



**Castle House
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NG24 1BY**

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Tuesday, 29 July 2025

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 7 August 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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There are none.

Note – Fire Alarm Evacuation

In the event of an alarm sounding please evacuate the building using the nearest fire exit in the Civic Suite. You should assemble at the designated fire assembly point located in the rear car park and remain there until the Fire Service arrive and advise it is safe to return into the building

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 3 July 2025 at 4.00 pm.

PRESENT:

Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor T Smith, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor A Freeman (Chair), Councillor C Brooks, Councillor S Saddington and Councillor M Shakeshaft

14 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

15 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

16 MINUTES OF THE MEETING HELD ON 5 JUNE 2025

AGREED that the minutes from the meeting held on 5 June 2025 were agreed as a correct record and signed by the Chair.

17 LAND AT SHANNON FALLS, TOLNEY LANE, NEWARK ON TRENT, NG24 1DA - 25/00573/S73

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 01 to use land as gypsy and traveller's site, erection of amenity blocks and associated works on a permanent basis and change occupier's names attached to planning permission 21/02613/FUL.

Mr Smith, the applicant, spoke in support of the application.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development

Members considered the application and felt that a two-year extension would be more appropriate to allow the applicant more time and certainty. It was hoped that an answer regarding the Examination of the Amended Allocations and Development Management Development Plan Document (DPD) would have been received by that time.

AGREED (unanimously) that Planning Permission be extended to 1 August 2027, subject to the conditions contained within the report.

18 LAND OFF SANDHILLS SCONE, TOLNEY LANE, NEWARK-ON-TRENT - 24/02008/S73

The Committee considered the report of the Business Manager – Planning Development, which sought the removal of condition 01 to make temporary permission permanent and the personal permission general as attached to planning permission 21/00891/S73.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development

Members considered the application and a Member commented that this was not an allocated site on the allocated plan, with that taken into consideration it was felt that only one year should be supported for this site. The Business Manager for Planning Development advised that the outcome of the Examination for the Amended Allocations and Development Management Development Plan Document (DPD) was not yet published, and that new content around Gypsy and Traveller provision had been emerging through this process. The Director for Planning Growth informed the Committee that the map considered in the presentation was what the emerging policy was based upon and that as this site was outside of that policy area, caution was advised whilst waiting for the Planning Inspectorate to determine the outcome of the DPD review.

A vote was taken and lost to extend the planning permission for a further two years, with 5 votes For and 6 votes Against.

AGREED (unanimously) that Planning Permission be approved subject to the conditions, including the variation of Condition 1, as opposed to its removal, as contained within the report.

19 LAND AT THE WEST LAWNS, SOUTHWELL - 25/00637/FUL

The application was deferred pursuant to paragraph 21 of the Protocol for Planning Committee based on the late item identifying the additional consultation requirements effecting the application.

AGREED (unanimously) that the application be deferred.

20 FIELD REFERENCE NUMBER 8890, MANSFIELD ROAD, EDWINSTOWE - 24/01195/RMAM

This application was removed from the agenda as it had been identified that there was a fundamental error in the officer report in respect of the description of development which effects material planning considerations in the report and therefore the planning balance. This amendment to the agenda was pursuant to the provisions of the Committee Procedure Rules in the Constitution.

21 LAND ADJACENT TO TESCO EXPRESS, KIRKLINGTON ROAD, RAINWORTH, NG21 0AE - 24/01878/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought a proposed retail unit with associated parking.

A site visit had taken place prior to the commencement of the Planning Committee, for Members as there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection and there were significant policy or precedent implications that needed to be carefully addressed.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

The Business Manager – Planning Development informed the Committee that further representation had been received from residents after the deadline, there however were no new material planning reasons raised.

Members considered the application, the Business Manager – Planning Development confirmed that there was a formal boundary between the site and the neighbouring site. Access onto Kirklington Road was raised as an issue as that area had three sets of traffic lights and was already a very congested area. There was also a lot of pedestrian activity including primary school children and students walking around that location to the local primary and secondary schools. It was therefore felt that the level of movement from this site from both vehicular and pedestrians would make the situation worse. Kirklington Road was also a diversion route when the MARR route was closed, the junction to the proposed site was already heavily congested and the proposal was considered unacceptable.

A Member commented that small electric delivery vans should be used for these sites. Sustainable drainage was also raised and whether a condition could be placed to ensure this was undertaken by the developer. The Business Manager confirmed that Building Regulations would be a regulatory process for ensuring a degree of sustainable design in construction terms. Concern was raised that adding conditions for sustainable drainage features at this stage could be considered unreasonable unless the developer was in agreement. These issues would ideally need to have been considered earlier in the planning application stage.

The number of car parking spaces, nineteen in total, was also considered too many for such a small area. It was felt that it was not safe for pedestrians to safely walk into the store, pedestrians would be walking behind parked cars and inadequate lighting. Members questioned why this scheme was prioritising car parking and less about pedestrian access and their safety. Some Members also felt that the gate was important to prevent cars from parking in the car park, outside of the stores opening hours, which would ensure the car park was empty in order for the delivery vans to reverse safely into the car park. Members felt that the safety issues of this site had not been addressed. Members were unconvinced that the previous appeal decision concerns had been adequately addressed despite the introduction of a pedestrian entrance from Kirklington Road.

A vote was taken and lost for approval with 1 vote For and 10 votes Against.

Councillor E Oldham having left the meeting and returned during the debate of this item did not take part in the vote in accordance with the Planning Protocol.

The motion to Refuse planning permission was moved by Councillor Tift and Seconded by Councillor Smith.

AGREED (with 9 votes For and 1 vote Against) that:

- (a) contrary to Officer recommendation, Planning Permission be refused for the following reasons:
 - (i) highways issues due to traffic congestion; and
 - (ii) vehicle and pedestrian concerns and conflicts.
- (b) the wording for refusal be delegated to the Business Manager - Planning Development.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
L Dales	For
S Forde	For
P Harris	For
K Melton	For
D Moore	For
P Rainbow	For
T Smith	For
L Tift	For
T Wildgust	Against

22 RECYCLING COMPOUND, LORRY AND COACH PARK, GREAT NORTH ROAD, NEWARK ON TRENT - 25/00744/S73

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 08 to allow increase of deliveries for day and removal of Condition 09 to allow use of site permanently attached to planning permission 23/01604/FUL.

A site visit had taken place prior to the commencement of the Planning Committee, for Members as there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development

The majority of Members considered the application acceptable. A Member suggested that further work could be undertaken to find a more suitable site as this was a lorry park and not a recycling centre. Other Members commented that further noise reduction could be achieved by planting a row of trees running along the railway line.

AGREED (with 10 votes For and 1 vote Against) that Planning Permission be approved subject to the conditions contained within the report.

23 PLANNING REFORM UPDATE

The Committee considered the report of the Director for Planning & Growth, which informed the Planning Committee on the latest Planning reform consultations.

The report considered some of the key planning reform consultations, which were summarised in a table within the report. Whilst the report briefly detailed all of the consultations, the focus of the update was the two key consultations which impacted on the Planning Committee functions – Planning Reform Working Paper: Reforming Site Thresholds and Reform of Planning Committees: technical consultation.

It was reported that it was important to note that other actions the government had already signposted in the planning reform consultation, included: A new local plan system; National Decision-Making Policies and a revised National Planning Policy Framework later in 2025; Local planning authorities to set their own planning fees to cover costs of delivering a good planning applications service.

There were several consultation deadlines in July 2025 as summarised in the report. The Council's representations on planning reform consultations would need to be delegated to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of the Planning Committee. The Council would also need to write to the relevant MHCLG or DEFRA address or otherwise complete the relevant online survey.

The Chair indicated that the meeting duration had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further thirty minutes.

AGREED that the Council's representations on planning reform consultations be delegated to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of Planning Committee.

24 APPEALS LODGED

AGREED that the report be noted.

25 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.30 pm.

Chair

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Monday, 21 July 2025 at 4.00 pm.

PRESENT:

Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow and Councillor M Shakeshaft

ALSO IN

Councillor N Allen

ATTENDANCE:

APOLOGIES FOR ABSENCE:

Councillor A Freeman (Chair), Councillor S Saddington, Councillor T Smith, Councillor L Tift and Councillor T Wildgust

26 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

27 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

28 ONE EARTH SOLAR FARM - LOCAL IMPACT REPORT (LIR)

The Committee considered the report of the Business Manager – Planning Development, which sought Committee approval regarding the Local Impact Report.

It was reported that the One Earth Solar Farm Project was in the examination stage, with the Preliminary Meeting having taken place on the 8 July 2025, followed by Open Floor Hearings on the 8 and 9 of July and Issue Specific Hearing One on the 9 and 10 July. The examination would take place over a 6-month period and would primarily be a written process, supplemented by hearings throughout that period. There were a series of deadlines that were fixed by the Examining Authority (ExA) whereby responses must be made by the Council, to ensure that the Council retained the opportunity to influence the process. The Local Impact Report (LIR) was required to be submitted to the ExA by Deadline One - 29 July 2025. If the LIR was not issued by the set deadline, the ExA had no obligation to take it into account, in accordance with the provisions set out in the Planning Act 2008.

Members debated the LIR at length and the report was welcomed and an acknowledgment that Officers had put a lot of work into the submission. Members during the debate raised a number of issues regarding environmental impacts, such as ground contamination, fire hazards, noise levels, landscape character and water run-

off. Members also debated the socio-economic impacts, whether 60 years could be considered to be temporary, what the breakdown of best and most versatile land was and community benefits. Officers gave clarity on some of these issues, including the extent of delegation. The lack of detail on trees was also mentioned, as well as the potential use of land between solar panels for farming. Officers gave reassurance that Members could continue to discuss concerns on behalf of communities impacted.

In accordance with the Planning Protocol, as Councillor Oldham arrived during the Officer presentation, she took no part in the vote.

AGREED (unanimously) that the Planning Committee delegate to Officers to finalise the draft Local Impact Report, enabling its release to the Examining Authority by Deadline One.

Meeting closed at 5.24 pm.

Chair



Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Harry White – Planner/Conservation Planner

Report Summary			
Application No.	25/00637/FUL		
Proposal	Proposed Detached Dwelling		
Location	Land At The West Lawns, Southwell		
Applicant	Mr M & P Wagstaff	Agent	GraceMachin Planning & Property - Mr Nick Grace
Web Link	25/00637/FUL Proposed Detached Dwelling Land At The West Lawns Southwell		
Registered	29.04.2025	Target Date Extension of Time	24.06.2025 08.08.2025
Recommendation	Grant Planning Permission subject to conditions.		

This application is being referred to the Planning Committee for determination as it is identified as a departure from the development plan.

This application is also being referred to the Planning Committee for determination by the local ward member, Councillor Rainbow due to concern for the character and appearance of the conservation area, the encroachment and loss of open green space, the loss of trees, and loss of light affecting neighbouring properties.

1.0 The Site

- 1.1 The application site is located on a parcel of grassland to the south of The West Lawns, off Westgate. The site is located outside the settlement boundary of Southwell, and within the Conservation Area of Southwell. The site is also within the Southwell Protected Views policy area.
- 1.2 Access to the site is by a shared hardstanding access used by three dwellings. The site is mostly flat and is bound by a mix of hedgerows and trees. The site is part of the 'Conserve and Reinforce' landscape character area.

1.3 The site is located within flood zone 1, at a low risk of flooding from rivers, and low-medium risk of surface water flooding. Potwell Dyke sits within a deep wooded channel to the south of the application site. Public Footpath FP34 is located to the south of Potwell Dyke which, including its banks forms a Main Open Area allocated in the neighbourhood plan.

1.4 The site has the following constraints:

- Outside Settlement boundary
- Conservation Area
- Southwell Protected Views

2.0 Relevant Planning History

2.1. 02/00365/FUL - Erection of 5 houses and garages – Refused 20.08.2002

2.2. 02/02155/FUL - Erection of 3 houses with garages – Permission 25.11.2002

2.3. 03/02942/FUL - Erection of two houses & associated works (Plots 3 & 4) – Refused 26.02.2004

2.4. Pre-application has been provided offering generally favourable views.

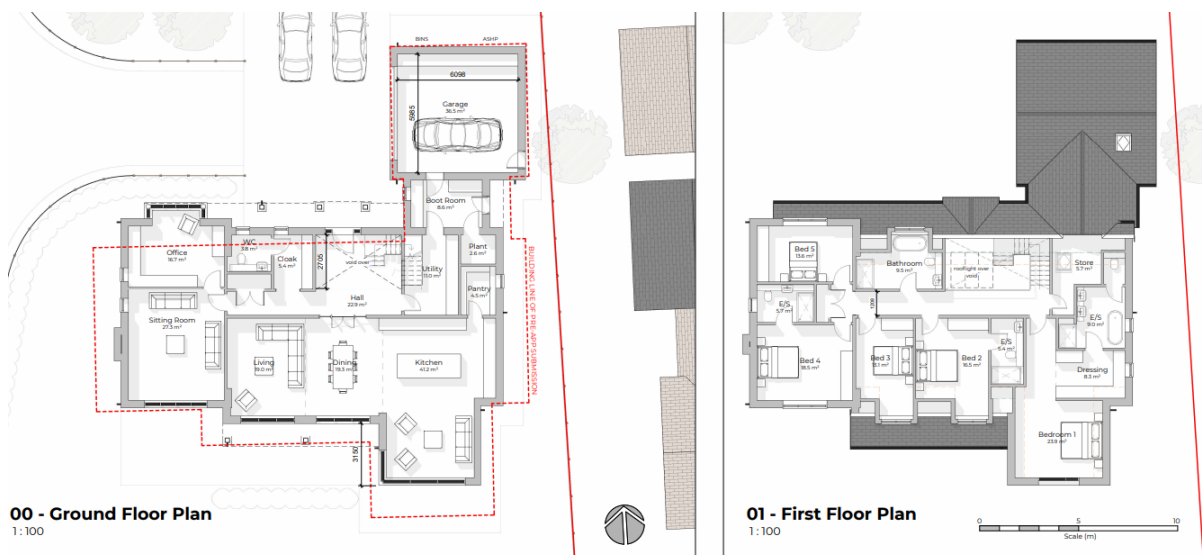
3.0 The Proposal

3.1 The application seeks permission for the construction of a two-storey 5-bedroom dwellinghouse with associated works at West Lawns in the parish of Southwell. The development would include the continuation of the access road to Westthorpe, and include a turning head, orchard, hedgerows and post and rail fencing.

