increased residential occupancies are not considered to be appropriate due to dependency and therefore adverse impact on the infrastructure on surrounding villages with service facilities. The Sundown Adventure Land facility is open every day from 10 to 4pm. The proposed accommodation is intended to provide access to the Sundown entertainment facilities. Therefore, the holiday lodges and caravans will provide accommodation for visitor occupancy throughout the year, resulting in a significant ongoing increased population and imposing unacceptable impacts on the local infrastructure. Attention is drawn to the fact that there is only one doctor's practice in an area which extends from North Wheatley to Laneham encompassing some 10 villages. These considerations enforce the parish council view that the application should not be granted. In addition Council believes that the proposed access to the site will be unsuitable and cause traffic issues for local residents.

NATIONAL AIR TRAFFIC SAFETY (NATS) has no safeguarding objection to the proposal

Copies of all the responses and comments are available for inspection either on the Council's web page or in the Council Offices.

OTHER COMMENTS RECEIVED

9 LOCAL RESIDENTS have objected to the proposed development on the following summarised grounds:-

1. Site too small and near to residential dwellings, increased use of footpath
2. Noise disturbance and light pollution, increase in traffic, loss of privacy
3. Negative impact on countryside and environment, no benefit to local community
4. Not sort of park that would require longer stays
5. Fear that the park would develop larger more intrusive rides
6. Impact on local security with increased numbers , impact on livestock
7. Existing camping facilities in the locality
8. Already experience loss of amenity and relentless traffic
9. Large holiday park, already long standing traffic issues, highway safety concerns

10. Car park access would have to be open 24\7 to serve holiday complex
11. Contrary to policy, increased air pollution, infringe on basic human rights
12. Would require a sensible and sustainable traffic scheme
13. Adverse impact on the landscape, unsustainable location
14. Capacity issues in relation to foul and surface water drainage
15. Disabled access considerations
16. Inadequate public transport system, no speed restriction on local roads
17. Increased potential for vandalism and loss of privacy
18. Road safety concerns, pedestrian safety concerns
19. No peace and quiet currently, would worsen situation
20. Fear, anxiety, suspicion, distrust, there are genuine local concerns

In relation to the amended plans, two further letters of objection have been received expressing concerns in relation to the access arrangements, previous policy guidance, amenity impacts and highway safety.

With regard to the latest re-consultation exercise, four further letters of objection have been received summarised as follows:-

1. Previous objections still stand, remains out of character
2. Preferable to use current exit as both entrance and exit to the site
3. Pedestrian safety concerns within car park
4. Increased noise disturbance will result

2 LOCAL RESIDENTS support the proposed development, commenting:-

1. Positive thing, would increase patronage of businesses
2. Increase the children's experience by being able to stop over
3. Never been disturbed by park even though car park full
4. Would be good for local businesses, employment and children
5. Boost to local economy

CIlr CRITCHLEY has objected to the proposed development on the following summarised grounds:-

1. Queuing traffic serious problem, caravans\motor homes would worsen situation
2. Re-submission has not addressed original concerns
3. Unacceptable traffic impact, already standing traffic
4. Substantial adverse impact on landscape character
5. No noise management plan
6. public footpath through equestrian establishment, impact on horses
7. not a sustainable village, inappropriate expansion of business
8. unlikely to benefit local community, adverse impact on countryside
9. contrary to policy, out of character, detrimental to amenity of local residents
10. increased noise levels
11. drainage concerns, foul and surface water disposal
12. Neighbourhood Plan nearing completion
13. Not just family appeal but also must surely attract adults
14. Detrimental to highway safety, unlit roads, no footpaths, queuing issues
15. Limited public transport available
16. Not an extension of the existing business, completely different venture
17. Entrance and exit should be both be where traffic currently exits

Following the deferment of the application at the August Planning Committee the **APPLICANT'S AGENT** has considered has further considered the access options and commented as follows:-

"It has taken longer than anticipated to explore all the highways options, as Planning Committee asked us to do, including undertaking additional traffic surveys etc. In order to consider accessing the development from the current exit, County Highways confirmed that we needed to prove adequate visibility exists from the current junction. We have thoroughly explored this and unfortunately, we cannot achieve the required visibility to enable the current exit to safely accommodate incoming traffic. We therefore cannot utilise the current exit as an access point for the development, as it would be unsafe on highway grounds.

We are therefore left with only one option for access to the development. That being to utilise the existing access and egress to the Theme Park. This option has already been confirmed as acceptable by County Highways, and was the option previously taken to Planning Committee with an officer's recommendation for approval. We have now explored all possibilities for access into the site in depth, and return to the option originally tabled. As it has already been confirmed as acceptable by County Highways and yourself, I trust the application can now return to committee with an officer's recommendation for approval."

The **APPLICANT'S HIGHWAY CONSULTANT** has commented as follows:-

"As you are aware the preferred access for the holiday accommodation would utilise the existing infrastructure consisting of the one-way route through Sundown Adventure. This road system is readily understood and well-established. However, my client has listened to comments that have been received as part of the planning consultations and asked us to study a possible alternative access arrangement. An option includes using the existing exit arrangement onto Rampton Road as an access for traffic generated by the holiday accommodation.

We have studied the junction and particularly visibility at this location based on speed surveys as required by County Highways. Please find attached the results of the speed survey which reveals northbound 85th percentile speeds of 53.8mph. Succinctly, visibility from a northbound vehicle travelling towards a car waiting at the junction to turn right is not available. The requisite visibility distance of 160 metres cannot be achieved using the highway and passes across third party land. Please find enclosed drawing P1228/201 illustrating the local constraints and visibility. Therefore, a junction which permits all turning movements at this location is not plausible.

The client and project team has given considerable thought to the proposals and has been open minded to possible alternative options. However, the scale of the transport implications of the holiday accommodation does not justify wholesale changes to the site layout. Such changes would involve considerable expense for limited benefit. The evidence included with this letter demonstrates that retaining the existing one-way route at Sundown is the most plausible and realistic solution such that further talk of alternative access options can be dismissed. We hope that the proposal for holiday accommodation, using the existing infrastructure, can be presented favourably to the planning committee members."

Copies of all the responses and comments are available for inspection either on the Council's web page or in the Council Offices.

CONSIDERATION OF PLANNING ISSUES:

The main issues to be considered when determining this application are the requirements of national and local planning policies, the impact on the character and appearance of the area, the impact on the residential amenity of adjacent residents and the impact on highway safety.

Principle of development

Proposals for development in the wider countryside need to be assessed against their impact on the character and appearance of the locality. Policy also needs to ensure opportunities are available to provide for the sustainable expansion/establishment of rural businesses.

The application is to be appraised against LDF Policy DM1 'Economic Development in the Countryside' where proposals for standalone economic development (e.g. tourist attractions; equine enterprises; rural business) in rural areas will be supported where they can demonstrate that:

- i. New buildings are located and designed to minimise their impact on the character and appearance of the countryside.
- ii. The development requires the specific location proposed and there are no other suitable sites
- iii. They are viable as a long-term business
- iv. The scale, design and form of the proposal in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses
- v. will not have an adverse impact on the vitality or viability of local centres, rural service centres; and shops and services in surrounding villages
- vi. They will not create significant or exacerbate existing environmental or highway safety problems

The applicant's agent has submitted additional supporting information and provided updated plans showing all amendments. Details of the car park layout, circulation, traffic control and the 150m internal access road from the site entrance are intended to avoid queuing on the highway. With regard to out of hours access, a barrier system will be introduced to an amended entrance to allow for vehicles\caravans to wait off the highway and the check in times for guests will be 11am to 7pm.

The development requires a specific location given the association with the existing theme park business and land ownership makes the scheme achievable and deliverable. With regard to long-term viability, there is a demand for such accommodation and the theme park is the second biggest attraction in Bassetlaw after Clumber Park in terms of visitor numbers. The scale, design and form of the proposed development, being single storey, is compatible with the surroundings and appropriate to the rural location. The statutory consultees, including the Highway Authority, have raised no objections to the proposed development in this instance. The small element of retail, offering bread, milk, and camping equipment, etc will not have an adverse impact on the vitality and viability of local centres or shops\services in surrounding villages.

Given the location of the site outside of any defined village development boundary, permanent residential development would be unacceptable in principle, therefore a condition would be required to restrict the accommodation to holiday accommodation only. The occupation of the manager's accommodation can be tied by condition to a person solely employed as the holiday accommodation manager.

Visual Amenity

All the proposed new buildings would be single storey to reduce scale and massing. The site benefits from existing boundary treatments, consisting of trees and hedgerows, to reduce the visual impact of the proposals. The site screening can be further enhanced with an appropriate landscaping scheme. The landscape character has a moderate sensitivity and a good landscape condition, which it is desirable to conserve and reinforce.

The proposed development will not involve the removal of trees or hedgerows and there would be opportunities for enhancement through the imposition of appropriate conditions. Given the relatively isolated location of the site, it is considered that the proposed development would not result in a significant adverse impact on the visual amenity of the locality, such that a reason for refusal could be substantiated at appeal.

Residential Amenity

The proposed development would be managed separately, but intrinsically linked with the existing theme park. The accommodation provided would be for short term holiday lets and not as permanent accommodation. The site would operate with minimal lighting to reduce the potential for light pollution, the details of which can be required by condition. The applicant has stated that a noise curfew after 11pm would operate on site, which would be enforced by on site staff to minimise disturbance to other guests and neighbours. A noise management plan can be required by condition to deal with this issue. With regard to the overall management of the site, including management of the vehicular access arrangements, a detailed operational management plan can be required by condition to seek to minimise the potential impact of the proposed development on residential amenity. Given the relatively isolated location of the site, and having regard to those properties nearest to the proposed development, it is considered that the proposed development would not result in a significant adverse impact on the residential amenity of the locality, such that a reason for refusal could be substantiated at appeal.

Highways Matters

The Highway Authority is not opposed to the principle of the development and has raised no highway safety objections to the proposed development, subject to the imposition of conditions. The suggested alternative amended access proposal, which entailed utilising the current theme park exit road as the sole access and egress for the holiday accommodation only, by forming a two way section, whilst maintaining the one-way route for the theme park users, has been dropped and the applicant has reverted to the original option to use the one-way system. In the absence of a recommendation to refuse planning permission on highway safety grounds from the Highway Authority, it is considered that it would not be possible to substantiate a reason for refusal at appeal, notwithstanding the highway safety concerns of local residents. With regard to the amended plans, the County Highway Authority has raised no objections, subject to the imposition of conditions.