3.2 The proposed elevations are shown below:



3.3 The proposed floorplans are shown below:



3.4 The proposed site plan is shown below:



3.5 Documents assessed in this appraisal:

- Application Form
 - Received 29 April 2025
- Site Location Plan - Drg. No. 2349-S03-001
- Site Plan – Drg. No. 2349-S03-061
- Proposed Floorplans and Elevations – Drg. No. 2349-S03-110
- Street Elevation and Site Section – Drg. No. 2349-S03-200 Rev.P01
- 3D views – Drg. No. 2349-S03-300 Rev.P01
- Transport Note – BSP Consulting – Project No. 24-0036

- Heritage Statement – Stone & Meadow- April 2025
- Daylight and Sunlight Report – MES Building Solutions – April 2025
- Arboricultural Report and Impact Assessment – AWA – Ref. AWA6540
- Arboricultural Method Statement – AWA – Ref. AWA6540
- Biodiversity Enhancement Strategy Report – JM Ecology – 14.01.2025
- Preliminary Ecological Appraisal – JM Ecology – JME_2324_PEA_01_V1
- Design & Access Statement – Reform Architecture & Interior Design Ltd – 2349 – Rev.B – 03/04/25
- Planning Statement – Grace Machin
- Flood Risk Assessment and Drainage Strategy – BSP Consulting – 24-0036 – 08 Apr 2025
- Statutory Biodiversity Metric – Completed by Joe McLaughlin – V1
 - All received 10 April 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 7th May 2025.

5.0 Planning Policy Framework

The Development Plan

5.1. Southwell Neighbourhood Plan (2016)

SD1 – Delivering Sustainable Development
 E3 – Green Infrastructure and Biodiversity
 DH1 – Sense of Place
 DH2 – Public realm
 DH3 – Historic Environment
 TA3 – Highways Impact
 TA4 – Parking Standards
 Southwell Design Guide

5.2. Newark and Sherwood Amended Core Strategy DPD (2019)

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 – Spatial Distribution of Growth
 Spatial policy 7 – Sustainable Transport
 Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 10A – Local Drainage Designations.
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 14 – Historic Environment
 SoAP1 – Role and Setting of Southwell

5.3. Allocations & Development Management DPD (2013)

Policy So/HN/1 – Southwell Housing Need
 Policy So/MOA – Southwell – Main Open Areas
 Policy So/PV – Southwell Protected Views
 Policy DM3 – Developer Contributions and Planning Obligations
 Policy DM5 – Design
 Policy DM7 – Biodiversity and Green Infrastructure
 Policy DM8 – Development in the Open Countryside
 Policy DM9 – Protecting and Enhancing the Historic Environment
 Policy DM12 – Presumption in Favour of Sustainable Development

- 5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 and completed its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan.

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (as amended Feb 2025)
 Planning Practice Guidance (online resource)
 National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019
 Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Southwell Conservation Area Appraisal (2006)
 Housing Needs Survey by Arc4 2020
 Emerging Southwell Neighbourhood Plan
 Emerging Southwell Conservation Area Appraisal

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Town Council

- 6.1. Southwell Town Council has raised concern for the encroachment and loss of open space, a loss of light/privacy to neighbouring occupants, significant loss of trees, habitat destruction, concern over the loss of habitat for bats, owls, and woodpeckers, and impacts to flooding.

Representations/Non-Statutory Consultation

- 6.2. Southwell Civic Society – Strongly object. Have raised concern that any development on this piece of land would be seriously detrimental to the environment and

conservation area. Need to preserve the wildlife corridor. Consider the development to be unnecessary which does not contribute to the housing need of Southwell.

6.3. Southwell Flood Forum – Have raised concerns for the historic loss of trees from the site. Proposed orchard would provide significant flood mitigation. SUDS for rain gardens, pervious paving, and sub-surface storage are important to the scheme. Raised the need for the riparian ownership responsibility. The development is an opportunity for good practice flood principles.

6.4. Mixed comments have been received from 17 third parties that can be summarised as follows:

- | | |
|---|--|
| - Loss of green space/buffer | - Construction disruption |
| - Harm to conservation area and setting of Orchard Cottage | - Housing need |
| - Planning site history for development and tree removal | - Harm to neighbouring amenity – Overlooking, overshadowing, overbearing, noise, disruption, outlook |
| - Impact on trees – retention of shelter belt, and trees alongside heritage trail | - Development outside town boundary and adjacent to a main open area. |
| - Impact on traffic | - Harm to greenbelt |
| - Drainage connection | - Self-build property or market housing |
| - Loss of habitat and impact on wildlife | - Not in line with housing strategy |
| - Setting a precedent for further development up to the Westhorpe Dumble | - Introduction of orchard is appreciated |
| - Flooding | - Impact on archaeology |
| - Sewage | |

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character and Appearance of the Area and Designated Heritage Assets
- Impact upon Residential Amenity
- Housing Need
- Impact upon Highway Safety

- Impact upon Ecology
- Impact on Trees
- Impact on Flooding

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.3 As the application concerns a designated heritage asset, Southwell Conservation Areas and therefore section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4 The duties in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as a mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

- 7.5 The application site is located outside the Southwell urban boundary, and so is considered as open countryside. Spatial Policy 3 confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (Policy DM8).
- 7.6 Policy DM8 of the Allocations & Development Management Policies DPD (2013) sets out how the LPA will control development away from the main built-up areas of villages in the open countryside. New dwellings are only permitted in specific circumstances –
- it can demonstrate a functional and financial need in relation to the operation being served (new and replacement rural workers dwellings);
 - it represents a conversion of an existing building or replacement of an existing dwelling;
 - it is tourist accommodation where it is necessary to meet identified tourism needs;

- or are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

- 7.7 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. The exceptions largely reflect that of Policy DM8 with two additions, which are set out below. The NPPF includes where:
- there is an essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - the development would represent the optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - the development would re-use redundant or disused buildings and enhance its immediate setting;
 - the development would involve the subdivision of an existing residential building; or
 - the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 7.8 No justification has been submitted with the application to demonstrate that the proposal would meet any of the exceptions of Policy DM8 of the Allocations & Development Management DPD (2013). Whilst the design of the proposed dwelling is not unattractive, is not truly outstanding or innovative and no evidence has been submitted to explain how the development would significantly enhance its immediate setting. The proposal would not accord with any of the exceptions set out and therefore, the principle of a new dwelling in this location would be contrary to the requirements set out in Policy DM8. Furthermore, the proposed development of this land would harm the open and undeveloped character of the surrounding countryside by encroaching into it. However, it is fully acknowledged that being on the edge of the settlement means any future occupants would be able to sustainably access the facilities within Southwell, which is well provisioned and classified as a service centre.
- 7.9 The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the District has increased significantly which means that the Authority is no longer able to demonstrate a five year supply of housing. The Local Planning Authority is currently only able to demonstrate a housing land supply of 3.43 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.10 The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission 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^{7*}; 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 particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.
- 7.11 Footnote 7 of the NPPF (2024) sets out that where there are policies protecting designated heritage assets that provide a strong reason for refusal, the presumption in favour of sustainable development would not apply. As discussed later in this report, the impacts on heritage assets may override the presumption in favour of sustainable development.
- 7.12 As the application site affects a designated heritage asset, the Southwell Conservation Area, the proposed works would be subject to other heritage considerations, which have the potential to override the presumption in favour of sustainable development, as set out within part (i) above and will be discussed later in this report. Regard must be given to the distinctive character of the area and proposals must seek to preserve and enhance the character and appearance of the Conservation Area in accordance with Policy DM9 of the Allocations and Development Management DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019). These two policies seek, amongst other things, to protect the historic environment and ensure that heritage assets are managed in a way that best retains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, is expressed in Section 16 of the National Planning Policy Framework (NPPF) (2024). Paragraph 8 of the NPPF (2024) states that protecting and enhancing the historic environment is part of achieving sustainable development.
- 7.13 Overall, it is therefore considered that in the current policy context taking account of the 3.43 year housing land supply and the tilted balance, the proposal could be considered sustainable development on the edge of the settlement, provided it would not result in harm to the heritage asset of Southwell Conservation Area that would need to be given appropriate weight in the overall planning balance.

Impact on the character and appearance of the area and Designated Heritage Assets

- 7.14 Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD (2013) requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". Part 12 of the NPPF (2024) seeks to create high quality, beautiful and sustainable buildings and places, and makes good design a key aspect of sustainable development. Paragraph 135 of the NPPF (2024) sets out that planning decisions should ensure that developments function well and add to the quality of the area for their lifetime. As well as ensuring that developments are visually attractive as a result of good architecture, layout, and landscaping. This seeks to ensure that

developments are sympathetic to local character, landscape and history. This seeks to establish a strong sense of place, optimise the potential of a site and create safe and inclusive places.

- 7.15 Core Policy 14 of the Core Strategy (2019) seeks for continued conservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment in line with their significance as set out in national policy. Furthermore, Policy DM9 of the Allocations and Development Management Policies DPD (2013) seeks to secure the continued protection or enhancement of heritage assets, to ensure heritage assets contribute to the wider vitality, viability and regeneration of the areas in which they are located.

- 7.16 Paragraph 212 of the NPPF (2024) sets out 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. This is irrespective of the level of harm to its significance. Paragraph 213 of the NPPF (2024) states that any harm to the significance of the heritage asset should require clear and convincing justification. Paragraph 215 of the NPPF (2024) sets out that less than substantial harm should be weighed against the public benefits of the proposal.

- 7.17 Policy DH1 of the Southwell Neighbourhood Plan (2016) requires new development to demonstrate how they have taken account of the guidance of the Southwell Design Guide and Conservation Area Appraisals. The Conservation Area Appraisal identifies the importance of maintaining the setting of Potwell Dyke and it's natural character and not to allow building too close to it, in order to protect its historic landscape value and its flora and fauna.

- 7.18 The application site is located within the Southwell Conservation Area first allocated in 1970, and most recently revised in 2022. The conservation area is designated for its Roman and medieval origins, which were overlaid with Georgian, Victorian, and Edwardian buildings. The town is dominated by the Minster at the centre. Buildings are predominantly 2-3 storeys in height and constructed in local materials of brick and pantile. The conservation area has extensive rural landscape surroundings. The town and conservation area still retains its rural character with large areas of greenery and mature trees integrated within the built-up area.

- 7.19 The site is located within the Westgate character area of Southwell, where a strong linear pattern of development can be observed. Within the immediate setting of the application site are three large, detached dwellings, which sit within large plots. The development at West Lawns has tried to reflect the local material and style pallet, and while there are elements that respect the historic grain, this is clearly a 20th century development. The proposed dwelling would be located on an area of green space within the conservation area, which is adjacent to the green corridor around Potwell Dyke. This area of green space makes a positive contribution to the town's landscape setting, as well as helping to provide a visual transition from the agricultural land south of Potwell Dyke to the urban fringe and the loose grain of development found at West Lawns. The natural setting of Potwell Dyke is noted as an important feature within the Westgate character area, which should be protected from encroachment by

development. Development close to the green corridor should be sensitively designed to protect its historic landscape value and flora and fauna, the Appraisal advises.

- 7.20 The proposed siting of the dwelling would be roughly 10-14m back from the current site boundary and the site boundary is at least 10m away from the riverbank. Consequently, it is considered that the riparian setting has been preserved through the layout and massing of the built form within the site, along with the landscaping.
- 7.21 Nevertheless, the loss of this area of green space is considered to be harmful to the open character of Westgate, especially when viewed from nearby rights of way, as well as the riparian and woodland setting of Potwell Dyke. However, the proposed development would sit against a backdrop of two storey development at the adjacent Handford Court providing a more developed and less historic character to the site.
- 7.22 Consequently, it is considered that while the introduction of new development within a green space within the conservation area would be harmful, there would be limited enhancements to the landscape setting of Potwell Dyke through the provision of the orchard and provide a public benefit in the form of the provision of one house to add to the housing supply, as well as additional tree planting and landscaping to the wider site. Therefore, the modest less than substantial level of harm to the character and appearance of the conservation area, would be outweighed by the benefits to ecology, landscaping and housing delivery, notwithstanding the requirement for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, notwithstanding, footnote 7 of the NPPF (2024) that applies the policies within the NPPF in relation to designated heritage assets, on balance, the proposed single dwelling in principle, is considered to be sustainable due to its location on the edge of Southwell.

Impact upon Residential Amenity

- 7.23 Policy DM5 of the Allocations & Development Management DPD (2013) seeks to achieve good design and to protect residential amenity. The proposed works are unlikely to prove detrimental to the amenity of neighbouring occupiers due to the large plot sizes within West Lawns, which results in ample separation distance from neighbouring residential properties. The site is separated from the neighbouring plot on Handford Court by a close boarded timber fence.
- 7.24 The proposed dwelling would sit roughly 2.5m to 3.0m from the boundary to no.18 Handford Court. There are windows serving ground floor rooms within the western elevation of this neighbouring property, which are understood to serve a kitchen, dining room, and utility room. The kitchen of no.18 Handford Court is also served by a south facing window, which would not have its outlook affected by the proposed development as the proposed dwelling would sit behind the line of these windows. The window serving the utility room is less sensitive to overshadowing impacts due to this being a 'non-habitable room' for planning purposes. The third window on this side elevation is the patio doors for a dining room, the dining room also benefits from a

window on the opposite side, which ensures that this room would not be unacceptably affected by overshadowing impacts. Additionally, the site is bound by a 2.0m high close boarded timber fence and hedgerow of roughly 2.5m.

- 7.25 The windows within the first floor side elevation of the extension would be obscure glazed to ensure that there would be no significant overlooking impacts
- 7.26 While the proposed development would result in the loss of the open views across the Dumble from Eden House, a separation distance of roughly 28m to the rear of this neighbouring dwelling would ensure that there would not be an unacceptable overlooking impact.
- 7.27 Consequently, it is considered that the proposed development would be in accordance with Policy DM5 of the Allocations & Development Management DPD (2013) with regard to amenity impacts.

Housing Need

- 7.28 Core Policy 3 provides that the Council will seek to secure new housing which adequately addresses the housing need of the District based on any localised housing need information. This policy requires housing densities of no lower than an average of 30 dwellings per hectare. The development site measures roughly 0.13ha, and at 30pdh, could provide for at least three dwellings. However, it is acknowledged that in the previous pre-application enquiry advice provided, it was concluded that the development of 4 smaller detached dwellings on this and the adjoining land to the west, was considered to result in a harmful cramped development.
- 7.29 This policy also directs new development towards family housing, smaller houses, and housing for the elderly. Particular emphasis is placed on securing smaller houses and those for housing the elderly and disabled population. This policy also seeks to ensure that new housing reflects the local housing need and meet the needs of those on the Self-Build and Custom Housebuilding register.
- 7.30 The most recent Housing needs survey can be found in the evidence base for the emerging Southwell Neighbourhood Plan (2022). The suggested dwelling mix to balance the new housing to reach the target mix for 2031 is 70.4% 3-bedrooms, and 28.9% 2-bedrooms, with the remaining 0.7% 1-bedroom dwellings. This most recent and up to date evidence steers development away from the proposed 5-bedroom dwelling, and the proposal would result in a further imbalance to the housing stock in Southwell.
- 7.31 Although there is a housing need identified for a smaller bedroomed property within Southwell, the proposed large dwellinghouse would be commensurate to the character of West Lawns, which is exclusively composed of large, detached dwellings. The broader district need for dwellings would still be a benefit of the scheme.

Impact upon Highway Safety

- 7.32 Policy DM5 of the Allocations and Development Management Policies (ADMP) DPD (2013) requires provision of safe access to new development and appropriate parking provision. Spatial Policy 7 of the Amended Core Strategy (2019) seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF (2024) states that schemes can be supported where they provide safe and suitable access for all. The Council has also adopted a Residential Cycling and Car Parking Standards Design Guide SPD (2021) which is material to decision making.
- 7.33 The shared access can provide for up to 5 dwellings in accordance with the Nottinghamshire Highways Design Guide. The access point currently serves three dwellings, and the addition of one dwelling would be compliant with the design guidance of the technical guidance.
- 7.34 The proposed dwelling would be provided with a double garage, and additional parking in front of the garage for two more cars, which exceeds the requirement of three parking spaces as set out in the Cycle and Car Parking Standards SPD (2021). A large turning head is proposed at the site to allow for a vehicle to manoeuvre within the site to enter the public highway in a forward gear. Refuse collection would not take place from the property as it is more than 25m from the adopted highway, a suitable collection point will need to be provided as part of the development.
- 7.35 Consequently, it is considered that the development would be in accordance with Policy TA4 of the Southwell Neighbourhood Plan (2016), Policy DM5 of the Allocations & Development Management DPD (2013), paragraph 115 of the NPPF (2024), and the Residential Cycling and Car Parking Standards Design Guide SPD (2021).

Impact upon Ecology

- 7.36 Core Policy 12 of the Amended Core Strategy DPD (2019) and Policy DM7 of the A&DM DPD (2013) seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the A&DM DPD (2013) states that, where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.
- 7.37 This application is supported by a Preliminary Ecological Appraisal and a Biodiversity Impact Assessment. A completed Statutory Biodiversity Metric (SBM) has been provided however the application form declares the proposed development would comprise custom self-build dwelling and as such would be exempt from the mandatory Biodiversity Net Gain requirement.
- 7.38 The Westhorpe Dumble Local Wildlife Site (LWS) is located 35m to the west which is

hydrologically linked to a watercourse known as Potwell Dyke located 10m to the south of the site within an area of off-site woodland.

- 7.39 The proposals would restore the historic orchard. From a review of historic mapping, it is confirmed that the whole of the site used to comprise an orchard, dating back to at least 1875. The provision of a new orchard in the western extent of the site is welcomed. It is recommended that fruit trees of local provenance are planted and are locally sourced where possible.
- 7.40 The site does not support any irreplaceable habitats and none of the habitats that would be affected by the proposals have any significant nature conservation value; however, loss of the area of grassland would need to be adequately compensated for.
- 7.41 Great crested newt and non-native invasive species (NNIS) have been scoped out of the ecological assessment due to an absence of suitable habitat, this approach is agreed by the Council's ecology team. There is negligible potential for roosting bats at the site. A sensitive lighting scheme is recommended both during construction and the operational period, this is to be secured by condition. Additionally, no evidence of water vole, otters, or white clawed crayfish.
- 7.42 It considered that the habitats present provided suitable conditions to potentially be utilised by birds, badgers and hedgehogs. Consequently, precautionary working methods are recommended to be provided by condition.
- 7.43 The preliminary ecological appraisal recommends that at least two integrated swift bricks are incorporated into the western or northern aspect of the new dwelling, that a general bird nest box is to be installed on the new building, and for two bat boxes to be installed on the south-facing aspect of the new dwelling.
- 7.44 Consequently, it is considered that the development is in accordance with Core Policy 12 of the Amended Core Strategy (2019), Policies DM5 & DM7 of the Allocations & Development Management DPD (2013) and Policy E3 of the Southwell Neighbourhood Plan (2016).

Impact on trees

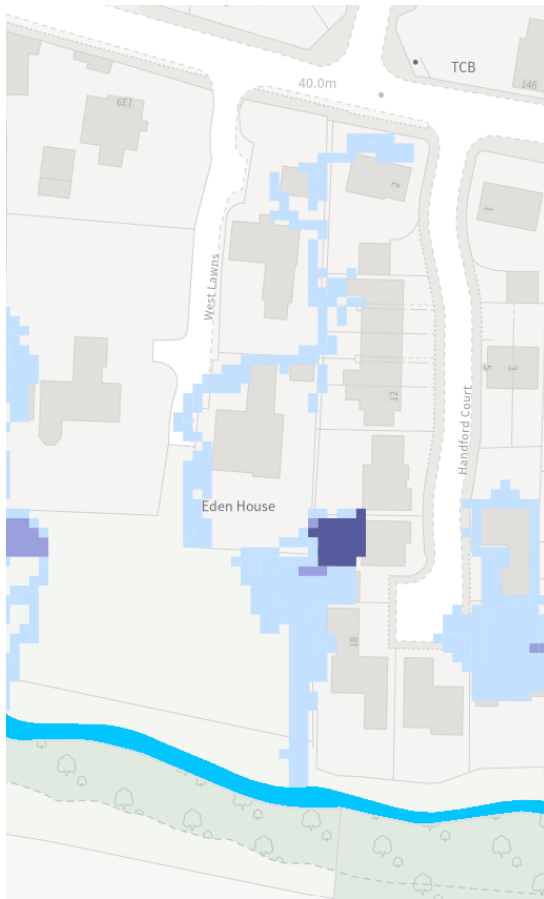
- 7.45 Core Policy 12 of the Core Strategy (2019) seeks to conserve and enhance the biodiversity and geological diversity of the District. The site is mostly grass lawn, notwithstanding the sapling which was planted as a replacement for the felled Elder, and a large copper beech is located adjacent to the access road within land controlled by the applicant. It is proposed to use a Geoweb structure around the tree to prevent the vehicle traffic from compacting the RPA and damaging the tree.
- 7.46 With regard to the historic removal of the elder tree from the application site in 2020, this was felled in September 2020 due to the tree being evidently dead. A replacement was requested by the District Council. A further visit on 12th October 2023 found that a replacement tree had been planted. The replacement tree remains in situ.
- 7.47 An Arboricultural Report and Impact Assessment by AWA Tree Consultants has been

provided. The majority of trees at the wider site are not affected by the proposed development. The copper beech is a category A tree with high amenity value in good structural and physiological condition with a life expectancy of more than 40 years. No works to this tree are required to facilitate the development. An Arboricultural method statement is provided for the proposed development by AWA Tree Consultants. Ground Protection and Heras tree protection fencing would be installed to the west of the proposed driveway and to the south of the proposed dwelling, as well as in the north-east corner of the site in order to protect the trees that are on site and bordering the site.

- 7.48 As a result, the proposed development would safeguard and enhance the biodiversity of the site, and would protect the trees on site. The protection of the trees is to be secured by condition to ensure compliance with Policy DM5 of the Allocations and Development Management DPD (2013).

Impact on flood risk

- 7.49 Core Policy 10 of the Amended Core Strategy (2019) seeks to steer new development away from those areas at highest risk of flooding. Policy DM5 of the Allocations & Development Management DPD (2013) also seeks to steer new development away from areas at highest risk of flooding. Development within flood zones 2 and 3, and areas with critical drainage problems will only be considered where it constitutes appropriate development, and it can be demonstrated that it passes the sequential test. Policy SD1 of the Southwell Neighbourhood Plan (2016) requires new development to take account of the need to avoid increasing the risk of on- and off-site flooding. Policy E1 requires proposals to submit a flood risk assessment, Policy E2 requires development requiring a flood risk assessment to be designed to avoid increasing the risk of flooding.
- 7.50 The application site is located within Flood Zone 1 (low risk of fluvial flooding), but in an area at medium risk of surface water flooding, with a 0.1% to 3.3% chance of flooding each year. Therefore, a site-specific Flood Risk Assessment has been provided to show that the development would not increase flood risk to the new occupiers of the dwelling or elsewhere. The eastern side of the site is within the medium extent of surface water category, so a method of floodwater management has been demonstrated to ensure that this surface water would not be displaced to affect neighbouring sites.
- 7.51 Extract from NSDC Flood Map showing Risk of Flooding from Surface Water:



- 7.52 Surface water would be managed by on-site attenuation to avoid increasing flooding to adjacent or downstream sites. This would include permeable paving and rain gardens along the access drive, and a land drain along the eastern side of the site. This is to be secured by planning condition as part of the landscaping scheme and site levels. Furthermore, an attenuation tank providing approximately 39.5 metres cubed of rainwater storage is to be provided to the south of the main dwelling with a restricted outflow of 2 l/s to control water release and avoid exacerbating flooding elsewhere.
- 7.53 Consequently, the development would not increase the risk of surface water flooding elsewhere, and the development would be capable of being acceptable in regard to flood risk. This is in accordance with Policy DM5 of the Allocations & Development Management DPD (2013), and Core Policies 9 & 10 of the Amended Core Strategy (2019), Policies SD1, E1 & E2 of the Southwell Neighbourhood Plan (2016) and the NPPF (2024).

Other Matters

- 7.54 **Community Infrastructure Levy (CIL) -**
The site is located within Housing Very High Zone of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. The development would result in 329.7m² of Gross Internal Area, the CIL charge on this development is therefore £39,422.84.

- 7.55 **Biodiversity Net Gain (BNG)** –In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as self-build and custom housebuilding. 'Self-build and custom build applications' that explains that BNG does not apply to development which consists of no more than 9 dwellings, carried out on a site which has an area no larger than 0.5 hectares; and consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015(1)).

8.0 **Implications**

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. **Legal Implications – LEG2526/7497**

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 **Conclusion**

- 9.1. The proposed development is located within the Southwell Conservation Area, and would reduce the openness of this part of the conservation area, which would result in less than substantial harm. However, this is considered to be outweighed by the public benefits of ecological enhancements and the provision of one dwelling at a time when the District Council is unable to provide a 5 year housing land supply.
- 9.2. The tilted balance situation allows consideration that the construction of one dwelling at the application site would be considered sustainable development and accord with the strategic vision of the NPPF (2024). Although the development would not address the housing needs of smaller dwellings identified within the Neighbourhood Plan and the District Wide Housing survey, it would nevertheless contribute to the Council's housing supply targets.

10.0 **Conditions**

01

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents, that include:

- Application Form
 - Received 29 April 2025
- Site Location Plan - Drg. No. 2349-S03-001
- Site Plan – Drg. No. 2349-S03-061
- Proposed Floorplans and Elevations – Drg. No. 2349-S03-110
- Street Elevation and Site Section – Drg. No. 2349-S03-200 Rev.P01
- Transport Note – BSP Consulting – Project No. 24-0036
- Arboricultural Report and Impact Assessment – AWA – Ref. AWA6540
- Arboricultural Method Statement – AWA – Ref. AWA6540
- Biodiversity Enhancement Strategy Report – JM Ecology – 14.01.2025
- Preliminary Ecological Appraisal – JM Ecology – JME_2324_PEA_01_V1
- Flood Risk Assessment and Drainage Strategy – BSP Consulting – 24-0036 – 08 Apr 2025
- Statutory Biodiversity Metric – Completed by Joe McLaughlin – V1
 - All received 10 April 2025

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans.

03

Detailed drawings and/or product specifications are to be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Bricks
- b) Rooftiles
- c) Windows and doors
- d) Eaves treatment
- e) Dormer face and cheeks
- f) Rainwater goods
- g) Soil and vent pipe
- h) Extraction vents

Reason: In the interests of visual amenity and the character of the area.

04

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

05

The approved development shall not commence until a bat box and bird box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes, and details for fixing them into place. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

06

Prior to the first occupation of the hereby approved dwellinghouse, the surface water attenuation tank, rain gardens, permeable paving, and perimeter cut off land drain are to be installed, and thereafter maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

07

The building hereby permitted shall not be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

08

Prior to the commencement of development, the tree protection measures set out on Appendix 4: Tree Protection Plan submitted within the Arboricultural Method Statement by AWA Consultants dated March 2025 shall be fully installed and kept in place on site until the building is substantially complete and ready for occupation.

Reason: To protect existing trees on the site in the interests of the amenity of the area and biodiversity.

09

The building hereby permitted shall not be occupied until a scheme of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

means of enclosure; and

hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

010

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

011

The building hereby permitted shall not be occupied until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Informatives

01

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

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

02

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan;
- OR
- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – The proposal is for self-build.

03

All wild bird species, their eggs and nests are protected by law. Therefore, if the proposed removal of the buildings cannot be undertaken outside of the nesting season for most species (i.e., during the period September-February, inclusive), the buildings to be removed should be checked for nesting birds by a competent ecologist immediately prior to the commencement of approved works.

04

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

05

The building that you propose may affect a right of light enjoyed by the neighbouring property. This is a private right which can be acquired by prescriptive uses over 20 years; as such it is not affected in any way by the grant of planning permission.

06

You are advised to refer to BS5837:2012 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.

07

You are advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the river bank then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

08

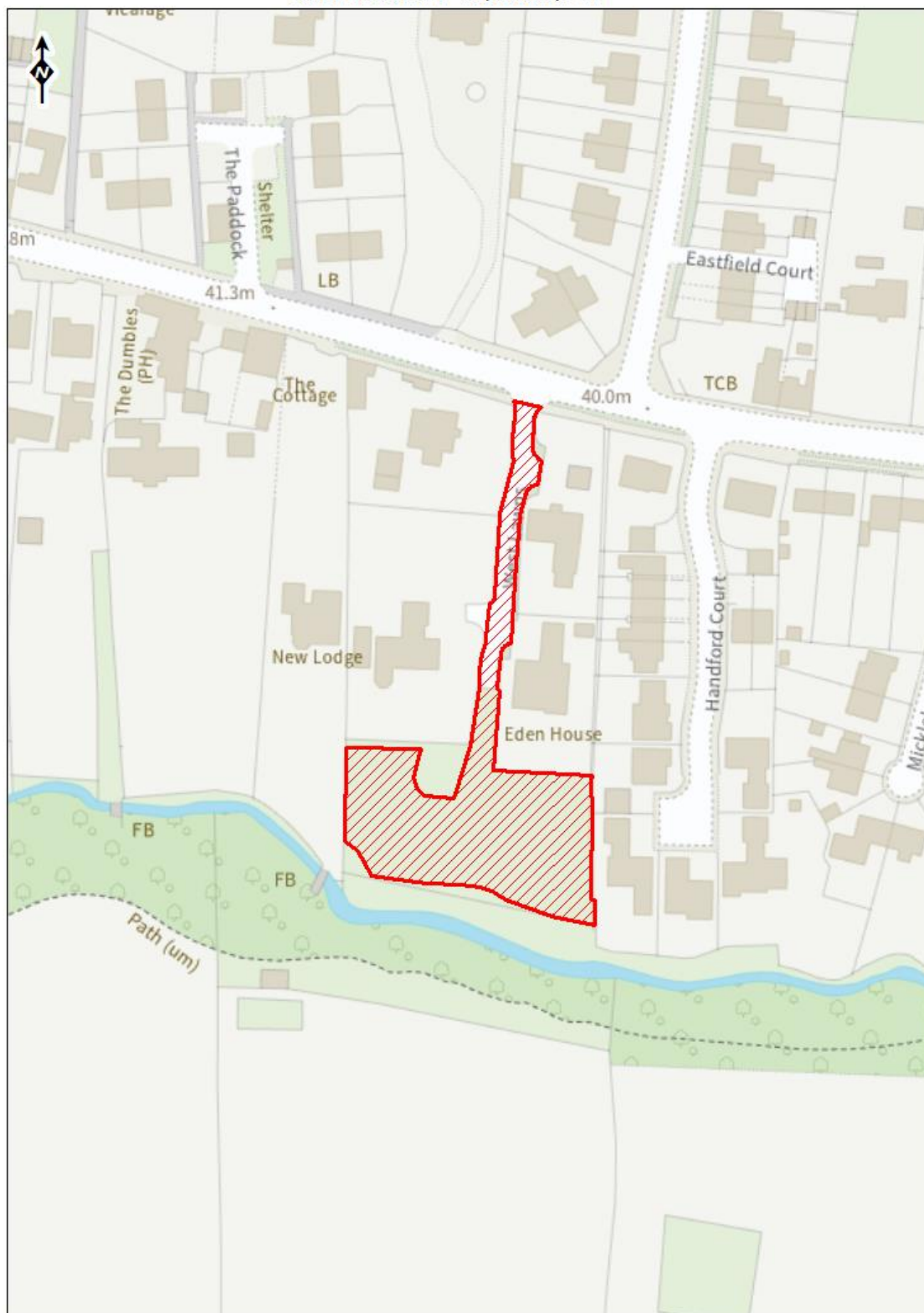
This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00637/FUL