In relation to the latest re-consultation exercise, with regard to the intention to utilise the existing one-way access and egress to the Theme Park, the County Highway Authority has maintained its original position that they have no objection to the proposal, subject to the imposition of conditions. As such, it is difficult to sustain a reason for refusal on highway safety grounds in this instance.

Drainage

A Flood Risk Assessment and Surface Water Drainage\SUDS Strategy has been submitted in support of the application and the Environment Agency, the Lead Local Flood Authority and the Internal Drainage Board have not raised any objections subject to the imposition of conditions. Similarly, Severn Trent Water has not raised an objection to the proposed development subject to the imposition of conditions. It is therefore considered that a condition requiring details of foul and surface water drainage will address the drainage issue, notwithstanding the concerns of local residents.

Ecology

The application has been supported by an Ecological Appraisal and a GCN Survey and Mitigation Report the site is not covered by any ecological designations. The County Council and Nottinghamshire Wildlife Trust have raised no objections, subject to the imposition of conditions. It is therefore considered that there would be no significant adverse impact on the ecology of the site, such that a reason for refusal could be substantiated in this instance.

Financial Implications

With regard to the Community Infrastructure Levy, the proposed D2 leisure\tourism development is not CIL liable.

Conclusion

The application seeks to enhance tourist/visitor accommodation in the district and it is considered that the proposed development would not conflict with the aims and objectives of local and national planning policy. The proposed development would encourage tourism whilst being capable of protecting the environment. The Local Planning Authority encourages such tourism developments, but it is also accepted it is important that planning conditions ensure that the development takes the form envisaged by the Local Planning Authority when determining the application and it is considered that the proposal is generally acceptable.

Following the Planning Committee meeting in August, 2018, the applicant's agent has considered alternative access options and concluded that they cannot achieve the required visibility to enable the current exit to safely accommodate incoming traffic. Therefore, they intend to utilise the existing access and egress to the Theme Park, that is, retaining the existing one-way route at Sundown is the most plausible and realistic access solution. The County Highway Authority has maintained their previous position and raised no objection to the proposed development on highway safety grounds.

RECOMMENDATION: Grant subject to the imposition of the following conditions:-

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

- 2 The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the originally submitted drawings, as amended by the site layout plan drawing number CP356-002D, the car park plan drawing number CP356-007A and entrance barrier plan drawing number CP356-008 received on 10th July, 2018.

Reason: To ensure the development takes the agreed form and thus results in a satisfactory form of development.

- 3 No development shall be occupied or be brought into use until such time as a car park layout has been updated including the provision of hatching generally as detailed on plan reference CP356-007A.

Reason: To minimise the potential for queuing vehicles on the public highway in the interest of highway safety and the free flow of traffic.

- 4 No accommodation or pitch hereby approved shall be occupied until the submission of a Travel Plan in respect of each occupier(s) (and successive occupier(s)) of any accommodation or pitch on the application site and associated employees has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- (i) Reduction in car usage and increased use of public transport, walking and cycling;
- (ii) To inform staff and guests of local amenities and attractions and opportunities for sustainable travel;
- (iii) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason: In the interest of sustainable travel.

- 5 The Rampton Road entrance barrier detailed on plan reference CP356-008 shall be in an open or raised position a minimum of one hour before the theme park is open for business and one hour after the close of business and shall remain open between these hours. Outside theme park business hours the barrier shall raise automatically on approach unless an alternative control arrangement has been agreed in writing by the LPA. The vehicle one-way flow control plates shall be removed and shall be replaced within 1.0m of the entrance barrier or as otherwise agreed in writing by the LPA.

Reason: To ensure vehicles are not delayed when entering the site, are not trapped between the barrier and Rampton Road, are not required to reverse back onto Rampton Road should the barrier be in a closed position, and to prevent vehicles exiting through the entrance only in the interest of highway safety.

- 6 The accommodation on site shall be used for holiday accommodation purposes only and shall not at any time be used as a person's sole or main place of residence. The owners / operators of the holiday park hereby permitted, shall maintain an up to date register of the occupiers of any individual lodge, including dates of arrival and departure and the occupants main place of residence, and shall make this information available on request within 5 working days to the Local Planning Authority.

Reason: In order to encourage tourism and the protection of the environment in an isolated locality that otherwise would be unsustainable as a permanent residential development.

- 7 Occupiers of holiday lodges hereby permitted at the site will be restricted to a maximum 28 day stay duration within any three month timeframe.

Reason: In order to encourage tourism and the protection of the environment in an isolated locality that otherwise would be unsustainable as a permanent residential development.

- 8 Should the holiday lodges fall out of use for a continuous period of 12 months, the holiday lodges shall be removed from the site within 6 months of the end of the 12 month period.

Reason: To ensure that the redundant buildings are removed from the site before they become dilapidated to the detriment of the appearance of the site and locality.

- 9 The occupation of the managers accommodation shall be limited to a person solely employed as the manager of the holiday accommodation and to any resident dependants.

- 10 Development shall not commence until such time as the facing and roofing materials to be used in the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development.

- 11 Development shall not commence until such time as full details of the manner in which foul sewage and surface water are to be disposed of from the site have been submitted to and agreed in writing 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 site is drained in a satisfactory manner.

- 12 Development shall not commence until a scheme for the treatment and maintenance of the internal and external boundaries of the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented in accordance with the agreed scheme before the first use of any of the building/uses hereby permitted.

Reason: To ensure the satisfactory, overall appearance of the completed development.

- 13 A scheme for tree planting on and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be fully implemented within nine months of the commencement of the first use of the buildings/uses hereby permitted unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

- 14 No development shall commence until such time as the mature tree(s), retained hedgerows and ponds on the application site have been protected, in a manner to be agreed in writing with the Local Planning Authority. The trees/hedgerows shall be protected in the agreed manner for the duration of building operations.

Reason: The tree(s)/hedgerows in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.

- 15 All site clearance work shall be undertaken outside the bird-breeding season (March – September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that birds nests are protected from disturbance and destruction.

- 16 No development shall commence until details of all outdoor lighting to be erected on the site have been submitted to and agreed in writing by the Local Planning Authority before development commences. The details shall include the height, direction and level of illumination of all lights. Only those lights agreed by the Local Planning Authority shall be erected.

Reason: To safeguard the amenity of residents living in the vicinity of the site and to prevent unnecessary lighting of the site and surrounding area.

- 17 The development shall not commence until details of the surface improvements to Footpath No. 2 have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed scheme.

Reason: In the interests of pedestrian safety.

- 18 The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Ecological Appraisal and the GCN Survey and Mitigation Report in respect of bats, Great Crested Newts, birds, reptiles and badgers.

Reason: To ensure that adequate wildlife protection measures are undertaken.

- 19 The development shall not commence until a Construction Environmental Management Plan and a Landscape/Biodiversity Management Plan (including management of the Nature Enhancement Area) has been 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: In the interests environmental management.

- 20 Development shall not commence until a Noise Management Plan and an Operational Management Plan has been 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 safeguard the amenities of the site and the amenities of dwellings located in the vicinity of the application site.

- 21 All Construction works and ancillary operations shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays, Bank Holidays and Public Holidays. Deliveries of goods to and from site including the removal of plant, equipment, machinery and waste must only take place within the permitted hours detailed above.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

ITEM SUBJECT OF A SITE VISIT

Item No: a3

| | |
|-------------------------|---|
| Application Ref. | 18/00747/OUT |
| Application Type | Outline Planning Application |
| Site Address | Land North of Bracken Lane, Retford Nottinghamshire |
| Proposal | Outline Planning Application with Some Matters Reserved (Approval Being Sought for Access), for up to 71 Dwellings and Other Associated Works |
| Case Officer | Myles Joyce |
| Recommendation | Refuse |
| Web Link: | Link to Planning Documents |

THE APPLICATION

Site Context

The site lies outside but adjacent to the eastern edge of the development boundary of Retford. To the north of the site is a Sports Ground and to the south-west Bracken Lane Primary School. To the west are residential properties.

The site is an irregular rectangular shape and roughly rectangular in shape and occupies a stated area of 3.99 hectares. It is accessed from the west from London Road. The western access abuts the South Retford Conservation Area at London Road

Proposal

Outline planning permission is sought for the erection of up to 71 dwellings with all matters reserved save for access to the site. The access proposed will be the existing access from the west for three dwellings in the site's south-western corner with the main access serving the remainder of the site to the south from Bracken Lane.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

Environmental Impact Assessment Regulations 2017

The proposal does not fall into any of the categories of development contained in Schedule 1 or 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 defined as requiring EIA Screening.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

- Part 9 (Sustainable Transport) Paragraphs 108-111
- Part 5 (Housing) – Paragraph 62-63 73-76
- Part 12 (Design) – Paragraphs 127-130
- Part10 (Climate Change & Flooding) – Paragraph 163
- Part11 (Natural Environment) – Paragraphs 174-175

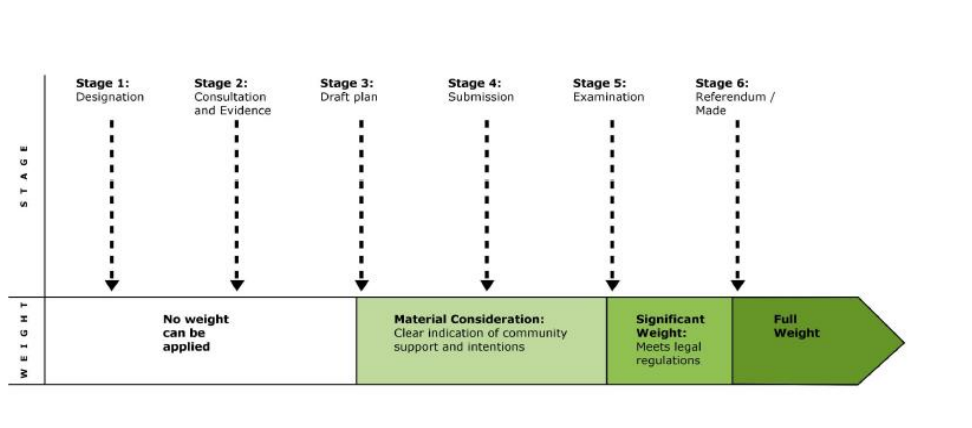
Bassetlaw District Council – Local Development Framework

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- Policy/Policies CS1, CS2, DM4, DM5, DM7, DM9, DM11, DM12, DM13.

Neighbourhood Plan (including status and relevant policies)

Not applicable



RELEVANT PLANNING HISTORY

DC/01/80/00009 Residential Development and access. Refused
 AP/01/80/00009 Appeal against refusal. Dismissed 19.3.91

RESPONSE OF STATUTORY BODIES

Gamston Aviation

No objection to the proposed development. However, the developer should be aware of the close proximity of the airport and possible overflight of the proposed dwellings by aircraft.

Environment Agency

No objection comment that LLFA should be consulted on SuDS

County Archaeologist

Has no objections

Nottinghamshire Wildlife Trust (NWT)

Initial holding objection as there is currently no ecological assessment of the potential impact of the proposed development site as a whole. Therefore, the cumulative impact of developing both parcels of land has not been considered.

The updated report has overcome NWT's objections as it is across the whole. With regard to Reptiles the recommended a Reasonable Avoidance Measures Statement to be provided with respect to site clearance works (Appendix 5) could be secured through use of a planning condition.

Additional transect and static monitoring work has now been carried out across the site have not captured any bat activity. Provided that all recommendations given in Section 4.3.2 regarding habitat retention and creation, roosting opportunities and artificial lighting should be secured through use of a suitably worded condition.

The Recommendations given in Section 4.4.2 with regard to Birds are welcomed and should be conditioned to protect breeding birds and to ensure that the development compensates for the loss of potential breeding habitat as well as providing habitat enhancements.

The conclusion that the risk of GCN occurring within the development footprint is negligible is accepted. Adherence to the site clearance methodology given in Appendix 5 should also help to avoid impact on any common amphibian species that may be present.

Whilst we welcome that indicative species lists are provided at Sections 4.2.2 and 4.3.2 we note that because of the current problems with Chalara dieback of Ash (*Chalara fraxinea*) it is recommended by the Forestry Commission that Ash should not be planted, so this species should be should not be included in plant mixes.

Finally, section 4.2.2 also gives recommendations regarding the design of the proposed attenuation basin is strongly supported for incorporation into the landscaping plans for the site including the illustrative Masterplan which reflects recommendations for habitat retention along with a development offset, as well as habitat creation and enhancement.

County Lead Local Flood Authority (LLFA)

No objection subject to conditions

County Policy Team

Request contributions of £35,000 for bus stop improvements and standard ecological conditions

County Education

Requests £171,825 for additional yield of 15 primary school places

County Highway Authority

No objections subject to standard conditions subject to implementation of the agreed widening of roads before occupation, limit the London Way access to serve no more than 3 dwellings, the provision at reserved matters stage of a footway 2m wide around the eastern access junction, cycle and bin storage facilities, wheel washing facilities. No occupation before visibility splays on Bracken Lane implemented and nothing over 0.6 m high within this splay and submission of Bracken Lane footway scheme to be agreed prior to commencement of development. Note to applicant need to enter into S38 and S278 agreements under Highways Act.

BDC Heritage and Conservation

No objections given limited impact on the Conservation Area's setting and no objection in term of impact on its character and appearance.

BDC Strategic Housing

Seek 25% Affordable Housing (18 units) integrated not clustered within the development.

BDC Open Space Officer

Notes existing play area nearby to this development and requests a contribution of £22,621.25 towards the provision of play equipment off site.

BDC Environmental Health Officer (EHO)

No objections subject to conditions relating to hours of construction and standard conditions related to undertaking surveys in relation to contaminated land.

BDC Tree Officer

No Objections

District Councillor

Cllr Storey objects on traffic and highway safety grounds and flood risk.

3rd Parties Representations

2 comments, firstly that comment that developer should be aware of proximity of airport and potential noise impact on development and secondly that CIL does not benefit Retford and should be rethought

26 letters of objection in terms of:

Highway Matters

- Adverse impact on highway safety
- On street parking pressure and impact on traffic flow due to increase congestion
- Narrowness of road and manoeuvrability issues
- Poor visibility for vehicles
- Junction at Bracken Lane Whitney moor road and London Road already very busy development would exacerbate this

Flood Risk

- Surface water flooding
- Lack of drainage capacity
- 1995 scheme refused close to site due to flood risk
- Cumulative impact on area of recent approved schemes

Other

- Noise impact of proposed development of amenity of residents
- Increased Traffic leading to increased pollution
- Security Issues for existing and new residents
- Ecological survey incomplete
- Lack of community facilities
- Overcrowding at Bracken Lane School

CONSIDERATION OF PLANNING ISSUES

Principle- Principle of Sustainable Development

The site lies outside but adjacent to the eastern edge of the development boundary of Retford. To the north of the site is a Sports Ground and to the south-west Bracken Lane Primary School. To the west are residential properties.

With regard to Housing Land policy issues, the key planning policies in relation to this application are contained within the adopted Core Strategy Policy CS1 and National Planning Policy Framework, along with the latest housing land supply information contained within the Strategic Housing Land Availability Assessment (SHLAA).

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five year worth of housing against their housing requirements. The NPPF also requires an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the housing market and to provide a realistic prospect of achieving the planned supply.

Recent changes to the NPPF (July 2018) and subsequent changes to National Planning Practice Guidance (NPPG), in particular the way in which housing delivery is assessed, has resulted in a significant change to Bassetlaw's five year housing land supply position, relative to previous years. The NPPG sets out that where delivery over the past three years has not fallen below 85% of the requirement, as is the case for BDC, 5% is the minimum buffer necessary to apply to ensure choice and competition in the market.

Following introduction of the Government's standardised methodology for calculating objectively assessed need (OAN), the basic housing requirement for Bassetlaw District Council for the next five year period will be based on the standardised OAN as at 1 April 2018. Bassetlaw's basic OAN figure is 324 dwellings per annum or 340 dwellings per annum with the additional 5% buffer.

This equates to a five year supply target of 1,701 dwellings. There Council has identified a deliverable supply of 2,674 dwellings over the forthcoming five year period. This equates to a

total Housing Supply (with 5% Buffer) of 7.9 Years. Accordingly, the housing policies of the Local Plan must now be considered part of the relevant policy framework alongside the NPPF and any pertinent Neighbourhood Plans. up to date.

Policy CS1 requires that the distribution of new development in Bassetlaw, over the period covered by this Core Strategy, will be in accordance with the aims of the settlement hierarchy (i.e. to ensure that the scale of new development is appropriate in relation to the size, function and regeneration opportunities of each tier). Development in the settlements identified in the hierarchy will be restricted to the area inside defined Development Boundaries.

Policy CS3 requires development in Retford to be of a scale necessary to sustain the town's role as a Core Service Centre, focusing on the maintenance of an appropriate range of services, facilities and retail provision, while increasing local employment opportunities. Particular regard will be given to the protection and enhancement of Retford's character and natural environment. New development will complement the built form of Retford's historic neighbourhoods and town centre and take full account of the range of sensitive environmental sites that surround the town. Residential development proposals will be supported within the Development Boundary, in line with other material considerations and planning policy requirements.

In light of the recently revised housing supply figures, and the sustainable nature of the site, it is considered that the proposed development of the site for housing is not acceptable in principle. As such proposed residential development would not be in accordance with Policies CS1 and CS3.

Impact on the Character and Appearance

The proposal would in effect extend the development boundary eastwards and provide a linkage between London Road to the west and Bracken lane to the south. The Bracken Lane site would provide access to all but three of the proposed dwellings with the access from the west providing for only three dwellings situated in the extreme south-west of the site.

As this is an outline planning application the layout is indicative but suggests a main internal access road running west to east with roughly crescent-shaped cul-de-sacs running to the north west, north east and south-east. A green 'buffer zone' is proposed for the west, north and especially eastern and north-eastern boundaries with a proposed attenuation pond to be situated in the site's north-eastern corner. A discontinuous green area for planting is proposed for the southern boundary. The site would therefore provide a soft boundary to the existing open space to the north (sports ground) and south (primary school grounds). A proposed play area is indicated within the open space retained in the sites easternmost section.

Paragraph 127 contains a number of criteria relating to the design of developments which planning decisions should seek to ensure. In particular, developments should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change are encouraged.

More details with regard to layout, scale, form, mass and use of materials as well as landscaping would be submitted at the reserved matters stage. However, with sufficient and suitably worded conditions relating to such details, it is not anticipated that the proposed

development would fail to preserve the character and appearance of what is a mixed area of relatively low residential density, education and sports facilities with open space further away to the east and south-east. With regard to its impact on the open space and landscape character this is dealt with later in this report.

At such it is not anticipated that the proposal would detract from the character and appearance of the area and as such is considered to be in accordance with Policy DM4 of the Bassetlaw LDF: Core Strategy and DPD 2011.

Impact Heritage and Conservation

The western access to the site abuts the South Retford Conservation Area but the bulk of the site and the proposed development is set a considerable distance to the east of this and therefore no material impact on the character and appearance of the Conservation Area is anticipated. No objections given limited impact on the Conservation Area' setting and no objection in term of impact on its character and appearance. As such the proposal is considered to be in accordance with Policy DM8 of the Bassetlaw LDF: Core Strategy and DPD 2011.

Highways Impact

The Transport Statement submitted in support of the proposed development proposal. The County Highway Authority note that the Transport Assessment submitted in support of that scheme notes junction capacity issues at London Road, Whinney Moor Lane, Bracken Lane. Although the assessment has taken into account the combined traffic impacts of this scheme and the Kenilworth Nurseries approval nearby on the area, spare capacity will remain with regard to the Bracken Lane junction and the proposal will make very little impact on the performance of this junction. The London Road access is to be improved and would benefit the existing properties also served from the drive.

The rest of the properties being served from Bracken Lane would be acceptable with 2m footway passing the school to scheme to connect to the existing footway. An additional footway will be required around the eastern Bracken Lane junction radii would also be required

The Highways Authority has no objection subject to conditions No objections subject to standard conditions subject to implementation of the agreed widening of roads before occupation, limit the London Way access to serve no more than 3 dwellings, the provision at reserved matters stage of a footway 2m wide around the eastern access unction, cycle and bin storage facilities, wheel washing facilities. No occupation before visibility spays on Bracken Lane implemented and nothing over 0.6 m high within this splay and submission of Bracken Lane footway scheme to be agreed prior to commencement of development. The need to enter into S38 and S278 agreements under Highways Act will be required and these are added as informatives.