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Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Craig Miles, Senior Planner x5865

Report Summary			
Application No.	24/01195/RMAM		
Proposal	Application for reserved matters (all matters) pursuant to outline application 21/02094/OUTM (Outline application for the development of up to 50 dwellings (including affordable housing), open space, children's play space and associated infrastructure, including a new access).		
Location	Field Reference Number 8890, Mansfield Road, Edwinstowe		
Applicant	Morro Partnerships	Agent	Pegasus Group
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SG3SB3LBH5Z00		
Registered	14.05.2024	Target Date	05.11.2024 EoT: 23.01.2025
Recommendation	That planning permission is approved subject to the conditions at Section 10.0 of the report		

This application has been referred to the Planning Committee at the request of Councillor Paul Peacock, a Ward Member for Edwinstowe and Clipstone raising concerns regarding access, pedestrian safety, amenity and the location of children's play space. These points will be addressed within the main body of this report.

1.0 The Site

- 1.1 The site is located on the western edge of Edwinstowe, adjacent to the existing settlement edge and to the north of the A6075, Mansfield Road. The site comprises a parcel of agricultural land c2.39 hectares in area, currently in arable use that has been partially allocated in the Development Plan for housing under policy Ed/Ho/2. The site is defined by agricultural hedgerows of varying maturity to the east, south and west whilst the northern boundary appears to be open. Dwellings to the east are predominantly late twentieth century of a mixture of single storey, dormer and two

storey dwellings. There are some land level differences between the land to the east and the site as well as gradual rising landform across the site. There are also a small number of dwellings to the west alongside Mansfield Road which are outside of the defined village envelope of Edwinstowe.

- 1.2 The nearest public right of way is over 370m to the west from accessed off the A6075 in a northerly direction. The designated Conservation Area of Edwinstowe is over 600m to the east of the site. The site lies within the influence zone of a site of special scientific interest and within the 5km buffer zone of a RSBP important bird area boundary for nightjar and woodlark. The site is within Flood Zone 1 according to Environment Agency maps.
- 1.3 Other than a small area in the south eastern corner of the site, along Mansfield Road, the site is at very low risk of surface water flooding.
- 1.4 The surrounding area is predominantly residential. To the east are two-storey dwellings on Thoresby Drive and Lintin Avenue. To the south, across Mansfield Road, is Highfield School. A detached modern dormer bungalow lies to the north-west. The site is not within a Conservation Area and there are no Tree Preservation Orders on site, although the outline consent protects trees.

2.0 Relevant Planning History

- 2.1. **21/02094/OUTM** - Outline planning permission for up to 50 dwellings was granted by committee on 22nd July 2022. All matters were reserved. The permission is subject to a Section 106 legal agreement securing developer contributions. The conditions attached to this permission include:
 - Cond 1: Time limit to submit reserved matters (3 years). *This reserved matters application complies with the timeframe.*
 - Cond 2: Reserved matters to be approved (access, appearance, landscaping, layout and scale) to be approved before development begins. *This reserved matters application complies.*
 - Cond 3: Landscaping- the reserved matters for landscape to include a planting schedule), Visitor Management Strategy, management of the roadside hedge (for visibility reasons). To be carried out within 6 months of first occupation. If any trees fail within first 7 years, to be replanted. *The requested information is contained within the submitted Landscape Masterplan and landscape proposals.*
 - Cond 4: No more than 50 dwellings, must be within developable area identified in allocation Ed/Ho/2. *The submitted plans comply with this condition.*
 - Cond 5: Surface water drainage scheme. *To be submitted via a future discharge of condition application.*
 - Cond 6: Pre-commencement, Construction Environmental Management Plan. *To be submitted via a future discharge of condition application.*
 - Cond 7: Arboricultural method statement. *To be submitted via a future discharge of condition application.*
 - Cond 8: Protection methods for hedgerows within the site. *To be complied with.*

- Cond 9: Archaeology Mitigation Strategy. *To be submitted via a future discharge of condition application.*
- Cond 10: Archaeological WSI. *Compliance with the agreement in condition 9.*
- Cond 11: Archaeology report. *To be complied with.*
- Cond 12: Reserved matters to be accompanied by noise assessment. *This has been submitted with the reserved matters.*
- Cond 13: Development to accord with Habitats and Protected Species Report. *For compliance.*
- Cond 14: Nesting bird protection- *to be complied with.*
- Cond 15: Before development commences, details of bat boxes. *To be submitted via a future discharge of condition application.*
- Cond 16: Reserved matters to include highway arrangements for visibility splays, swept path analysis, road hierarchy, car parking, cycle and bin storage. *Provided in this reserved matters application.*
- Cond 17: Pre-commencement, precise details of the refuge on Mansfield Road, mitigation scheme to reduce eastbound speeds. *To be submitted via a future discharge of condition application.*
- Cond 18: Prior to occupation, updated Travel Plan. *To be submitted via a future discharge of condition application.*

2.2. **24/00396/DIS106** – An application to discharge the S106 requirement for a Habitat Creation and Management Plan for the off-site SANGS was approved on 24th June 2024.

3.0 **The Proposal**

- 3.1 This application seeks approval for the reserved matters of access, layout, scale, appearance, and landscaping for the erection of 50 dwellings, pursuant to the outline consent 21/02094/OUTM.
- 3.2 The applicant, Morro Partnerships (a Homes England preferred partner), proposes to deliver a 100% affordable housing scheme. The outline only proposed 30% (making it policy compliant) which was secured via a Section 106 agreement. The tenure mix will include affordable rent and shared ownership properties. In delivering at least 30% affordable housing in this reserved matters application, the scheme is consistent with the outline approval and legal agreement tied to it.
- 3.3 The proposal provides for a mix of 1, 2 and 3-bedroom properties, comprising bungalows, maisonettes, and two-storey terraced and semi-detached houses. The specific housing mix is as follows:
- 1 bedroom dwellings: 4 units
 - 2 bedroom dwellings: 14 units
 - 3 bedroom dwellings: 32 units
- 3.4 The **layout** has been designed to respond to the site's context on the edge of the settlement. It broadly follows the linear pattern of the existing built environment on Mansfield Road and Thoresby Drive. In response to the tapering urban edge, the

layout proposes lower-density bungalows adjacent to existing dwellings on Mansfield Road to the southwest. The design incorporates key urban design principles such as active frontages and prominent corner-turning plots (e.g. plots 33, 43) to assist with wayfinding and provide passive surveillance over communal areas. As detailed below:



- 3.5 The principle of a point of access from Mansfield Road was considered as part of the outline application (ref 21/02094/OUTM), but the detail of the access and position was reserved. Note that a pedestrian link to the edge of the site (via Thoresby Drive) is provided as per the plans and this is via a 2m wide footpath.
- 3.6 In terms of **scale and appearance**, the dwellings are predominantly two-storey in height, with single-storey bungalows proposed within the south-western and south-eastern corners of the site. The design of the individual house types has been informed by the local vernacular, utilising a material palette of red brick and brown double roman tiles to reflect the character of Edwinstowe.
- 3.7 The **landscaping** strategy includes substantial landscape buffers to the north and west of the site. The northern buffer incorporates an area of public open space with mown footpaths and a formalised play area in the form of a trim trail. The scheme also includes the removal of a 12-metre section of hedgerow to form the vehicular access

from Mansfield Road, which was approved at the outline stage.

- 3.8 The application is supported by a full suite of technical documents covering matters including Arboriculture, Noise, and a detailed schedule of plans covering house types, site sections, boundary treatments, and materials. The proposals have been amended during consideration of the application to address concerns from consultees and in part, those representation initially made in respect of the proposed development.

4.0 Public Advertisement Procedure

- 4.1 The application has been advertised by way of a site notice and press notice. A total of 134 neighbour notification letters have been sent regarding the original proposal and the amended proposals. In total 109 letters of representation have been received comprising 106 letters of objection, 1 of support and 2 neither supporting nor objecting to the proposals.

- 4.2 A Site visits undertaken on 09.09.2024 and 12.12.2024

5.0 Planning Policy Framework

- 5.1. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 5 – Delivering the Strategy
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 10A – Local Drainage Designations
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment
 ShAP3 – Role of Edwinstowe

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM2 – Development on Allocated Sites
 DM3 – Developer Contributions and Planning Obligations
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development
 ED/Ho/2 – Edwinstowe - Housing Site 2

Other Material Planning Considerations

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

District Wide Housing Needs Survey 2020, ARC4

Affordable Housing SPD

Developer Contributions SPD

Landscape and Character Appraisal SPD

- 5.2. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and has been accepted for examination (November 2024). There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 Consultations and Representations

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

- 6.2. **NCC Highways Authority** – Nottinghamshire County Council as Highway Authority initially maintained an objection to the proposal due to a number of outstanding issues. These included concerns that the internal road layout did not meet the highway design guide, with a new crossroads creating potential conflict and a lack of appropriate bend widening. Further issues were raised regarding insufficient turning heads, a lack of vehicle tracking information, and pedestrian visibility splays being obstructed by proposed landscaping. A key point of contention was that approximately 50% of the parking provision was not compliant with the Newark parking SPD, which, alongside a lack of on-street visitor spaces, was considered likely to lead to obstructive parking that would compromise highway safety. Following the submission of amended plans and a formal rebuttal from the applicant on 28th March 2025, further discussions took place. In their final response of 19th May 2025, the Highway Authority confirmed it had withdrawn its objection. The officer stated that with the introduction of a Traffic Regulation Order to restrict on-street parking (secured by condition), the remaining issue of parking provision would be one of amenity rather than highway safety, and therefore the proposal was considered acceptable on safety grounds.
- 6.3. **NCC Lead Local Flood Authority (LLFA):** Maintains an objection due to the absence of a detailed surface water drainage strategy, however in correspondence it was highlighted that the requirement for a detailed drainage design was established as a pre-commencement condition during the outline application, following the Flood

Authority's original recommendation and as such, the local planning authority cannot procedurally require that same information be submitted as part of this reserved matters application as it still remains as a planning condition to discharge.

- 6.4. **Natural England: No objection.** Recommends landscaping species are native and local to the Sherwood area.

(b) Parish Council

- 6.5. **Edwinstowe Parish Council:** Objects to the proposals. The council's main point of objection is that the village's infrastructure cannot support more housing. They state that since the site was designated for development, approximately 1,000 new houses have already been built or are in the process of being built in the village, placing significant strain on local services. The council has also specifically requested that Newark and Sherwood District Council (N&SDC) look closely at the proposal to upgrade the pedestrian refuge on Mansfield Road. Their concern is to ensure that whatever is built is a permanent and safe crossing point for residents.

(c) Non-Statutory Consultation

- 6.6. **Nottinghamshire Wildlife Trust:** Raises concerns as the ecology survey data from 2021 is out of date and likely no longer valid. They also recommend the use of native species, a sensitive lighting scheme, and the inclusion of hedgehog highways.
- 6.7. **NSDC Environmental Health: No objection** subject to the implementation of the mitigation detailed in the submitted noise report.
- 6.8. **NSDC Sports & Community Facilities:** Request a developer contribution to improve community facilities in Edwinstowe.
- 6.9. **Archaeology & Conservation:** No objections.

(d) Representations

- 4.3 Following public advertisement of the application, a significant number of representations during two rounds of public consultation. A total of 109 letters of have been received comprising 106 letters of objection, 1 of support and 2 neither supporting nor objecting to the proposals. The grounds of objection are wide-ranging and are summarised thematically below:

- **Impact on Infrastructure and Local Services:** This is the most prevalent concern raised.
 - Health services, including doctors' surgeries, dentists and pharmacies, are described as being "severely over stretched", at "breaking point", and unable to cope with the existing population, let alone a new development. Residents report it is "extremely difficult to get to see a doctor" and that there are "long waits for Dr appt and more stress waiting for prescriptions".

- Education facilities are stated to be at full capacity, with both primary schools being "full to busting". It is noted that a new secondary school has not been provided despite the demolition of the previous one.
- There is a general feeling that the village infrastructure cannot support more houses and that the cumulative impact of recent large-scale developments (such as at Thoresby Vale) has not been properly addressed or mitigated.
- **Highways, Traffic, and Parking:**
 - Many residents state that traffic is already "awful" and that Mansfield Road is "gridlocked at school & peak rush hr times". The development is expected to add a significant number of cars to the road, worsening congestion.
 - The capacity of the wider road network, particularly the Ollerton roundabout, is a recurring concern, with one objector noting that planned upgrades to the A614 are now on hold.
 - Road safety is a key issue, with the entrance to the site being described as on a "blind bend" where traffic often exceeds the 30mph speed limit.
 - A lack of parking in the village is frequently mentioned.
- **Principle of Development and Impact on Village Character:**
 - There is a strong feeling that Edwinstowe has had more than its fair share of new housing and is losing its "beautiful village" character and "becoming a town".
 - The loss of productive, greenfield agricultural land is raised as a material objection, with residents stating it "yields two harvests per annum" and should not be used when brownfield sites are available.
 - The loss of wildlife and ecology, including skylarks, hares, and pheasants, is a concern.
- **Impact on Residential Amenity:**
 - A specific objection from the resident of a bungalow on Mansfield Road details concerns about being surrounded by the development, resulting in overlooking, overshadowing, and a "massive breach of privacy".
 - A resident of Thoresby Drive also objects to four houses backing onto their bungalow.
- **Distrust and Other Matters:**
 - Some residents express a lack of faith that promised infrastructure improvements will ever be delivered.
 - Concerns about potential for localised flooding are also raised.