With regard to access and servicing, the County highway authority has raised no objections, swept path analysis of the site access junction with Bracken Lane has been carried out using the AutoTrack software, the results of which are included in Drawing T17585.002. It is apparent that the proposed site access junction is appropriate to accommodate refuse vehicles.

Paragraph 109 of the NPPF advises that development should only be prevented or refused where on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severed. In the absence of such impacts the scheme is considered to be acceptable on highways grounds.

Sustainable Transport

It is considered that the site is well located to provide future residents with a real choice of travel modes. The following sections consider the opportunities for sustainable travel that are available in the vicinity of the site. Retford Rail Station is located approximately 1.7 kilometres northwest of the site. The nearest bus stops to the site are located on Bracken Lane, approximately 460m southwest of the centre of the development site.

The County Policy Team request contributions of £35,000 for bus stop improvements and standard ecological conditions, mitigating the potential impact of the development of public transport provision and reducing the need for travel by private means of transport.

Affordable Housing Provision

The Affordable Housing SPD states a requirement for 25% affordable units in Retford equivalent to 18 dwellings. The Strategic Housing team advise that affordable housing units should be well integrated to achieve the aspirational benefits of mixed-housing tenure, avoiding clustering by tenure, so that the risk of intensive neighbourhood management issues in the future is minimised.

The Strategic Housing Market Assessment (SHMA) projects a growth of 47% in the population over the age of 60 over the next 10 years, and growth of 89% for those over 75. Reference to this demand group in the unit types proposed would be most favourable.

Contaminated Land

The Council's Environmental Health officer suggests that the site may have been used for potentially contaminative uses and accordingly suggested a planning condition based on the precautionary principle. These concerns can be mitigated by conditions which are attached to this recommendation.

Noise

The Council's Environmental Health Officer concerns that the residential nature of the proposed development is unlikely to cause any material issue with respect of noise once building work is complete including increase in road traffic noise but within levels to that experienced by residents at the entrance of many such housing estates. During the construction phase, hours limiting construction works is proposed. This condition is considered to be reasonable to mitigate the potentially harmful impacts of the development in this regard.

Public Open Space

Based on 71 houses, the following amounts of open space are required to be set aside for play provision (based on calculations from the Bassetlaw Open Space 2012):

- Play equipped area – 181.05sqm (2.55 x 71)
- Amenity space – 773.9sqm (10.90 x 71)

However, there are existing play areas nearby to this development, the Council preference would be to improve these, rather than on-site provision. Therefore, a contribution of £22,631.25 towards the provision of play equipment off site should be secured.

Flood Risk and Drainage-

The Environment Agency Flood Map for Planning shows that the site lies entirely within Flood Zone 1, land defined as having less than a 1 in 1000 annual probability of river or sea flooding (<0.1%). The Retford Beck is the closest Main River located adjacent to the eastern boundary of the site.

Flood risk has been assessed from all other major sources of flooding, including reservoirs, canals, groundwater, tidal, and sewers. All of these sources are considered to pose either only a low or residual risk to the site. In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

| Flood Source | Risk & Proposed Mitigation Measures |
|--|---|
| Fluvial Groundwater Sewers | Finished floor levels to be raised a nominal 150mm above existing ground levels. |
| Pluvial runoff | Finished ground levels should be designed to direct overland flows away from built development. A preferential flow channel is been recommended to suitably manage surface water flows. |
| Impact of the Development | Surface water runoff from the development will be controlled appropriately. The foul water from the development will be discharged to the public sewer on Bracken Lane, which the operator has confirmed has capacity. |
| This summary should be read in conjunction with BWB's full report. It reflects an assessment of the Site based on information received by BWB at the time of production. | |

Figure 5.1 of page 14 of the submitted Flood Risk Assessment (FRA) shows the risk and mitigation measures.

With regard to drainage, the submitted sustainable drainage statement advises the following:

“that in order to achieve a surface water network with a gravity connection to the detention basin and subsequent outfall to the Retford Beck, raising of existing ground levels in some areas may be required. This is not envisaged to be significant and can be quantified at the detailed design stage.

In the event that the capacity of the attenuation is exceeded, flood water will be directed away from buildings and towards the Retford Beck. A localised depression in the east bank of detention basin will direct exceedance flows towards the river. In addition to the volume of storage provided within the main attenuation, there will be capacity within upstream pipes, the conveyance swale and manholes which has not been accounted for at this stage and a further level of redundancy to the network will therefore be provided.”

The SuDS features and associated pipe networks will be offered to the local water authority for adoption. Failing this, a management company can be appointed. Any specialist or proprietary products that are specified at detailed design will have a manufacturer specific maintenance regime which should be included within any maintenance document for the drainage features.

For foul drainage strategy, there is a foul drainage network along Bracken Lane. The Severn Trent Water sewer records identify a foul water pipe south of the site on Bracken Lane which would have capacity to accept flows from the proposed development. Therefore, a pumping station will be required and has been indicatively positioned east of the main site entrance off Bracken Lane with an invert level of 14.925m AOD.

The site lies within Flood Zone 1 and there have been no objections raised by either the district drainage officer (subject to approval by County). The County as the Lead Local Flood Authority have no objection subject to a detailed drainage strategy and as such subject to the suggested conditions. With regard to sustainable drainage maintenance and management, a scheme will be required to be entered into via the related S106 agreement.

As such, the proposal is considered to be in accordance with Policy DM12 of the Bassetlaw LDF: Core Strategy and DPD 2011 and paragraphs 163 and 165 of the NPPF.

Impact on Ecology

Paragraphs 174-175 of the NPPF requires local planning authorities to aim to conserve and enhance biodiversity utilising opportunities to incorporate biodiversity in and around developments should be encouraged. This is echoed in Policy DM9 of the Core Strategy. The submission of an Ecology and Protected Species Survey is considered broadly acceptable but further information is required especially in relation to protected species, specifically Greater Crested Newts (GCN)

The Nottinghamshire Wildlife Trust initially lodged a holding objection as there are some concerns that the overall ecological impact of the proposed has not been considered as a whole. Also, there are some discrepancies between the 2016 and 2017 reports and lack of justification for deviation from best practice. It was recommended that the LPA requests an up to date report which draws together all of the above issues across the whole development site, including measures for avoidance, mitigation and/or compensation for identified impacts. This could also include a draft Ecological Mitigation and Compensation Strategy.

Initial holding objection as there is currently no ecological assessment of the potential impact of the proposed development site as a whole. Therefore, the cumulative impact of developing both parcels of land has not been considered.

The updated report has overcome NWT's objections as it is across the whole. With regard to Reptiles the recommended a Reasonable Avoidance Measures Statement to be provided with respect to site clearance works (Appendix 5) could be secured through use of a planning condition.

Additional transect and static monitoring work has now been carried out across the site have not captured any bat activity. Provided that all recommendations given in Section 4.3.2 regarding habitat retention and creation, roosting opportunities and artificial lighting should be secured through use of a suitably worded condition.

The Recommendations given in Section 4.4.2 with regard to Birds are welcomed and should be conditioned to protect breeding birds and to ensure that the development compensates for the loss of potential breeding habitat as well as providing habitat enhancements. The conclusion that the risk of GCN occurring within the development footprint is negligible is accepted. Adherence to the site clearance methodology given in Appendix 5 should also help to avoid impact on any common amphibian species that may be present.

Whilst we welcome that indicative species lists are provided at Sections 4.2.2 and 4.3.2 we note that because of the current problems with Chalara dieback of Ash (*Chalara fraxinea*) it

is recommended by the Forestry Commission that Ash should not be planted, so this species should be should not be included in plant mixes.

Finally, section 4.2.2 also gives recommendations regarding the design of the proposed attenuation basin is strongly supported for incorporation into the landscaping plans for the site including the illustrative Masterplan which reflects recommendations for habitat retention along with a development offset, as well as habitat creation and enhancement.

In addition, the County Policy Team has suggested conditions to be imposed which include inter alia, the control of vegetation clearance during the bird nesting season (see para 4.3 of the PEA), the submission of a detailed, bat-sensitive lighting scheme, if lighting is proposed, the production of a watching brief in relation to Great Crested Newts and the covering over or ramping out from deep excavations left overnight, to protect nocturnal mammals as well as conditions for ecological enhancements including the retention of the central hedgerow and mature oak tree, and boundary hedgerows as proposed, including protection measures (e.g. temporary fencing) should be used to safeguard these during construction, and the installation of bat and bird boxes (the latter targeting house sparrow, starling and swift) into a proportion of the new dwellings/their garages.

Trees, Landscaping and Landscape Character-

The submission of a detailed landscaping scheme using native species of tree and shrub in the open space/site boundary areas, and the use of a wildflower and/or flowering lawn mix. The provision of gaps in the base of garden fences to allow the passage of hedgehogs is considered acceptable.

With regard to Landscaping, the site lies on the border between NCA 49: Sherwood and NCA 48: Trent and Belvoir Vales. The application site also lies within close proximity to NCA 39: Humberhead Levels. In addition to the NCA, Bassetlaw District Council have produced a district wide Landscape Character Assessment (LCA). The LCA identifies that the application

site is located on the boundary between two Character Areas: Idle Lowlands, and Sherwood. However, upon review of the submitted LCA, the site is not located within any Policy Zones, and as such, is not covered by any key characteristics. *“A largely unified area with a somewhat intact field pattern, strong network of hedgerows, ditches and deciduous tree belts and coniferous plantations. The built form of the area is limited and largely relates to the agricultural character of the area. Trees and hedgerows between fields and along the roadside create a sense of enclosure. The main detracting features are busy roads in and out of Retford and the edges of the DPZ the urban fringes of Retford are prominent.”*

Landscape and Visual Impact Assessment (LVIA) submitted appraises the site. The site is identified as being of moderate landscape sensitivity, and moderate visibility, with the overall policy being to conserve the landscape. The susceptibility of the landscape resource to change of the type proposed is considered to be low. The site reflects that of its locality, comprising an agricultural field set within a robust landscape structure. Internally, there are few landscape features of note.

The landscape is of medium to low scenic quality with low conservation interest. The existing hedgerows and vegetation structure which contain the site represent some ecological interest. There is no recreation value as the site is not publicly accessible. Whilst it is acknowledged that a small part of the site falls within the South Retford Conservation Area, that part only comprises an existing lane which currently provides access to two properties behind London Road.

In relation to the receiving landscape character, it is considered that the proposals will give rise to some change, although the change is not readily perceived from the localised and wider rural setting and the key characteristics of the wider landscape setting is unaltered. It is considered that the site itself is more heavily influenced by the existing settlement edge to the west and south-west than the wider rural setting, with the localised road corridors further reducing the perceived tranquillity.

The extent of existing vegetation within the site's localised setting combined with existing topography and the proposed landscape strategy provide a strong degree of containment to the site. The development proposals respect and enhance the quality and character of the area, include high quality sustainable design, recessive finishes and new planting that corresponds with the Residential Design Guide Supplementary Planning Document.

It is therefore considered the proposals will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of its impact on the landscape character of the area. The proposals will be perceived within the context of the existing settlement edge of Retford to the south and south-west of the site, which forms a notable urbanising feature within the receiving visual environment. It is considered that the sensitively designed proposals can be successfully integrated into this setting, ensuring that the characteristics of the site's wider setting remain unaltered. The proposed landscape treatment will further assist the integration of the proposals introducing tree'd hedgerows and belts of tree planting that will not only soften the built edge of the proposals but also the existing settlement edge of Retford.

It is considered that the application site and receiving environment have the capacity to accommodate the proposals. The proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location and is supportable from a landscape and visual perspective.

in support of the development proposal consider that the proposed planting will enable the scheme to successfully integrate with the immediate setting and offset any potential adverse effects on the landscape and visual amenity. In addition, planting and the open space on the north east corner of the site will mitigate views of the development from the surrounding countryside. In short the site can accommodate up to 71 dwellings without causing undue harm to the landscape character of the site. Taken in conjunction with tree planting and ecological enhancement measures at reserved matters stage, it is considered that the proposal accords with Policy DM9 of the Bassetlaw LDF: Core Strategy and DPD 2011.

Archaeology

The Lincolnshire County Archaeologist notes that the results of the submitted geophysical survey and they concur with the results that the archaeological potential of this site is low. As such no further archaeological input is required into this scheme.

Planning Obligations and Viability

Paragraph 56 of the NPPF states that Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

No viability challenge has been submitted by the applicant.

The proposed residential development will trigger the need for affordable housing provision, an education contribution, and a public open space contribution to be secured via a Section 106 legal agreement.

- Affordable Housing at 25% or up to **18 dwellings**
- An Education contribution of **£171,825** towards primary placements
- A Public Open Space contribution of **£22,631.25**
- A contribution of **£35,000** towards bus stop improvements
- Provision of an agreed SUDS maintenance and management system

It is considered that all of the above contributions satisfy the criteria set out in paragraph 56 of the NPPF.

The Community Infrastructure Levy would apply to this development at the reserved matters stage.

Other Material Planning Considerations

Issues such as dwelling mix, design, scale, mass and material to be employed are more relevant to the details to be submitted at reserved matters stage. It is considered however given the relatively low density of the development scheme that potential for adverse impacts on residential amenity will be limited.

Statement of Community Involvement

A statement of community involvement was submitted in support of this planning application by Fisher German in June 2018. A public exhibition was held at The Elms Hotel and Public House on Monday 15th January 2018. Leaflets were distributed to residents and businesses in the surrounding area inviting them to attend the exhibition and emails were also sent to local Ward Councillors to notify them.

Paragraph 40 of the NPPF states that local planning authorities should “encourage any applicants who are not required to do so by law to engage with the local community before submitting their applications”. The NPPF goes on to state that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

Pre-Application Advice was obtained from Bassetlaw District Council in March 2017 in respect of a proposed residential development on the western portion of the site. The proposal was accepted in principle. As part of the above process, the Highway Authority were consulted on the potential use of the existing access track from London Road to serve a residential development.

The request was accompanied by an Access Appraisal which suggested a number of access scenarios to serve increasing numbers of dwellings off the track including service from Bracken Lane and widening of the existing access track (as shown by London Road, Residential Access Way Drawing T17585 003 Rev) to only be suitable for serving an additional 3 dwellings.

To publicise the event, leaflets were distributed to 1,294 dwellings and businesses in the south of Retford 13 days before the exhibition. In order to record the number of visitors to the exhibition, a tally of attendees was taken and this recorded approximately 124 visitors to the

exhibition. At the event 15 feedback forms were left in the box provided. Following the event, a further 17 forms were posted/emailed to Fisher German.

A small number of residents expressed that they are 'happy' to see housing come forward on the site and that they view new housing as 'necessary'. However, the majority of responses have expressed concern about the principle of new dwellings coming forward on the site, too many dwellings on site, traffic impact, local sewerage capacity, surface water flooding issues and that local services (such as schools) are already at capacity.

Dwelling mix, including higher end properties as well as small dwellings and affordable housing was also identified as being required in Retford and on the site. Some comments raised concern about the proposed access arrangements and repeated suggestions were made for a Children's Play Area within the site. In addition to the above comments, residents raised concern that the proposed development site is waterlogged, at risk of flooding and that during times of heavy rainfall, the neighbouring school has been flooded with sewage. Residents have also raised concern that more surface water will be released into the Retford Beck which will increase flood risk.

Application Summary

The site lies outside the Retford development boundary. Recent changes to the NPPF (July 2018) and subsequent changes to National Planning Practice Guidance (NPPG), in particular the way in which housing delivery is assessed, Following introduction of the Government's standardised methodology for calculating objectively assessed need (OAN), the basic housing requirement for Bassetlaw District Council for the next five year period will be based on the standardised OAN as at 1 April 2018. Bassetlaw's basic OAN figure is 324 dwellings per annum or 340 dwellings per annum with the additional 5% buffer. This equates to a five year supply target of 1,701 dwellings. There Council has identified a deliverable supply of 2,674 dwellings over the forthcoming five year period. This equates to a total Housing Supply (with 5% Buffer) of 7.9 Years. Accordingly, the housing policies of the Local Plan must now be considered part of the relevant policy framework alongside the NPPF and any pertinent Neighbourhood Plans.

Policy CS1 requires that the development in the settlements identified in the hierarchy will be restricted to the area inside defined Development Boundaries. Policy CS3 supports residential development proposals within the Development Boundary, in line with other material considerations and planning policy requirements.

In light of the recently revised housing supply figures, and the sustainable nature of the site, it is considered that the proposed development of the site for housing is not acceptable in principle. As such proposed residential development would not be in accordance with Policies C1 and CS3.

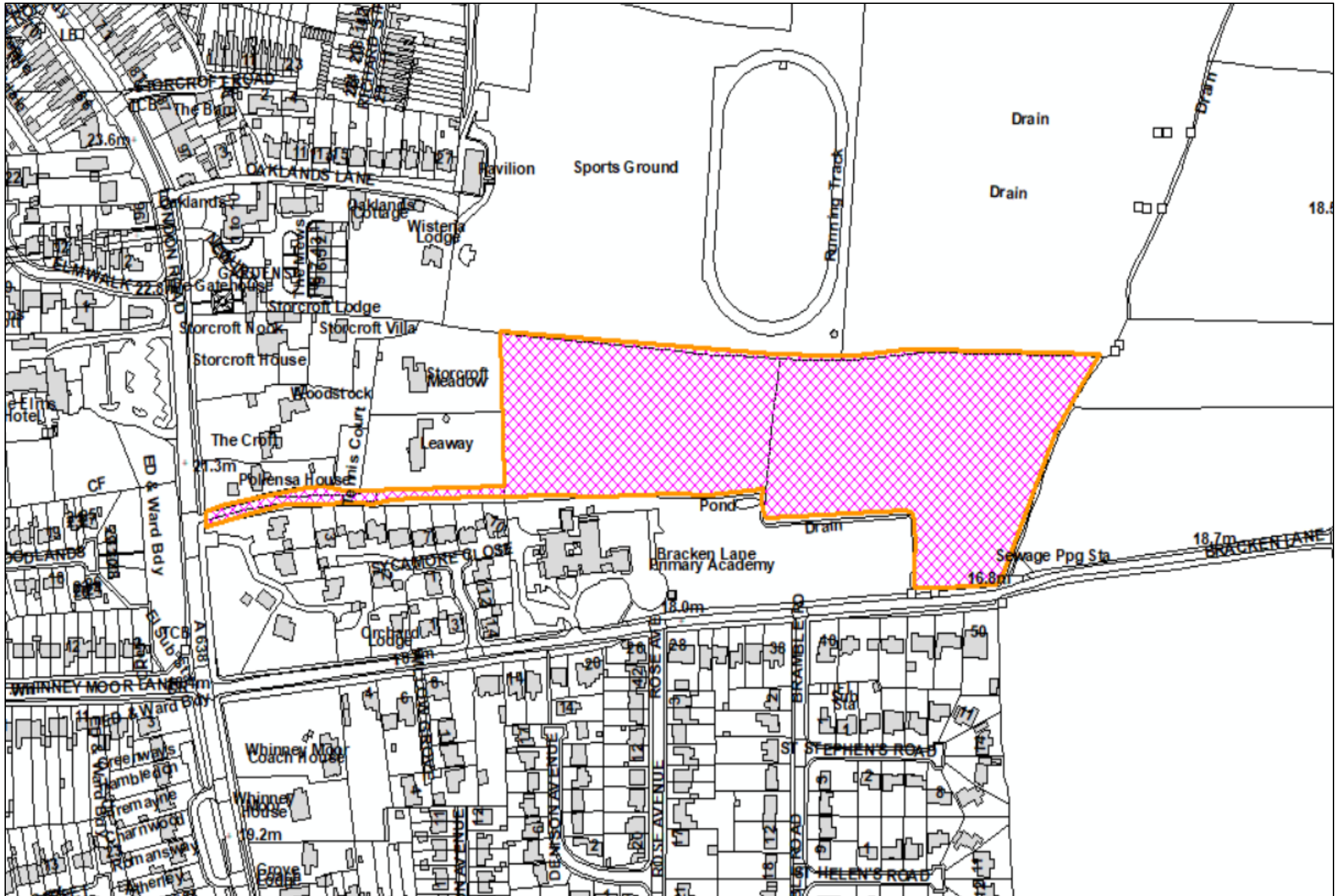
CIL CALCULATION

Any CIL Charge quoted above is based on the application submission at the time of issuing this report. The final charge will include indexation figures for Permission Year Index and Charge Year Index. This will be calculated at the reserved matter stage when final floorspaces will be known.