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.
- 7.2. The following matters have been identified as key issues:
- The Principle
 - Housing Need, Mix and Density
 - Landscaping, Trees and Public Open Space
 - Impact on Ecology
 - Design and Character
 - Residential Amenity
 - Off Street Parking Provision
 - Drainage and Flood Risk
- 7.3. These matters shall be discussed in turn. However, before doing so, preliminary matters need to be dealt with first as follows.

Preliminary Matters (including Access)

- 7.4. Comments have been received in respect of access and the impact the development would have on Mansfield Road. The original outline application initially sought to consider access but was later revised so as to be a reserved matter. Condition 2 of the outline makes this clear. The approved Block Plan (ref: P20-3462_01) at outline stage detailed a potential access from Mansfield Road into the application site, as detailed below.



- 7.5. Access is a matter for consideration at this stage but the indicative point of access from Mansfield Road was explored at outline stage. This is consistent with the requirements of Article 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 which specifies that if access is a reserved matter in an outline planning permission application, the application must state the area or areas where access points to the proposed development will be located. The outline application was supported by a Transport Assessment which was based on a maximum quantum of 50 dwellings which NCC Highways Authority considered and found to be acceptable. It is therefore considered that the reserved matters application accords with the outline consent and that we are now focussed on considering the technical aspects of the access.

Principle of Development

- 7.6. The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.7. The site is allocated for housing for around 50 dwellings under policy Ed/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD. Furthermore, the principle of developing this site for up to 50 dwellings has been formally established through the granting of outline planning permission (ref: 21/02094/OUTM) on 22nd July 2022. This current application is for the subsequent approval of the reserved matters of access, layout, scale, appearance, and landscaping. As the outline permission is extant, the principle of the development is acceptable and not a matter for reconsideration at this stage.
- 7.8. It is acknowledged that a significant number of objections have been received from local residents and the Parish Council raising concerns about the impact of further housing on the village's infrastructure, particularly on healthcare and education facilities. These concerns are material planning considerations; however, they were addressed at the outline stage. To mitigate the impacts of the development, a Section 106 legal agreement was secured which requires financial contributions from the developer towards local services. These contributions, secured under application 21/02094/OUTM, include:
- **Affordable Housing:** At least 30% of the dwellings on-site.
 - **Primary Education:** A contribution of £193,743.00 (index-linked).
 - **Community Facilities:** A contribution of £1,384.07 per dwelling towards improvements to community facilities in Edwinstowe parish.
 - **Library Contribution:** A contribution of £1,762.00 (index-linked) towards Edwinstowe Library.
- 7.9. Therefore, as the site is allocated for housing within the Development Plan and has the benefit of an extant outline permission with legal measures in place to mitigate its impact, the principle of the development is considered acceptable. The assessment

must now turn to the acceptability of the detailed proposals for which approval is sought.

Housing Need and Mix

- 7.10. Core Policy 3 of the Amended Core Strategy (2019) sets out that the Council will seek to secure new housing development which addresses the housing need of the District, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less, and housing for the elderly and disabled population. It goes on to state that the Council will seek to secure an appropriate mix of housing types to reflect local housing needs, which will be dependent on the local circumstances of the site.
- 7.11. The most up-to-date evidence for the area is the District Wide Housing Needs Assessment (HNA) published in December 2020. For the Sherwood Sub-Area, within which Edwinstowe is located, the HNA identifies a need for family housing of 3 bedrooms or more, followed by smaller houses of 2 bedrooms or less.
- 7.12. The current proposal is for a total of 50 dwellings. The mix is set out in the applicant's Planning Statement and is as follows:

Unit Size	Number of Dwellings	Percentage of Scheme
1 bedroom	4	8%
2 bedrooms	14	28%
3 bedrooms	32	64%
Total	50	100%

- 7.13. The proposed scheme is heavily weighted towards 2 and 3-bedroom properties, with a smaller provision of 1-bedroom units. While the scheme does not provide any 4+ bedroom units, it is considered that the focus on smaller family homes directly addresses the most pressing needs of the area as identified in the HNA.

Affordable Housing Provision

- 7.14. A key material consideration for the original outline application was the affordable housing offer. Core Policy 1 of the Core Strategy and the S106 legal agreement attached to the outline consent require the provision of 30% on-site affordable housing.
- 7.15. The applicant, Morro Partnerships, is a Homes England preferred partner that specialises in delivering affordable homes. This application proposes that the site will be brought forward as a 100% affordable housing scheme.

- 7.16. The commitment to provide 50 affordable homes represents an uplift on the policy requirement for 15 affordable units (30% of 50). This uplift will make a contribution to meeting the District's identified affordable housing need of 243 homes per year. However, it should be noted that the original outline approval was policy compliant with 30% provision (controlled via the section 106). Members should therefore be clear that the outline approval established the principle of 50 dwellings with 30% affordable, and since the current proposal meets those thresholds, the decision-maker should be determining the reserved matters only and not revisiting the principle of development established in the outline.
- 7.17. Nevertheless, the proposed housing mix is considered acceptable. It provides a range of smaller family homes which reflects the identified local housing need, and the delivery of a 100% affordable housing scheme is positive. The scheme otherwise continues to be compliant with Core Policy 1 and Core Policy 3 of the Development Plan.

Layout

- 7.18. Policy ED/Ho/2 of the Allocations & Development Management DPD allocates the site for residential development of around 50 dwellings and sets out specific criteria that any proposal must address. The proposed layout for this reserved matters application is assessed against each of these criteria in turn.
- 7.19. *i) Public open space within the site or at alternative locations within the village, provided in accordance with Policy DM3, Developer Contributions and Planning Obligations, which shall be designed to reflect the need to provide SANGS to relieve pressure on the Birklands & Bilhaugh SAC;*
- 7.20. The submitted layout provides a significant area of public open space, particularly within the landscape buffer to the north of the site. This space is designed to be a recreational asset for new residents and includes informal areas, mown footpaths, and a trim trail for formal play. The provision of this high-quality, on-site green space is designed to be attractive for residents for activities such as dog walking and informal recreation. This serves the dual purpose of providing amenity for the new residents and functioning as a Suitable Alternative Natural Greenspace (SANGS) to help relieve recreational pressure on the nearby Birklands & Bilhaugh Special Area of Conservation (SAC), a point which was welcomed in principle at the outline stage. This on-site provision is in addition to the off-site SANGS contribution at Crooked Acre, for which a management plan has been legally secured and discharged. The layout is therefore considered to be fully compliant with this criterion.
- 7.21. *ii) Appropriate design which addresses the site's gateway location and manages the transition into the main built up area. In order to protect the setting of the Sherwood Forest Country Park, appropriate buffering in accordance with the landscape character of the area should be included within the northern part of the site;*
- 7.22. The submitted layout has been designed to specifically address this requirement. The northern part of the site, which faces towards Sherwood Forest Country Park, is designated entirely as a "substantial landscaped buffer". No built development is located within this area, which will protect the setting of the wider landscape.

- 7.23. To manage the site's gateway location on the western edge of Edwinstowe, the layout proposes a lower density of development, including (in part) bungalows. Also, directly adjacent to the existing dwellings on Mansfield Road, the dwellings are set back from the roadside frontage in line with existing dwellings. There would be landscaping between the roadside front with Mansfield Road and the proposed dwellings. A substantial 10-metre landscape buffer is also provided along the western boundary. This approach ensures a soft and appropriate transition from the open countryside to the built-up area of the village. In these circumstances, it is considered that the proposed layout is therefore considered to successfully address these specific requirement as detailed in Policy ED/Ho/2.
- 7.24. *iii) Developer funded localised sewer capacity improvements as required;*
- 7.25. This requirement was considered and found to be acceptable at the outline stage when the principle of development and its impact on infrastructure capacity was established. It is a standard requirement for developers to fund any necessary connections or upgrades to the local network, which is secured through agreements with the statutory undertaker (e.g. Severn Trent Water). This matter does not preclude the approval of the reserved matters layout.
- 7.26. *iv) Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required to reflect the medium archaeological potential of the site.*
- 7.27. This requirement has been addressed through the planning process. An initial geophysical survey was undertaken at the outline stage. Conditions 9, 10, and 11 were attached to the outline permission (21/02094/OUTM) to secure a full programme of archaeological investigation and mitigation. The Council's archaeological advisor has been consulted on this reserved matters application and confirms that the development should be carried out in accordance with these existing conditions. The approval of the layout is therefore acceptable in this regard, as the mechanism for securing the necessary archaeological work is already in place.

Design and Character

- 7.28. Core Policy 9 (Sustainable Design) of the Amended Core Strategy seeks a high standard of sustainable design and layout that, amongst other things, is capable of being accessible to all and is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the Allocations & Development Management DPD builds on this, requiring all new development to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals. At a national level, the NPPF places significant weight on design, stating that the creation of high-quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and helps make development acceptable to communities. This assessment has also been informed by the principles within the National Design Guide and Building for a Healthy Life.

- 7.29. The scheme, as amended, proposes 50 dwellings and includes a mix of single-storey bungalows alongside two-storey semi-detached and terraced houses.
- 7.30. The scale of the housing is predominantly two-storey, which is considered to reflect the character of the locality, particularly the existing housing on Thoresby Drive and Lintin Avenue. The character of the different house types across the site is logical and responds well to the context. Notably, single-storey bungalows are proposed for the plots on the western and southern boundaries adjacent to existing residential properties, which helps to manage the transition and minimise any amenity impacts. The larger two-storey dwellings are located more centrally within the site, away from the most sensitive boundaries. The overall density of approximately 29 dwellings per hectare is appropriate for this edge-of-settlement location and allows for the provision of significant landscape buffers and public open space, successfully managing the transition into the main built-up area as required by Policy ED/Ho/2.
- 7.31. The house types themselves are considered attractive and have been designed to provide variety and interest within the street scene. The layout incorporates prominent corner-turning plots in key, highly visible locations to create an attractive public realm and assist with wayfinding. Dwellings have also been oriented to overlook the public open space to the north, improving natural surveillance and creating a sense of safety. The proposed materials palette of red brick and brown double roman tile has taken cues from nearby residential properties to ensure the development integrates successfully into its surroundings, reflecting the unique character of Edwinstowe. While a materials plan has been submitted, the specific manufacturer details have not been provided, and this is a matter that can be dealt with through the imposition of a planning condition.
- 7.32. The amended layout plans show a reduced reliance on frontage parking, with soft landscaping used to break up areas of hardstanding where possible, which is in accordance with the Council's parking design guidance. On-plot landscaping will be used along prominent boundaries in the public realm. Full details of hard boundary treatments, such as brick walls and timber fencing, have been provided and are detailed on plan reference M163-BRP-00-00-DR-A-0103-P08. The submitted details are considered to be acceptable, however, a condition will still be attached to clarify specific materials and to ensure hedgehog features are incorporated.
- 7.33. Overall, the proposed layout, scale, and appearance are of a high quality, responding positively to national and local design policies. The scheme has been amended to successfully address initial officer concerns and now represents a well-conceived development that respects and enhances the local character.

Landscaping and Trees

- 7.34. Landscaping is a reserved matter for which approval is now sought. This section assesses the acceptability of the submitted details against the relevant national and local planning policies, including Core Policy 12 (Biodiversity and Green Infrastructure), Core Policy 13 (Landscape Character), Policy DM5 (Design), and the site-specific requirements of Policy ED/Ho/2. The NPPF also places great importance

on trees, stating that new streets should be tree-lined and existing trees retained wherever possible.

- 7.35. In terms of the impact on Existing Trees and Hedgerows, the application is supported by a detailed Arboricultural Impact Assessment (AIA). The site contains nine individual trees and seven hedgerows, the vast majority of which are Category C (low value). Two mature cherry trees on the frontage are protected by a Tree Preservation Order (TPO) and will be retained and protected during construction.
- 7.36. The proposal requires the removal of an approximately 12-metre section of hedgerow (H3) along Mansfield Road to create the approved vehicular access. The AIA confirms this hedgerow is Category C, comprising a small number of species, and concludes its loss is of low impact and can be effectively mitigated through new planting. All other existing boundary hedgerows and trees are shown to be retained, which will help to integrate the development into its surroundings and provide mature screening from the outset.
- 7.37. In terms of the Proposed Landscaping Strategy, the submitted Landscape Masterplan (ref: 24.1869.001 Rev F) demonstrates a comprehensive and policy-compliant approach to landscaping. It shows that the development will provide a total of 9,283m² (0.93Ha) of public open space that would be managed in accordance with the requirements of the existing S106a. The key features of the strategy are:
- 7.38. Northern Landscape Buffer: In direct accordance with Policy ED/Ho/2, the majority of the public open space is located within a substantial landscape buffer to the north of the site. This area is designed as a semi-natural space, incorporating large areas of wildflower and grass mix, mown footpaths for informal recreation, and a formal children's play provision in the form of a trim trail. This protects the setting of the wider Sherwood Forest landscape and provides a valuable recreational asset.
- 7.39. Western Buffer and Frontage: A 10-metre wide landscape buffer is proposed along the western boundary, softening the edge of the development. An avenue of trees is proposed along the Mansfield Road frontage, creating an attractive green gateway into the site.
- 7.40. Planting Palette: A significant number of new trees are proposed throughout the site. The plant schedule indicates the use of native species appropriate to the Sherwood character area, such as Silver Birch (*Betula pendula*), Alder (*Alnus glutinosa*), and Oak (*Quercus robur*). New native hedgerows are proposed for boundary treatments, and specific additional planting is shown to provide screening for existing neighbouring properties.
- 7.41. Species Selection: It is noted that the submitted plant schedule also includes non-native ornamental cultivars, such as *Prunus* 'Sunset Boulevard' and *Sorbus* 'Cardinal Royal'. This supports the comments made by Natural England and the Nottinghamshire Wildlife Trust who recommend using exclusively native species. While the overall strategy is robust, a condition is required to agree a final species list that maximises the use of native, locally-provenanced stock.

- 7.42. In conclusion, the landscaping scheme is considered to be well-designed and directly addresses the specific requirement of Policy ED/Ho/2 by providing a substantial northern buffer. The loss of a small section of low-quality hedgerow is acceptable and will be compensated for by extensive new native tree and hedgerow planting. The detailed implementation, particularly the final species list, can be secured by planning condition. The proposal is therefore considered to accord with Core Policies 12 and 13, and Policy DM5 of the Development Plan.