RECOMMENDATION:

Refuse for the following reason.

1. Policy CS1 of the Bassetlaw Local Development Framework states that development will be restricted to areas within defined Development Boundaries. The application site is located outside any defined boundary. The Bassetlaw Local Development Framework states that new development will not be granted for development outside built up areas, except in certain specified circumstances. As the Council can demonstrate a five year housing land supply, the proposed development does not fall within one of the exceptions listed. If permitted, the development would be contrary to the Policy CS1 of the BDC Core Strategy and Development Management Policies DPD 2011.



ITEM SUBJECT OF A SITE VISIT

Item No: a4

| | |
|-------------------------|--|
| Application Ref. | 18/01093/OUT |
| Application Type | Outline Planning Application |
| Site Address | Carlton Forest Quarry And Landfill Site, Blyth Road, Worksop |
| Proposal | Outline Application With Some Matters Reserved, Approval Being Sought for Access For The Erection Of B1 (Business), B2 (General Industry) And/Or B8 (Storage And Distribution) Units |
| Case Officer | Dave Askwith |
| Recommendation | Grant planning permission with conditions |
| Web Link: | Link to Planning Documents |

THE APPLICATION:

The application site lies outside the development boundary of Worksop, as defined in the Core Strategy, to the north of Worksop. The proposed development comprises 3,125 sqm of B1 (Business), B2 (General Industry) and \ or B8 (Storage and Distribution) floor space within the former Carlton Forest Quarry and Landfill Site. The site area is approximately 2.4 hectares and irregular in shape. The land in question has previously been subject to mineral and waste consents from Nottinghamshire County Council and restoration requirements. Access to the site is via the existing access from the B6045. The site is bounded by vegetation and woodland.

The proposed development seeks to provide flexible employment floorspace, comprising up to 6 units of approximately 521 sqm each with associated car parking and servicing. The buildings would be portal framed industrial units with a metal cladding finish and the building height would be approximately 7m to the eaves and 10m to the ridge. The exact layout and scale would be determined at the reserved matters stage. The proposed development would primarily occupy the area previously used as the Inert Materials Recycling Facility and the infrastructure area for the landfill operation.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS:

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

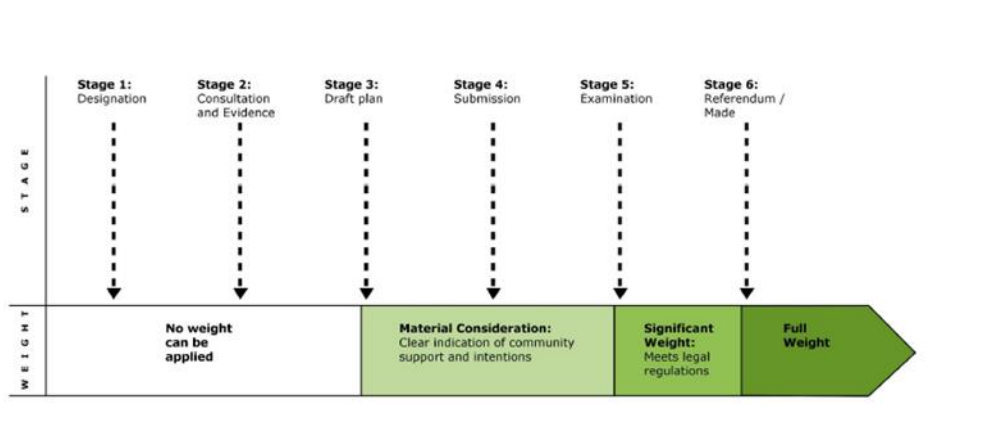
- Part 6 (Strong Competitive Economy)
- Part 11 (Effective use of Land)
- Part 12 (Achieving Well Designed Places)

**Bassetlaw District Council – Local Development Framework
Core Strategy & Development Management Policies Development Plan Document
(Adopted December 2011):**

- Policy/Policies CS1, CS5
- Policy/Policies DM1, DM4, DM7, DM10, DM11, DM12, DM13

Neighbourhood Plan

The Carlton-in-Lindrick Neighbourhood Plan is at the examination stage. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded significant weight.



RELEVANT PLANNING HISTORY:

There is an extensive planning history associated with this site in relation to planning permission for mineral workings and the extraction of sand, subsequent permissions to extend the life of the quarrying and landfill operations and restoration. Planning permission has been granted for an Inert Materials Recycling Facility and also a landfill gas utilisation compound to convert gas into electricity.

Although a number of the planning permissions, and the associated restoration proposals, have previously been granted by the Nottinghamshire County Council as “County Matter” applications, it is considered that the proposed development, and any subsequent planning application, should be submitted to and determined by Bassetlaw District Council.

RESPONSES FROM STATUTORY BODIES:

The **COUNTY DIRECTOR OF RESOURCES (HIGHWAYS)** has raised no objection to the proposed development subject to the imposition of conditions.

NOTTINGHAMSHIRE COUNTY COUNCIL STRATEGIC PLANNING has raised no objection to the proposed development subject to the imposition of conditions.

NOTTINGHAMSHIRE COUNTY COUNCIL FLOOD RISK MANAGEMENT TEAM (Lead Local Flood Authority) has raised no objections subject to conditions to ensure that the drainage strategy is in line with the Flood Risk Assessment.

BASSETLAW ENVIRONMENTAL HEALTH has raised no objections, subject to the imposition of conditions to secure noise mitigation and management.

SEVERN TRENT WATER has no raised no objections subject to the imposition of a drainage condition.

HEALTH AND SAFETY EXECUTIVE do not advise against granting planning permission.

Copies of all the responses and comments are available for inspection either on the Council's web page or in the Council Offices.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING:

The proposal does not fall into any of the categories of development contained in Schedule 1 or 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 defined as requiring EIA Screening.

CONSIDERATION OF PLANNING ISSUES:

The main issues to be considered when determining this application are the requirements of national and local planning policies, the impact on the character and appearance of the area, the impact on the residential amenity and the impact on highway safety.

Principle of development

The site is not located within any identified settlement development boundary, as identified in the Council's Core Strategy, however, the previous use as a quarry, landfill site and recycling facility is well established.

Policy DM1 of the Bassetlaw Core Strategy and Development Management Policies DPD indicates that there are instances when economic development in areas outside the Development Boundary is acceptable and it seeks to ensure that employment opportunities in the countryside are delivered appropriately.

The policy states that proposals will be supported if: they re-use existing buildings; do not negatively impact upon the image of the countryside and are the appropriate scale, design and form for its location; are compatible with surrounding land uses; they are a viable as a long term business; there are no other suitable sites; they will not create or exacerbate environmental or highway safety problems.

With regard to the proposed commercial development, the Bassetlaw Local Development Framework Core Strategy and Development Management Policy CS1 sets out the Council's proposed settlement hierarchy and seeks to control the distribution of development across the District such that the scale of new development is appropriate in relation to the size, function and regeneration opportunities of each tier. Policy DM7 sets out the Council's policy on securing economic development and indicates that a significant amount of new development land will be need to be allocated across the District to provided sufficient opportunities for business growth and to provide a range of jobs for local residents. The proposed development provides an opportunity for inward investment into the District.

The National Planning Policy Framework states that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application site is not specifically allocated for development in the Core Strategy but the site has the potential to provide an opportunity for economic development of the District and contribute to the economic aims of the District and the wider area.

The application site would be located in a sustainable location on the edge of Worksop and is considered not to have a significant detrimental impact on the character and appearance of the area, residential amenity, highway safety or flood risk. The existing established uses of the site and its proposed redevelopment is considered to be acceptable in principle. Although the application site lies outside the development boundary of Worksop, to the north east of the town, the application presents an opportunity to deliver new commercial and industrial facilities in line with the Council's aspirations for the regeneration of the locality.

Visual Amenity

The application is submitted in outline only and the illustrative details provided indicate that the buildings would be portal framed industrial units with a metal cladding finish and the building height would be approximately 7m to the eaves and 10m to the ridge. The exact layout and scale would be determined at the reserved matters stage, however, access to the site is via the existing access from the B6045. The site is bounded by vegetation and woodland and therefore not readily visible from the public highway. It is considered that there would be no significant adverse impact on the visual amenity of the locality.

Residential Amenity

The site is relatively isolated and has previously operated as a quarry with subsequent landfill operations and restoration. There are other industrial uses in the immediate vicinity and the residential properties in the locality generally front the main road. It is considered that there would be no significant adverse impact on the residential amenity of the locality.

Highways Matters

The County Highway Authority requested amendments to the access arrangements and have raised no objections to the amended plan on highway safety grounds, subject to the imposition of conditions. As such, it is considered that there would be no significant adverse impact in terms of highway safety considerations.

Economic Development

Although the application site lies outside the development boundary of Worksop, to the north east of the town, the application presents an opportunity to deliver new commercial and industrial facilities in line with the Council's aspirations for the regeneration of the locality. It is considered that the beneficial economic impacts of the proposed development in terms of jobs are significant and they should be afforded substantial weight in the consideration of the proposed development. Local planning policy seeks to support economic development which brings forward significant, good quality inward investment opportunities to the District and national planning policies seek to secure economic growth to create jobs and prosperity.

Drainage

The Lead Local Flood Authority and Severn Trent Water have raised no objections, subject to the imposition of conditions and it is considered that the issue of drainage can be adequately controlled through the imposition of appropriately worded conditions.

Ecological Impact

The application is supported by an up-to-date Ecological Appraisal and the County Council are satisfied that the proposed development will not detrimentally affect the overall integrity of the local ecology subject to the imposition of conditions.

Financial Implications

The proposed development is CIL liable at the reserved matters stage. Any CIL Charge quoted above is based on the application submission at the time of issuing this report. The final charge will include indexation figures for Permission Year Index and Charge Year Index.

Conclusion

It is considered that the beneficial economic impacts of the proposed development in terms of jobs are significant and they should be afforded substantial weight in the consideration of the proposed development. Local planning policy seeks to support economic development which brings forward significant, good quality inward investment opportunities to the District and national planning policies seek to secure economic growth to create jobs and prosperity.

RECOMMENDATION: Grant subject to conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form, including the proposed floorspace and building height as shown on the illustrative layout, and as shown on the originally submitted drawings, as amended by the drawings received on 2nd October, 2018.

Reason: To ensure the development takes the agreed form and thus results in a satisfactory form of development.

3. The facing and roofing materials to be used in the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development.

4. Prior to the development becoming operational the junction with Blyth Road shall be improved generally in accordance with the submitted drawing Figure TA10 Rev A which shall include improvement to the available visibility to the north of the access.

Reason: In the interest of highway safety.

5. The gate on the access road into the site shall be kept in an open position whilst the development is occupied or open for business.

Reason: To minimise the potential for traffic to queue back onto Blyth Road from a closed gate in the interest of highway safety.

6. Development shall not commence until such time as full details of the manner in which foul sewage and surface water are to be disposed of from the site have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The detailed surface water drainage scheme shall be based on the principles set forward by the approved Flood Risk Assessment (FRA), July 2018, KRS Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

(i) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

(ii) Provide details infiltration/ soakaways.

(iii) If Infiltration is not feasible then limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area.

(iv) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

- (v) Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- (vi) For all exceedance to be contained within the site boundary without flooding in a 100year+40% storm.
- (vii) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

Reason: To ensure that the site is drained in a satisfactory manner.

7. A scheme for tree planting on and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be fully implemented within nine months of the commencement of the use of the building hereby permitted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

8. Development shall not commence on site, until an investigation into the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority (LPA). In order to comply with the above condition, the proposal should comply with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and "BS 10175 (2011) Code of Practice for the investigation of potentially contaminated sites".

A) A written report should be submitted to and approved by the LPA which shall include details of the previous uses of the site, surrounding contaminative land uses, potential contaminants that might reasonably be expected given those uses and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

B) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. The report should fully and effectively characterise the nature and extent of any land contamination and /or pollution of controlled waters and should be submitted and agreed by the LPA.

C) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

D) A validation report for the site remediation shall be submitted to, and agreed in writing by the LPA before completion of the development or occupation of the premises (whichever comes first).

Reason: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

9. The mitigation measures set out in the submitted Noise Impact Assessment (paragraph 7.4.2) shall be implemented, in consultation with the Local Planning Authority, and a suitable Noise Control Management Plan shall be submitted to and agreed in writing by the Local Planning Authority before the first occupation any building(s) hereby permitted.

Reason: To safeguard the amenity of nearby residents.

10. The building(s) hereby permitted shall not be first occupied until a Waste Audit has been submitted to and agreed in writing by the Local Planning Authority, in consultation with Nottinghamshire County Council. The development shall be carried out only in accordance with the agreed details.

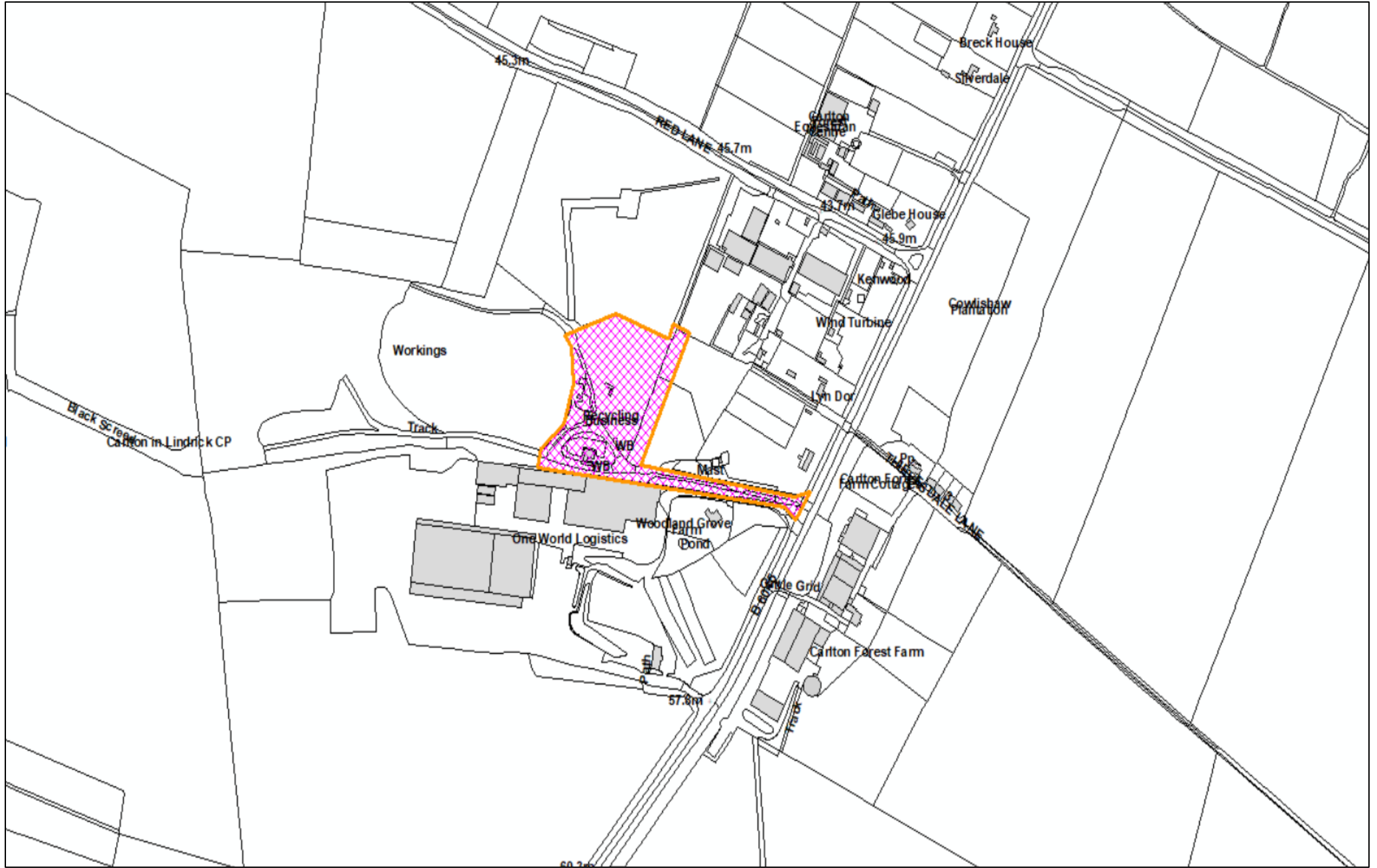
Reason: The development should be designed, constructed and implemented to minimise the creation of waste arising from the development.

11. All site clearance work shall be undertaken outside the bird-breeding season (March – September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that birds nests are protected from disturbance and destruction.

12. The mitigation measures set out in the submitted Ecological Appraisal shall be fully implemented before the first occupation any building(s) hereby permitted.

Reason: To ensure that the ecological value of the locality is protected.



BASSETLAW DISTRICT COUNCIL

PLANNING COMMITTEE BRIEFING

05 DECEMBER 2018

REPORT OF THE DIRECTOR OF REGENERATION & NEIGHBOURHOODS

PLANNING SERVICES; ESTABLISHMENT OF A VIABILITY PROTOCOL

Contact; Bev Alderton-Sambrook
Cabinet Member; Economic Development

1. Public Interest Test

- 1.1 The author of this report Beverley Alderton-Sambrook, has determined that the briefing is not confidential.

2. Purpose of the Briefing

- 2.1 To review the government position of the release of viability information associated with planning applications into the public domain and to establish a viability protocol for Council compliance.

3. Background and Discussion

- 3.1 The revised National Planning Policy Framework (NPPF) published in July 2018, includes new rules governing viability testing in both plan making and decision taking. Revisions to the online National Planning Practice Guidance (NPPG) concerning viability testing were also published.
- 3.2 Paragraph 57 of the NPPF prescribes that *"all viability assessments, (including any undertaken at the plan-making stage), should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available"*.

4. Matters for Consideration

Plan Making

- 4.1 The NPPF requires development viability to be taken into account by local authorities in the preparation of their development plans. This is reflected in the NPPG, which emphasises that the *"role for viability assessment is primarily at the plan making stage"*. In particular, it should be taken into account in strategic housing land availability assessments and in setting the contributions expected from development towards provision of affordable housing and infrastructure including that needed for education, health, transport, flood and water management, green and digital infrastructure.
- 4.2 The NPPG expects this to be an iterative process informed by engagement with developers, landowners and infrastructure and affordable housing providers. For

Bassetlaw this is the stage following the establishment of the Strategic Policies and is timetabled in the published Local Development Scheme for mid-late 2019.

- 4.3 The clear aim is for local authorities to adopt plans that are realistic and deliverable and do not compromise sustainable development.
- 4.4 However, the NPPG recognises that it would be unrealistic to require viability testing of every site or to obtain assurance that individual sites are viable at the plan making stage. Instead, the practice guidance directs local authorities to adopt a "typology" approach where sites are grouped by shared characteristics and where average costs and values are used to make assumptions about how the viability of each type of site would be affected by all relevant policies. An exception is made for strategic sites which are critical to delivering the strategic priorities of the plan. Such sites should be subject to specific viability testing.

Decision Taking

- 4.5 Both the NPPF and the NPPG make clear that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable so that no further viability testing should be required as part of the application. Given the age of the current plan (NPPF says a plan should be reviewed every 5 years), and until we have a new Local Plan adopted, it is quite reasonable for an applicant to challenge viability as current market conditions may be different to those at the time of the adoption of the current Plan (2011).
- 4.6 However, despite the emphasis on viability testing in plan making, there will continue to be a role for viability assessment of individual sites at the application stage given market conditions at any point in time This is acknowledged in the NPPF and NPPG.
- 4.7 If the Council can demonstrate an up to date Local Plan, it will be for the applicant to justify the need for a viability assessment at the application stage. The weight to be attributed to the viability assessment will be for the Local Planning Authority.
- 4.8 Any viability assessment should incorporate the standardised inputs which reflect the government's policy approach (see appendix), and should also be based upon and refer back to any viability assessment that informed the development plan. Any deviation from the figures used in the viability assessment of the plan should be explained and supported by evidence.

Standardised Inputs

- 4.9 The standardised inputs to viability assessment are set out in the NPPG and also the minimum requirement is set out in the Appendix to this report along with an explanation of each detail. In simple terms, a site will be viable if the value generated by a development is more than the cost of developing it.
- 4.10 A key factor for developers and promoters of land is that the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Instead, a "*benchmark land value*" should be established on the basis of the existing use value of the land plus a premium for the landowner. The premium should be the minimum return at which it is considered a reasonable landowner would be willing to sell their land.