Highway Safety and Parking

- 7.43. Spatial Policy 7 of the Amended Core Strategy seeks to ensure that development proposals are appropriate for the highway network and do not adversely affect safety, while Policy DM5 of the Allocations & Development Management DPD requires the provision of safe access and appropriate parking provision. At a national level, the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.44. The application has been subject to detailed scrutiny by Nottinghamshire County Council as the Local Highway Authority (LHA). The LHA initially raised a holding objection to the scheme on several grounds. Their concerns included that the internal road layout was unacceptable, with a new crossroads creating potential conflict and a lack of appropriate bend widening. They also noted that vehicle tracking information was missing, pedestrian visibility splays were obstructed by proposed landscaping, and there was no continuous 2-metre footway across the site frontage.
- 7.45. A primary concern for the LHA was the proposed parking provision. They noted that a significant number of the dwellings did not meet the standards set out in the Council's Parking SPD and that there was an under-provision of on-street visitor spaces. It was considered that this would be "likely to lead to vehicles being parked in obstructive places, on the bend and within the turning head area", which would be detrimental to highway safety.
- 7.46. In response to these concerns, the applicant entered into lengthy negotiations with the LHA and submitted several sets of amended plans. A formal rebuttal letter dated 28th March 2025 confirmed that a new swept path analysis had been undertaken, driveway angles had been amended where possible, and the landscaping plans were revised to remove conflicts with visibility splays.
- 7.47. Following these amendments and further discussions, the Highway Authority formally withdrew their objection in a final response dated 2nd May 2025. The officer confirmed that issues relating to bend widening were now acceptable and that the remaining issues regarding visibility splays could be controlled by condition. To resolve the on-street parking safety concern, it was agreed that the implementation of a Traffic Regulation Order (TRO) to introduce double yellow lines around the turning head and the main bend would be secured by condition.
- 7.48. In respect of parking provision to serve the proposed dwellings, the Highway Authority noted that a significant number of the 3-bedroom dwellings do not meet the Council's parking SPD requirement for 3 spaces, with 2 spaces being provided instead. The

applicant considers that the modest size of the third bedroom ensures that it is unlikely that a larger family will occupy this house type, thus reducing the number of persons of driving age. The LHA acknowledged this justification but maintained concerns, stating that while this approach was previously accepted on a different site, their guidance had since been updated. However, having secured the TRO to prevent dangerous obstructive parking, the officer confirmed that the LHA now considers the remaining under-provision to be an issue of amenity rather than highway safety.

- 7.49. In conclusion, the scheme has been subject to detailed review by the Highway Authority. Following initial objections, the applicant has worked proactively to amend the scheme to address all concerns relating to highway safety, leading to the withdrawal of the LHA's objection. While the parking provision is below the standard set out in the SPD for a number of the dwellings, the justification for this departure is noted. Given the modest size of third bedrooms, it is considered unlikely that every 3-bedroom affordable home would necessitate three off-street car parking spaces, and on balance this approach is considered acceptable. The Highway Authority is now satisfied that with a Traffic Regulation Order secured by condition to manage on-street parking, the arrangement does not compromise highway safety. The proposal is therefore considered to be acceptable and in accordance with Spatial Policy 7, Policy DM5, and the principles of the NPPF.

Impact on Residential Amenity

- 7.50. Policy DM5 of the Allocations & Development Management DPD states development should ensure no unacceptable reduction in amenity for neighbours, including overbearing impacts, loss of light, privacy, or disturbance. NPPF Paragraph 198 also requires impacts from noise to be mitigated and significant adverse impacts avoided. This assessment considers the impact on both existing neighbouring properties and the future occupiers of the new dwellings.
- 7.51. During the public consultation, a number of objections were received from local residents of neighbouring properties who raised specific concerns about the impact of the development on their amenity.
- 7.52. Representations from residents of bungalows on Mansfield Road expressed concerns about the close proximity of the proposed houses causing overshadowing, overlooking, and a loss of privacy. The revised submitted layout has been specifically designed to address this relationship. The dwellings proposed immediately adjacent to these properties (plots 1-2) are all single-storey bungalows. Generally, dwellings are originated north to south and not facing towards the existing dwellings. The exception to this is plots 05 and 06 which are originated at an oblique angle not directly facing any other dwelling. They would be set back some 20 metres from the boundary of the application site, ensuring that any overbearing impact or loss of light is negligible. Likewise, immediately to the south of the site are two existing dwellings – a bungalow and a two storey dwelling. There would be no direct overlooking towards these dwellings as a result of the proposals and given that they are to the south, there would be no loss of sunlight / daylight.

- 7.53. A resident of 35 Thoresby Drive also raised an objection regarding being overlooked by four properties to the rear. The layout shows that the rear gardens of plots 07-09 back towards are in the vicinity of property. The separation distances, combined with existing vegetation and proposed boundary treatments, are considered sufficient to prevent any unacceptable loss of privacy. The applicant amended the layout during the course of the application to improve amenity relationships, for example by reorienting plots 5-9 to reduce any potential harmful impacts relating to back-to-back window distances.
- 7.54. These end bungalows on Thoresby Drive both front the street so expose only side elevations to the site. The photo below is the existing context:



- 7.55. The side of these dwellings wouldn't be considered as their primary amenity space as that would be the rear gardens in both instances. In terms of outlook, officers note the bungalow on the south side of Thoresby Drive has no windows facing the site and the bungalow on the north has what would appear to be secondary windows facing the side of site. However, to ensure no undue impact is created, the applicant has offset plot 10 from the boundary and provided a buffer from this property. Furthermore, whilst both two storeys in height, plots 09 and 10 are positioned directly parallel to the bungalows to ensure no overbearing issues arise in the rear, primary spaces. It is common for residential properties to vary in height across a street scene and inevitably, at some point, a bungalow is placed adjacent to a two story property, and officers feel that the scheme takes a sympathetic approach to this.
- 7.56. In terms of amenity for future residents (including Noise), the proposed layout provides adequate separation distances between the new dwellings, ensuring that future residents will not suffer from overlooking or overbearing impacts from neighbouring plots. All proposed units are provided with private garden space.
- 7.57. Condition 12 of the outline permission required a Noise Impact Assessment to be submitted to consider the impact of traffic from Mansfield Road on the new dwellings. The submitted assessment by BWB Consulting concludes that suitable internal and external noise conditions can be achieved at the proposed dwellings. External garden spaces are predicted to fall below the 50-55dB guideline value where mitigation would be considered necessary.

- 7.58. To protect internal amenity, the report recommends that dwellings closest to Mansfield Road be fitted with uprated double glazing and acoustic trickle ventilators. All other dwellings can achieve the required internal noise levels with standard double glazing. The Council's Environmental Health Officer has reviewed this report and confirmed they have no objection, stating that the condition can be discharged provided the properties are built with the specified mitigation.
- 7.59. In conclusion, the layout has been carefully designed to mitigate impacts on the amenity of existing neighbouring residents, particularly through the use of single-storey bungalows and landscape buffers on sensitive boundaries. The technical noise assessment demonstrates that, subject to a condition securing the recommended mitigation measures, a good standard of amenity can also be achieved for all future residents. Therefore, the proposal is considered to comply with the aims of Policy DM5 and the NPPF in this regard.

Impact on Ecology

- 7.60. Core Policy 12 (Biodiversity and Green Infrastructure) and Policy DM7 of the Development Plan seek to conserve and enhance the biodiversity of the District. They require development proposals to be supported by up-to-date ecological assessments and to incorporate mitigation and enhancement measures to protect important habitats and species.
- 7.61. In terms of Biodiversity Net Gain (BNG), based on current legislation, this application is not subject to the mandatory 10% Biodiversity Net Gain (BNG) requirement. This is because mandatory BNG applies to major developments where the planning application was made on or after 12th February 2024. As this is a reserved matters application pursuant to an outline consent granted in 2022, the BNG requirements do not apply.
- 7.62. In respect of the ecological context and mitigation strategy, the outline committee report (for application 21/02094/OUTM) established the key ecological considerations for the site. It noted the site's location within the 5km buffer zone for the Birklands and Bilhaugh Special Area of Conservation (SAC), the Birklands West and Ollerton Corner Site of Special Scientific Interest (SSSI), and the potential Sherwood Forest Special Protection Area (ppSPA) for nightjar and woodlark.
- 7.63. The original Habitats and Protected Species Report (2021) concluded that the site itself was sub-optimal for species like Nightjar but had some potential for Woodlark and foraging bats, and could be used by commuting reptiles and small mammals. To mitigate the recreational pressure of the new development on the nearby designated sites, a two-pronged approach was agreed at the outline stage: the provision of high-quality public open space on-site, and the delivery of an off-site Suitable Alternative Natural Greenspace (SANGS) at a site known as Crooked Acre, secured via a S106 legal agreement.
- 7.64. During the assessment of this reserved matters application, both Natural England and the Nottinghamshire Wildlife Trust have reiterated previous concerns that the off-site SANGS at Crooked Acre may not be fit for purpose due to its close proximity to the

SAC. While these expert opinions are noted, the legal position is that the S106 obligation to provide a management plan for this SANGS has been formally discharged by the Council and therefore the management plan is considered to be satisfactory.

- 7.65. Natural England has also highlighted that since the outline consent was granted, a new Impact Risk Zone (IRZ) has been introduced for Clumber Park SSSI relating to recreational pressure. They advise that the Council must be satisfied that the proposed mitigation is sufficient to address any increased recreational disturbance at this SSSI. It is considered that the combination of the legally secured off-site SANGS and the significant provision of 0.93 hectares of high-quality, on-site public open space provides a suitable mitigation package to address these recreational pressures.
- 7.66. The Nottinghamshire Wildlife Trust has correctly pointed out that the original ecological survey data is outdated, however there has been no change in the use of the agricultural field forming the application site, as it has remained in arable agricultural use since the original ecological survey was considered.
- 7.67. Importantly, it should be noted that further ecological enhancements are already required by the outline planning conditions. Condition 03 requires the landscaping scheme to include features such as new species-rich habitats, nesting boxes, and gaps in fences for hedgehogs, while Condition 13 requires adherence to the recommendations of the original ecology report, including the implementation of a bat-sensitive lighting scheme. These matters can be secured by condition on this reserved matters application to ensure the development delivers a net gain for biodiversity where possible, in accordance with Policy CP12.

Other Matters

- 7.68. In terms of drainage, the approval of the technical drainage details is controlled by a separate and legally binding part of the planning process that was established when outline permission was granted. When outline planning permission (ref: 21/02094/OUTM) was granted, the principle of developing the site for up to 50 homes was established. At that stage, the application was supported by a Flood Risk Assessment and a high-level drainage strategy. This information was sufficient to demonstrate to the Council and the Lead Local Flood Authority (LLFA) that the site *could* be acceptably drained in principle. To ensure the technical specifics were agreed before any work started, a **pre-commencement condition (Condition 05)** was attached to the outline decision notice. This condition states:
- 7.69. *"No part of the development hereby approved shall commence until a detailed surface water drainage scheme...has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority."* This is a legally binding requirement. It means the developer cannot start any work on site (including groundworks) until they have submitted a full technical drainage design and had it formally approved.
- 7.70. This current application is for the reserved matters of access, layout, scale, appearance, and landscaping. The applicant has shown an *indicative* drainage layout on the plans to demonstrate how a system could fit within the proposed layout, but they have not submitted the full technical details required by Condition 05 as part of

this application. For this reason, the LLFA has maintained an objection. Their response clarifies that this is due to "the absence of any detailed surface water drainage information," which prevents them from commenting on the suitability of the scheme with any confidence. It has been explained to the Flood Authority that there is no requirement to provide these details at this stage – primarily based on their consultation response from the outline application.

- 7.71. Many of the representations relate to the harm the proposed development would have on existing infrastructure, however as part of the outline application measures have already been secured as part of the S106 Legal agreement for contributions towards education conditions, library improvements, off-site open space provision and a requirement that 30% of the dwellings should be affordable.
- 7.72. Condition 03 of the outline planning permission (ref: 21/02094/OUTM) explicitly requires that the reserved matters application for landscaping be accompanied by a "Visitor Management Strategy". The condition states this strategy must "include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced". The requirement for this strategy relates directly to the site's proximity to the Birklands and Bilhaugh SAC and the need for the on-site Public Open Space to function effectively as a Suitable Alternative Natural Greenspace (SANGS) to absorb recreational pressure from the new development.
- 7.73. While a Habitat Creation and Management Plan was submitted for the *off-site* SANGS at Crooked Acre, a specific, detailed Visitor Management Strategy for the extensive on-site Public Open Space (the 0.93Ha northern buffer zone containing the trim trail) does not appear to have been submitted as a standalone document with this reserved matters application. As the details of the public open space are now being approved, it is essential that its management is also formally agreed to ensure it functions as effective mitigation. As this detail is missing but was required by the outline consent, the most appropriate way to resolve this is to secure its submission and approval via a planning condition, prior to the houses being occupied.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations' officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Legal Implications – LEG2425/5358

- 8.2. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Planning Balance and Conclusion

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The principle of residential development for up to 50 dwellings on this allocated housing site (Policy ED/Ho/2) has been established through the granting of outline planning permission 21/02094/OUTM. This reserved matters application has demonstrated that a high-quality scheme can be delivered on the site, with the submitted details of access, layout, scale, appearance, and landscaping considered to be in accordance with the design principles of the NPPF and policies CP9 and DM5 of the Development Plan.
- 9.3. The significant number of objections from local residents and the Parish Council have been given careful consideration. The concerns raised regarding the capacity of local infrastructure such as schools and healthcare were matters principally for the outline stage, where financial contributions were secured through the S106 agreement to mitigate the development's impact. Other concerns relating to amenity, traffic, and ecology have been addressed within the assessment of this detailed scheme.
- 9.4. Following extensive negotiation, the Highway Authority has withdrawn its initial objection and, subject to a condition to manage on-street parking, now considers the scheme acceptable in terms of highway safety. The outstanding objection from the Lead Local Flood Authority is noted; however, this matter is robustly controlled by the pre-commencement Condition 05 on the extant outline permission, which provides the necessary mechanism to ensure a technically acceptable drainage scheme is approved before any work can begin. Concerns raised by the Wildlife Trust regarding out-of-date ecological surveys can also be resolved through a pre-commencement condition.
- 9.5. On balance, the proposal is considered to represent a sustainable form of development that accords with the Development Plan when read as a whole. It is therefore concluded that there are no material considerations of sufficient weight to justify a decision otherwise than in accordance with the Development Plan.

9.0 Recommendation

APPROVE subject to the following conditions:

10.0 Conditions

1. Notwithstanding the submitted plans, no development above slab level shall take place until a revised detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The revised plan shall substitute any non-native species with suitable native species of local provenance.

Reason: To ensure the development proposals are appropriate for the local landscape character and maximise biodiversity in accordance with Core Policy 12 and Core Policy 13.

2. Prior to the laying of any facing bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) of all external facing and roofing materials shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason: Insufficient detail has been provided and the condition is necessary to ensure a high-quality finish in the interests of visual amenity, in accordance with Policy DM5.

3. Prior to first occupation of any dwelling, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and materials, and shall incorporate hedgehog-friendly gravel boards or 13cm x 13cm gaps in the base of all new boundary fences. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with ecological mitigation measures.

4. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

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

5. Prior to first occupation of any dwelling that does not have an associated garage, details of secure covered cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be made available within each plot prior to first occupation.

Reason: In the interests of encouraging sustainable modes of transport.

6. Prior to first occupation of any dwelling, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority: street furniture such as benches; litter and dog foul bins; and any signage. The details approved shall be provided on site prior to first occupation.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety.

7. The development hereby permitted shall not be carried out except in complete accordance with the approved plans and documents listed below:

- *Proposed Site Layout (M163 0101-P16)*
- *Proposed Access Arrangement (MRE-999-1500 Rev C)*
- *Preliminary Access Road General Arrangement Layout (S2 P06)*
- *Landscape Masterplan (24.1869.001 Rev F)*
- *Detailed Landscape Proposals 1 of 4 (24.1869.002 Rev F)*
- *Detailed Landscape Proposals 2 of 4 (24.1869.003 Rev E)*
- *Detailed Landscape Proposals 3 of 4 (24.1869.004 Rev E)*
- *Detailed Landscape Proposals 4 of 4 (24.1869.005 Rev F)*
- *Housetype I Azure I 3B5P Corner Turner I Terrace B (M163 0209-P02)*
- *Housetype I Azure I 3B5P Corner Turner I Semi (M163 0205-P05)*
- *Housetype I Azure I 3B5P Corner Turner I Semi B (M163 0206-P05)*
- *Housetype I Azure I 3B5P Corner Turner I Terrace (M163 0208-P06)*
- *Boundary Treatments Plan M163-BRP-00-00-DR-A-0103-P07*
- *Bin Storage Locations Plan M163-BRP-00-00-DR-A-0105-P05*
- *Housetype Plan 2B4P bungalow M163-BRP-00-ZZ-DR-A-0201-P02*
- *Housetype Plan 2B4P semi M163-BRP-00-ZZ-DR-A-0202-P03*
- *Housetype Plan 2B4P terrace M163-BRP-00-ZZ-DR-A-0203-P03*
- *Housetype Plan 3B5P semi M163-BRP-00-ZZ-DR-A-0204-P03*
- *Housetype Plan 3B5P terrace M163-BRP-00-ZZ-DR-A-0207-P04*
- *House type 1B2P Maisonette Semi M163 0200-P01*
- *House type 2B3P Bungalow Semi M163 0201-P01*

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans.

8. The noise mitigation measures for dwellings identified in Figure 5.1 of the BWB Noise Impact Assessment (August 2024), shall be installed in full prior to the first occupation of those respective dwellings and shall be retained as such thereafter.

Reason: To ensure that an acceptable standard of residential amenity is achieved and maintained for future occupiers, in accordance with Policy DM5.

9. Prior to first occupation of any dwelling, a binding application shall have been made for the introduction of a Traffic Regulation Order to restrict obstructive car parking within the development. For the avoidance of doubt, the measures shall include the turning head, the forward visibility splay over the bend and the junction with the A6075.

Reason: In the interests of highway safety, in accordance with the recommendations of the Highway Authority.

10. All approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling. Any trees or plants which within a period of 5 years from completion die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

11. The visibility splays shown on the approved layout drawings shall be kept clear of all obstructions above 600mm above carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

Informatives

1. This permission should be read in conjunction with the outline consent (planning reference 21/02094/OUTM) and the conditions imposed upon it, which remain relevant. The applicant is reminded of the need to discharge any outstanding pre-commencement conditions on the outline consent, particularly Condition 05 (Surface Water Drainage), in a timely manner.
2. The applicant is advised that this permission is also subject to the terms of the Section 106 Agreement dated 22nd July 2022.
3. The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.
4. The applicant's attention is drawn to the advice notes provided by Nottinghamshire County Council as Highways Authority regarding the need for a Section 278 Agreement for any works within the public highway. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway.
5. This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
6. You are advised that you may require building regulations approval in addition to the planning permission you have obtained.

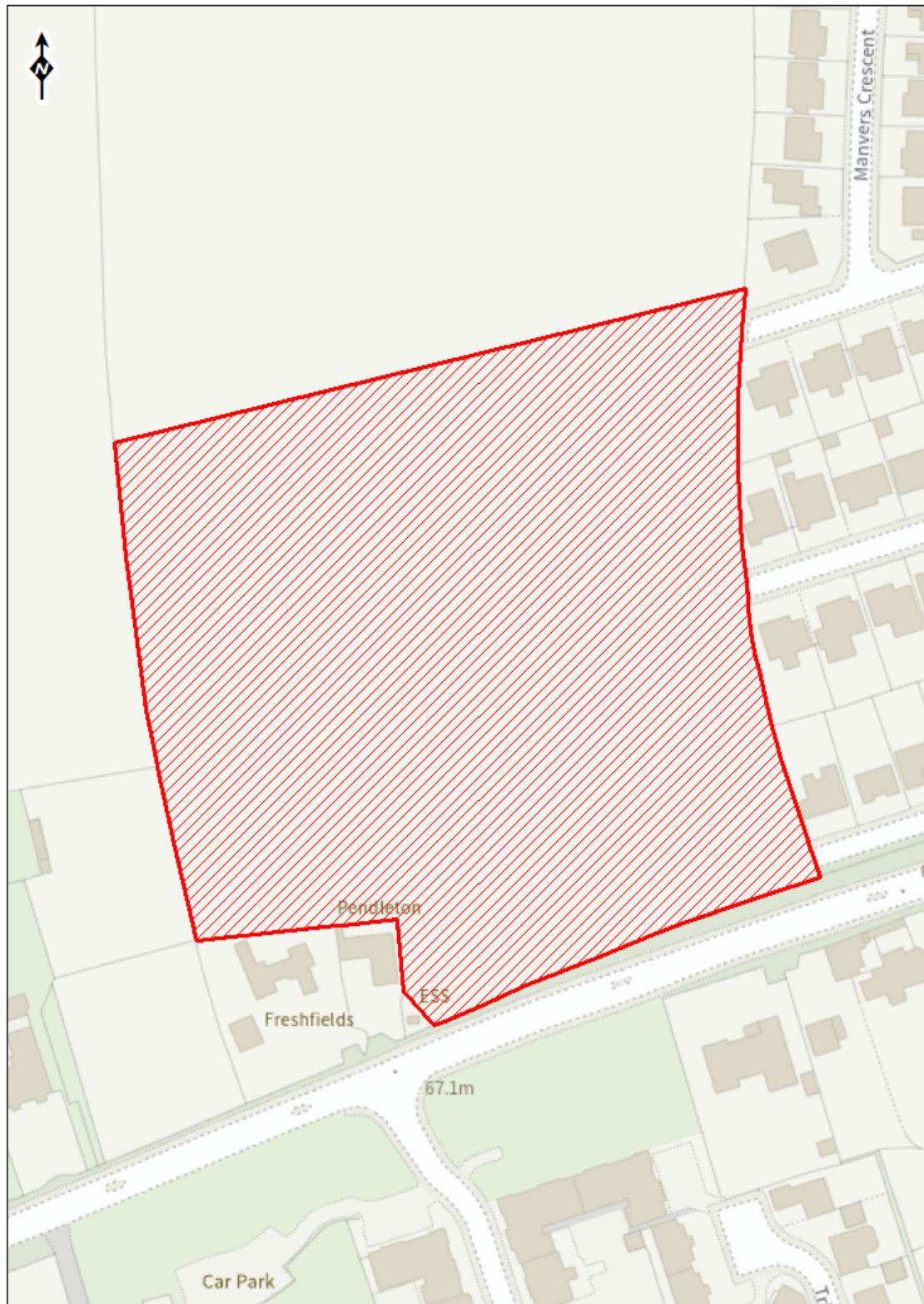
7. Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because it relates to a reserved matters application for an outline permission made before 12 February 2024.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 24/01195/RMAM



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Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne - Planner

Report Summary			
Application No.	25/00628/S73		
Proposal	Application for variation of condition 02 to replace approved drawings with revised to replace existing lean-to with minor extension attached to planning permission 22/01023/FUL; Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse		
Location	90 Kirklington Road, Southwell NG25 0AX		
Web Link	25/00628/S73 - Application for variation of condition 02 to replace approved drawings with revised to replace existing lean-to with minor extension attached to planning permission 22/01023/FUL - 90 Kirklington Road Southwell NG25 0AX		
Applicant	Mr And Mrs Corden	Agent	Trevor Muir Ltd - Mr Trevor Muir
Registered	29.05.2025	Target Date	24.07.2025
		Extension of time agreed	12.08.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Rainbow due to concern for the visual impact in the rural setting and historic impact.

1.0 The Site

- 1.1 The application site comprises of a detached two storey dwelling within Southwell. To the east of the dwelling is a range of detached outbuildings. The host dwelling is a traditional red brick property with a slate tile roof identified as a non-designated heritage asset (NDHA). To the west and south lies Kirklington Road beyond which is the Norwood Park Golf Course. Directly to the southeast of the site is a Grade II Listed Building (88 Kirklington Road). The site does not lie within a Conservation Area nor an area at risk of flooding.

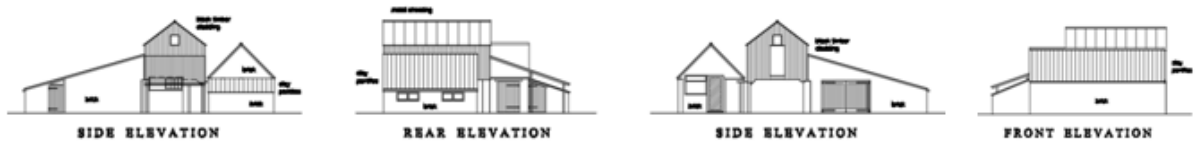
- 1.2 The dwelling benefit from consent for *'single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse'* in the 2022 householder application under reference 22/01023/FUL. The 2022 householder application has obtained confirmation that conditions 3 (external facing materials) and 4 (external features including external window, rooflights, rainwater goods, ridge, verge and eaves details) have been discharged; the other conditions were for compliance only. Therefore, the conditions were fully discharged.

2.0 Relevant Planning History

- 2.1. 22/01023/FUL- Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse. Approved on 01.11.2022. Conditions 3&4 were discharged on 06.03.2023 under reference 23/00094/DISCON.
- 2.2. 20/02467/PIP - Application for Permission in Principle for residential development of one dwelling, together with demolition of existing garage and timber/lean-to outbuildings. Application refused on 28.01.2021.

3.0 The Proposal

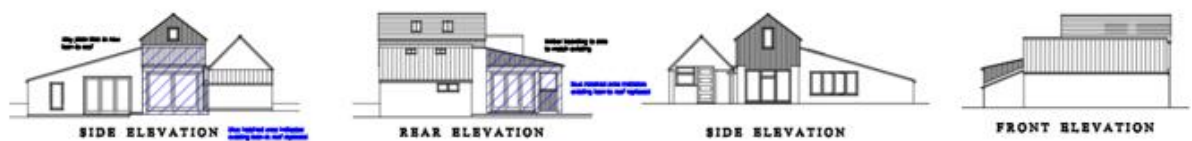
- 3.1 The application seeks permission to vary condition 2 (plans) from planning approval 22/01023/FUL, to replace approved drawings with revised to replace existing lean-to with minor extension specifically to the *'partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse'*. No variations are proposed to the single storey extension to the host dwelling.
- 3.2 Condition 2 stated that *'The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:*
- *Amended Site Location Plan (deposited 18.08.2022)*
 - *Proposed Site Plan – Ref. 2362 5 J (deposited 21.10.2022)*
 - *Proposed Ground Floor Plan – Ref. 2362 6 J (deposited 21.10.2022)*
 - *Proposed First Floor Plan – Ref. 2362 7 H (deposited 21.10.2022)*
 - *Proposed Elevations and Sections – Ref. 2362 8 H (deposited 13.10.2022)*
- 3.3 The amendment proposed in the current S73 consists of the following:
- a) Roof section of the lean-to structure on the west elevation is larger (in volume) than the previously approved, but footprint remain the same.
 - b) Cladding dimensions on the side (eastern) elevation that is facing the main dwelling is slightly different to the approved.
 - c) Cladding dimensions on the side (western) elevation, and completed with two panes door rather than three panes.
- 3.4 The original elevations of the outbuilding range are shown below:



3.5 The approved elevations under application 22/01023/FUL are shown below:



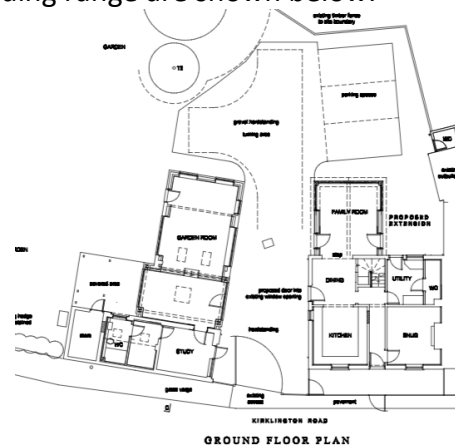
3.6 The proposed elevations through this S73 application are shown below:



3.7 The original and approved layout of the outbuilding range are shown below:

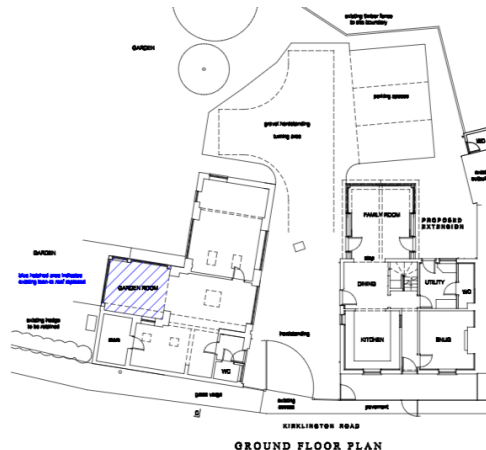


The original layout of the proposed site at ground floor level



The approved layout of the proposed site at ground floor level with parking arrangement

3.8 The proposed layout of the outbuilding range and parking arrangement through this current S73 application are shown below:



3.9 The following drawing and document have been submitted with the current application:

- Application form received 08 April 2025
- Existing floor plans and section ref: 2362 2 REV E received 08 April 2025
- Existing elevations ref: 2362 3 REV A received 08 April 2025
- Proposed site plan ref: 2362 5 REV K received 08 April 2025
- Proposed elevations and sections ref: 2362 8 REV K received 08 April 2025
- Proposed ground floor plan ref: 2362 REV K received 08 April 2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 09 June 2025.

5.0 Planning Policy Framework

The Development Plan

5.1 Southwell Neighbourhood Plan (2016)

- Policy SD1 – Delivering Sustainable Development
- Policy DH1 – Sense of Place
- Policy E3 – Green Infrastructure & Biodiversity
- Southwell Design Guide

5.2 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Core Policy 9 - Sustainable Design
- Core Policy 14 – Historic Environment

5.3 Allocations & Development Management DPD (adopted July 2013)

- DM5 – Design
- DM6 – Householder Development
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

5.4 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan.

5.5 Other Material Planning Considerations

- National Planning Policy Framework 2024 (as amended Feb 2025)
- Planning Practice Guidance (online resource)

- SPD for Conversion of Traditional Rural Buildings
- Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 **Consultations**

NB: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.1 None.