- 4.11 The standard inputs also include an allowance for developer return to reflect the potential risk of development. The NPPG prescribes that this should be between 15% and 20% of gross development value. However, it goes on to say that a lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk.
- 4.12 Guidance is also given on how gross development value should be defined and what costs should be taken into account in the viability assessment. Appendix 2 offers further definition of this requirement.

Publically Available

- 4.13 The NPPG now stipulates that any viability assessments should be made publicly available except in cases of exceptional circumstances. In all cases, an executive summary should be prepared and made public. The clear expectation is that the information used in viability assessment will not normally be specific to a developer or commercially sensitive. Cited examples of commercially sensitive information are details of ongoing negotiations over land purchase and information relating to compensation that may be due to individuals, such as right to light compensation. Even where information is commercially sensitive, the NPPG requires it to be aggregated and included as part of total costs figures in published assessments and executive summaries.
- 4.14 A template for executive summaries was due to be published in the autumn, however in the absence of that materialising, Bassetlaw District Council has produced its own based upon the parameters established in the National Planning Practice Guidance document.

5. Implications

- a) For service users
Developers pursuing or contemplating making an application supported by a viability statement will therefore need to be mindful of the new standardised inputs and the requirements for making the assessments publically available. In some cases, this may require already submitted viability appraisals to be reviewed and reworked in line with the NPPG.

In future, as more plans emerge that have been prepared in accordance with the new NPPF, it may prove more difficult for developers - particularly of sites allocated in the forthcoming Bassetlaw Plan - to justify divergence from planning policy on grounds of viability.

- b) Strategic & Policy
In so far as it applies to decision taking, the NPPF and the NPPG took immediate effect on its publication on 24 July 2018. For plan making, the policies of the previous NPPF will apply to plans submitted for examination on or before 24 January 2019. This will therefore not apply to Bassetlaw who are at an earlier stage of the Plans development, with a target submission date of late 2020, but it does mean that viability assessments for decision making can be published in the public domain now.
- c) Financial –Ref: 19/424
There are no direct financial implications arising from this report.
- d) Legal – Ref: 200/12/2018.

There are no legal implications arising from this report.

- e) Human Resources
There are no direct human resources implications arising from this report.
- f) Community Safety, Equalities, Environmental
There are no Community Safety, Equalities or Environmental implications arising from this report.
- g) General Data Protection Regulations
The Information Commissioner's Office (ICO) has made a number of decisions in respect of the disclosure of viability appraisals in response to freedom of information requests. In general, the ICO has viewed viability appraisals to be disclosable unless the Developer can demonstrate that disclosure would result in clear prejudice to it's commercial interests. The approach taken by the ICO is consistent with the guidance in the NPPG as detailed in paragraph 4.13 of this report.
- h) Whether this is a key decision, and if so the reference number.
This is not a key decision

:

6. Options, Risks and Reasons for Recommendations

6.1 There are three options available.

Option 1 - Require that an executive summary of the viability assessment be published in the public domain in accordance with National Planning Practice Guidance, with Members able to view confidentially the full appraisal should they wish.

Option 2 - Require that the full viability assessment be published in the public domain.

Option 3 - Keep viability assessments confidential and do not publish in the public domain.

6.2 Option 1

Risks

6.2.1 Maintaining a 5-year housing land supply could be difficult if there are delays in decision making arising from protracted viability discussions in the public domain. Should a minimum of a 5-year housing land supply not be sustained then there could be resource implications as the NPPF now necessitates the delivery of an action plan in such situations.

6.2.2 Further to this, if decisions are delayed which impact upon the 5-year housing land supply, then this leaves the Council open to challenge through the appeal mechanism.

6.2.3 If developments stall through non-determination, then the delivery of infrastructure across the District could also be delayed.

Benefits

- 6.2.4 The NPPG provides detailed guidance. It is therefore easier for decision makers to follow and implement.
- 6.2.5 It becomes much more difficult for developers to challenge viability as parameters are established.
- 6.2.6 The open book approach makes it more transparent.
- 6.2.7 There is the opportunity to review viability throughout scheme delivery and include an overage condition which claws back to both parties on unforeseen profitability at the outset. There is a potential to deliver more affordable homes and more infrastructure improvements with fewer likely challenges.
- 6.2.8 By minimising to an executive summary which details the required standardised inputs, a degree of commercial sensitivity can be maintained. This should offer comfort to investors, whilst enabling Members to view the sensitive data and seek further details if required before discussion in the public domain.

6.3 Option 2

Risks

- 6.3.1 Maintaining a 5-year housing land supply could be difficult if there are delays in decision making arising from protracted viability discussions in the public domain. Should a minimum of a 5-year housing land supply not be sustained then there could be resource implications as the NPPF now necessitates the delivery of an action plan in such situations.
- 6.3.2 Further to this, if decisions are delayed which impact upon the 5-year housing land supply, then this leaves the Council open to challenge through the appeal mechanism.
- 6.3.3 If developments stall through non-determination, then the delivery of infrastructure across the District could also be delayed.

Benefits

- 6.3.4 The NPPG provides detailed guidance. It is therefore easier for decision makers to follow and implement.
- 6.3.5 It becomes much more difficult for developers to challenge viability as parameters are established.
- 6.3.6 The open book approach makes it more transparent.
- 6.3.7 There is the opportunity to review viability throughout scheme delivery and include an overage condition which claws back to both parties on unforeseen profitability at the outset. There is a potential to deliver more affordable homes and more infrastructure improvements with fewer likely challenges.

6.4 Option 3

Risks

- 6.4.1 Now that national planning policy has given the Local Planning Authority the power to push viability assessments into the public domain, confidence in the transparent appraisal of planning applications could be undermined if we do not publish.
- 6.4.2 The Council could face legal challenges to the non-publication of information when the NPPG stipulates it is a necessity to publish.

Benefits

- 6.4.3 The Council continues to attract investors who have a strong sense of commercial sensitivity. This is particularly prevalent amongst the volume house builders and to date we have been successful in attracting a large number of those to the district.

7. Recommendations

- 7.1 That the report be received and recommendations to implement Option 1 as set out at 6.2 be agreed by Members and implemented with immediate effect.
- 7.2 That all agents who have submitted major applications with viability implications and which are currently undetermined (excluding those with a resolution to grant) are requested to provide an executive summary of their viability assessment for publication in the public domain.

Appendix 1 – Executive Summary Content

Standardised Inputs to Viability Assessment

The minimum requirements necessary to be submitted as part of a viability appraisal executive summary include the following parameters:

| | |
|---|---|
| Gross development value | See Appendix 2 for definitions of content requirement |
| Benchmark land value including landowner premium | See Appendix 2 for definitions of content requirement |
| Costs: Build costs Abnormals Site Specific infrastructure Policy requirements (S106/CIL) Financing (e.g. loans) Professional fees (e.g. marketing, legal, architects, overheads) Contingency | See Appendix 2 for definitions of content requirement |
| Developer return | See Appendix 2 for definitions of content requirement |
| How the viability assessment has informed the planning application | See Appendix 2 for definitions of content requirement |
| Developer contributions compared to policy requirements | See Appendix 2 for definitions of content requirement |

Appendix 2 - Definitions of Content Requirement

Principles for carrying out a viability assessment

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

National Planning Guidance sets out the government's recommended approach to viability assessment for planning. The approach supports accountability for communities by enabling them to understand the key inputs to and outcomes of viability assessment.

Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.

How should gross development value be defined for the purpose of viability assessment?

Gross development value is an assessment of the value of development. For residential development, this may be total sales and/or capitalised net rental income from developments. Grant and other external sources of funding should be considered. For commercial development broad assessment of value in line with industry practice may be necessary.

For broad area-wide or site typology assessment at the plan making stage, average figures can be used, with adjustment to take into account land use, form, scale, location, rents and yields, disregarding outliers in the data. For housing, historic information about delivery rates can be informative.

For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from existing developments can be used. Any market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

How should costs be defined for the purpose of viability assessment?

Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Plan makers should identify where costs are unknown and identify where further viability assessment may support a planning application.

Costs include:

- build costs based on appropriate data, for example that of the Building Cost Information Service
- abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value

- site-specific infrastructure costs, which might include access roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy. These costs should be taken into account when defining benchmark land value
- the total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure, Community Infrastructure Levy charges, and any other relevant policies or standards. These costs should be taken into account when defining benchmark land value
- general finance costs including those incurred through loans
- professional, project management, sales, marketing and legal costs incorporating organisational overheads associated with the site. Any professional site fees should also be taken into account when defining benchmark land value
- explicit reference to project contingency costs should be included in circumstances where scheme specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return.

How should land value be defined for the purpose of viability assessment?

- To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+).
- In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.

What factors should be considered to establish benchmark land value?

Benchmark land value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.

Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement).

What is meant by existing use value in viability assessment?

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.

How should the premium to the landowner be defined for viability assessment?

The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.

Plan makers should establish a reasonable premium to the landowner for the purpose of assessing the viability of their plan. This will be an iterative process informed by professional judgement and must be based upon the best available evidence informed by cross sector collaboration. For any viability assessment data sources to inform the establishment the landowner premium should include market evidence and can include benchmark land values from other viability assessments. Any data used should reasonably identify any adjustments necessary to reflect the cost of policy compliance (including for affordable housing), or differences in the quality of land, site scale, market performance of different building use types and reasonable expectations of local landowners. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement).

Can alternative uses be used in establishing benchmark land value?

For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which have an existing implementable permission for that use. Where there is no existing implementable permission, plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.

How should a return to developers be defined for the purpose of viability assessment?

Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan.

For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types.

How does viability assessment apply to the build to rent sector?

The economics of build to rent schemes differ from build for sale as they depend on a long term income stream. For build to rent it is expected that the normal form of affordable housing provision will be affordable private rent. Where plan makers wish to set affordable private rent proportions or discount levels at a level differing from national planning policy and guidance, this can be justified through a viability assessment at the plan making stage. Developers will be expected to comply with build to rent policy requirements.

However, for individual schemes, developers may propose alternatives to the policy, such as variations to the discount and proportions of affordable private rent units across a development, and the ability to review the value of a scheme (rent levels) over the duration of its life. Plan makers can set out in plans where review mechanisms will be used for build to rent schemes.

Scheme level viability assessment may be improved through the inclusion of two sets of figures, one based on a build to rent scheme and another for an alternative build for sale scheme. This would enable authorities to compare and understand the differences, and agree any necessary adjustments to the affordable private rent contribution.