Town/Parish Council

6.2 **Southwell Town Council** – has no objection to the proposed S73 application, but raised concern over planning condition 5 of the original approved application, which stated: *The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.* In order to prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

Representations/Non-Statutory Consultation

6.3 **Southwell Civic Society** – Object to this application. Stated that no information about the uses of the rooms and how this building would act as an ancillary to the enjoyment of the dwelling house. The application must continue to demonstrate (which it does not) that condition 5 of planning permission 22/01023 is being respected.

It is also noted that a fence has been erected adjoining the highway which is over one metre in height. This is detrimental to the rural nature of this part of Kirklington Road and has removed the views over the land which is designated as a Traditional Orchard by Natural England.

6.4 **NSDC Conservation team** – has no concern to the section 73 application as there are minimal changes to what has been approved.

6.5 **One representation have been received**, object to the proposal with the following grounds:

- Conversion was only granted permission once all previously proposed extensions were removed.
- The new extension being retrospectively applied for was covered by tin sheet and was not attached to the historic roadside outbuilding range. The addition should be of similar to the original.
- The addition created is substantial and very prominent on its side/front position.
- The enlarging and domesticating of these outbuildings must surely be detrimental to their rural heritage and the surrounding area.

- The historic wooden apple loft now has a large swathe of terracotta tiling joining to its gable end. This is visible from the road and pavement.
- The fence partially obscures from view an extremely large new summer house which is placed very close to the boundary fence along the roadside and the historic outbuildings.
- The conversion was granted as ancillary use to the main dwelling, and it must remain the case.
- The conversion of these outbuildings was considered large for ancillary use. The extension is now even less subservient to the main dwellinghouse.
- The conversion has lights on each evening and has further domesticated the appearance of these former rural outbuildings.
- The applicants have been residing in the outbuilding conversion since May 2024 and the conversion has been created a fully functioning separate dwelling not reliant on the main dwelling for any facilities except for sharing the driveway.
- Two householders are consequently using this driveway entrance situated on particularly bad bend.

6.6 The applicant has made reply to the objection received, which has been summaries below:

- no objections received from NSDC conservation, or town council except the question of usage of the property in general.
- The application is S73 (varying or removing conditions on an existing planning permission), not an application for new dwelling.
- The land and property is presently for the use of one family, family member consist of 2 grandparents, 1 son and his 2 young children.
- Objection from the former owner previously applied for permission to demolish these outbuildings and remove many trees in order to develop new housing and car parking.
- (as applicant) It is considered these outbuilding in question created a great street scene entrance to 90, Kirklington Road.
- There is a covenant between the Vendor (the previous owner, also the objector to this application) and the applicant on the purchase stating "*associated outbuildings and any extensions to the property may include a self-contained annexe*". It is felt that the comments has broken the goodwill of the legal agreement and the comments should be removed from any consideration for this S73 application.
- These buildings were in exceptionally bad, totally unmaintained condition by the previous owner and could have been lost forever. It is felt that the approved conversion has saved the buildings for future generations to enjoy.

7.0 Appraisal

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF

refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.2. The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 7.3. Following public consultation and independent examination, at its council meeting on 11th October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of Development

- 7.4. An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.
- 7.5. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application, the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—
 - (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
 - (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.
- 7.6. The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local

authority has the power to vary or remove other conditions if minded to grant a new planning consent.

- 7.7 The original application had the following description of development: *Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse*. It is considered that the amended plans subject to this application fall under within the same description of development as originally set out in the approved applications 22/01023/FUL.
- 7.8 The development has been completed as confirmed on the application form that the date completed was 01 December 2024.
- 7.9 This S73 application concerns only to the “*partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse*” of the originally approved application. The following are the variations from the approved scheme:
- a) Roof section of the lean-to structure on the west elevation is larger (in volume) than the previously approved, but footprint remain the same.
 - b) Cladding dimensions on the side (eastern) elevation that is facing the main dwelling is slightly different to the approved.
 - c) Cladding dimensions on the side (western) elevation is slight different to the approved, and completed with two panes door rather than three panes.
- 7.10 While the external alteration is demonstrated on the drawing, question has also been raised if the converted building still remained ancillary to the main dwelling. The key issues for consideration are therefore:
- Would the current use of the converted buildings remained ancillary to the main dwelling
 - Impact on Heritage Assets and the visual amenities of the area

Would the current use of the converted buildings remain ancillary to the main dwelling

- 7.11 The original application was approved with a condition stated that ‘*The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.*’ This is to prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.
- 7.12 Assessment for the conversion to be considered as an annex was carried out in the previous approved application. The previous case officer evaluated in the report and stated that ‘*A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose. The annexe should form part of the same ‘planning unit’ by sharing the same access, parking area and garden.*’
- 7.13 The report explained further that ‘*the building is located close to the dwelling, within its confined boundaries and it would share the host dwellings existing access, parking*

and garden areas. It is noted that the internal floor area of this outbuilding range is large, however following revisions there are now no extensions proposed to the outbuilding range, which would be converted within its existing confines save for some minor rebuilding of one of the central timber sections of the outbuilding range. In terms of a physical link, whilst the outbuilding range is separate from the hostdwelling (i.e. not physically connected) it does share a close relationship with the main dwelling and is not proposed to have a kitchen or full bathing facilities which would mean that any future occupiers would rely on the hostdwelling for day-to-day facilities. It is therefore considered in this case that the outbuilding range would have a physical link with the hostdwelling.'

- 7.14 This S73 application consists of the variation of some minor external finishing (dimension of the cladding and number of panes on the doors), and the roof volume increased of the lean-to structure positioned on the western elevation compared to the approved scheme.

- 7.15 It is acknowledged that the main concern from the Southwell Town Council and the main objection from the Southwell Civic Society is that the building in question is no longer ancillary to the host dwelling, known as no.90 Kirklington Road. This is also one of the grounds of objection from the letter received of the interest party. The reason for objection is that the converted building is being used as a sperate dwelling and no longer ancillary to the host dwelling. The other grounds of objection is that the internal layout of the converted building has been altered since its completion.

- 7.16 The conversion was completed in December 2024 as confirmed on the application form. Section 55 of the Town and Country Planning Act 1990 ("the 1990 Act") states that "development" includes the making of any material change in the use of any buildings or other land. Under section 192, local planning authority needs to ask "*if change of use had occurred, or if operation had commenced, on the application date, would it have been lawful for planning purposes?*"

- 7.17 In this case, it would be weather the current use of the converted building constitutes a material change in the use of the outbuilding by the members of same family. Internal alterations to a completed building (except for Listed Building) does not constitute a development in planning terms. The previous planning approval has already assessed the physical and functional links of this converted building as annex to the main dwelling. The conclusion is that '*given the close access arrangement, shared garden space and the intention for the outbuilding range to be used to support the main function of the dwellinghouse, it is considered that the outbuilding range would have a physical and functional link to the host dwelling and thus could be regarded as ancillary*'.

- 7.18 The submitted details include the parking arrangement on the previously approved scheme and the proposed S73, no alteration on the parking arrangement is proposed. It is therefore considered the physical link remained unaltered from the previously approved scheme.

- 7.19 The applicant provided confirmation that the grandparents are staying in the converted building while the grandchildren and their father stay in the main dwelling.

During the site visit, the applicant further confirmed that the meals are prepared in the kitchen at the main house for all 5 family members, and the grandparents would be looking after the grandchildren in the main house while the father is at work. It is considered this arrangement established a functional link between the converted building and the main dwelling.

- 7.20 Taken the above in consideration and given that all the available parking area is positioned directly rear to the main dwelling as shown on the proposed floor plan (both previous approved and the current S73 scheme), it is considered the use of the converted building remained ancillary to the main dwelling both physically and functionally. Condition 5 of the original planning permission is therefore being complied with.

Impact on Heritage Assets and the visual amenities of the area

- 7.21 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Southwell Design Guide also states that all new development should ensure there is consistency with existing material colours.
- 7.22 Core Policy 14 states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess.
- 7.23 As explained in the site description, 88 Kirklington Road is a Grade II listed building. Number 90 is also a period cottage with some attractive detailing, possibly reflective of an older Regency design (c.1840s). The brick and tile outbuilding adjacent to the highway appears to be contemporaneous with no 90, but the rear timber and other brick structure are more modern. Late-19th century maps reveal that 88 and 90 Kirklington Road were in the same ownership. For this reason, no 90 is considered to have some heritage value as a non-designated heritage asset (NDHA), contributing to the setting and experience of the adjacent listed building. The spaciousness around the property also makes a positive contribution in this setting. In the context of the lane, this small group of historic buildings also makes a positive contribution to the character and appearance of the area, as well as being an attractive feature on approach from the north.
- 7.24 The conversion of the outbuildings as a whole involved some section to be demolished and rebuilt as it was not structurally sound for conversion. The approved replacement

building has the same overall height, design and cladded in similar timber cladding as the original.

- 7.25 It is acknowledged that a lower section of lean-to structure on the west elevation was completed with a higher roof which created a larger volume at the roof section compared to the approved scheme. It is also recognised that the footprint of this lean-to structure remained same as originally approved. While the cladding areas on both side elevations are slightly different to the approved scheme, the overall result of the development is similar as confirmed by the NSDC conservation team that there is no impact to the heritage assets.
- 7.26 No other alteration is proposed on the scale of the fenestration to the converted building in terms of its overall footprint, orientation and external finishing. The use of external facing materials (conditions 3) and external features including external window, rooflights, rainwater goods, ridge, verge and eaves details (condition 4) have been discharged; the other conditions were for compliance only. Therefore, the conditions were fully discharged.
- 7.27 Overall considering the scope of amendments it is therefore considered that the revised scheme advanced within this application would have no greater impact upon the NDHA or the setting of any nearby listed buildings than that previously approved application in November 2022 which is in accordance with the objective of preservation required under section 66 of the Act as well as complying with heritage, design and amenity policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF. As such, it is considered that there are no material reasons why planning permission should not be granted.

Impact upon Residential Amenity

- 7.28 Policy DM5 of the Allocations & Development Management DPD (2013) states development should be accepted providing it does not result in loss of amenity in terms of overbearing impacts, loss of light and privacy. Policy DM6 of the Allocations & Development Management DPD (2013) states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Paragraph 135 of the NPPF (2024) requires developments to create places with a high standard of amenity for existing and future users.
- 7.28 The currently proposed alterations have not altered the scale of footprint, orientation of the previously approved outbuilding, the relationship with the neighbouring properties remained the same as the previously approved application in 2022. Furthermore, there is no new opening proposed above the ground floor level. Taking in consideration of the existing boundary treatment, it is not considered this application would have any negative impact to the amenity of any neighbouring properties.
- 7.30 Therefore, the proposal is not considered to result in any adverse impacts to residential amenity and is in accordance with Policies DM5 & DM6 of the Allocations & Development Management DPD (2013) with regard to amenity.

Impact upon Highway Safety

- 7.31 Policy DM5 of the Allocations and Development Management Policies DPD (2013) requires provision of safe access to new development and appropriate parking provision. Policy DM6 of the Allocations and Development Management DPD (2013) states that provision for safe and inclusive parking provision should be achieved and parking arrangements are maintained as a minimum. Spatial Policy 7 of the Amended Core Strategy (2019) seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF (2024) states that schemes can be supported where they provide safe and suitable access for all. The Council has also adopted a Residential Cycling and Car Parking Standards Design Guide SPD (2021) which is material to decision making.
- 7.32 The proposed development would not increase the intensity of the use of the site and would not affect the number of bedrooms at the dwellinghouse. The proposed development would not affect the provision of parking on site.
- 7.33 Therefore, based on the above assessment it is considered that the development complies with the Residential Cycling and Car Parking Standards Design Guide SPD (2021), Policies DM5 of the Allocations and Development Management Policies DPD (2013), as well as Spatial Policy 7 of the Amended Core Strategy (2019), and paragraph 115 of the NPPF (2024).

Other Matters

- 7.34 It is acknowledged that grounds of objection from Southwell Civic Society and the third party included a section of boundary timber fence adjacent to the highway and another outbuilding further west to the converted building. These elements are not within this S73 application and did not form part of the proposal (or the original approval). It is therefore outside of this current application's consideration.
- 7.35 The planning enforcement team has been informed of the above and these are separate matters to this current S73 application.

Other Matters (BNG)

- 7.36 Since the previous decision, biodiversity net gain legislation has come into force in England. However, this application would be exempt because it is a Section 73 application to an application submitted before BNG was in force.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2 Legal Implications - LEG2425/248

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. Only the very narrow scope of the matters of varying the condition imposed are open for consideration. While the use of the building did not form part of the proposal, concern and objections were raised if the converted building remained as ancillary to the host dwelling. It is considered that the amendments sought to the approved plans would not have any greater unacceptable impact on the character or appearance of the area, the Southwell rural character or the Listed Building nearby, nor residential amenity than previously approved. It is also concluded that the current arrangement and use of the converted building by members of same family maintain the physical and functional link to the host dwelling.
- 9.2 The amended proposal complies with the requirements of Core Policies 9 and 14 of the Amended Core Strategy, Policies DM5 and DM9 of the ADMDPD, section 66 of the Act and section 16 of the NPPF. As such, it is considered that there are no material reasons why planning permission should not be granted.
- 9.3 For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording.

10.0 Recommendation

That planning permission is approved subject to the conditions and reasons shown below:

Conditions:

~~01~~

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

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

~~02~~ **01**

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

- Amended Site Location Plan (deposited 18.08.2022)

- ~~— Proposed Site Plan — Ref. 2362 5 J (deposited 21.10.2022)~~
- ~~— Proposed Ground Floor Plan — Ref. 2362 6 J (deposited 21.10.2022)~~
- ~~— Proposed First Floor Plan — Ref. 2362 7 H (deposited 21.10.2022)~~
- ~~— Proposed Elevations and Sections — Ref. 2362 8 H (deposited 13.10.2022)~~
- **Proposed site plan ref: 2362 5 REV K received 08 April 2025**
- **Proposed elevations and sections ref: 2362 8 REV K received 08 April 2025**
- **Proposed ground floor plan ref: 2362 REV K received 08 April 2025**

Reason: So as to define this permission.

~~03~~

~~No development above damp proof course shall take place until manufacturers details (and samples upon request) of all external facing materials (including colour/finish) including:~~

- ~~• Bricks (including a sample panel showing coursing, jointing, brick bond pattern and mortar specification)~~
- ~~• Roofing materials (including a sample)~~
- ~~• Cladding (including fixings and any stain)~~

~~have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.~~

~~Reason: In order to safeguard the special architectural or historical appearance of the non-designated heritage asset and nearby listed buildings.~~

~~04~~

~~No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.~~

- ~~• External windows, roof lights, doors and their immediate surroundings, including details of materials, opening, glazing and glazing bars, colour and finish.~~
- ~~• Ridge, verge and eaves details~~
- ~~• Rainwater goods~~

~~Reason: In order to safeguard the special architectural or historical appearance of the non-designated heritage asset and nearby listed buildings~~

~~05- 02~~

The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.

Reason: To prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

06

~~The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 5 of the Protected Species Survey (dated 30 March 2022) submitted with the application unless otherwise agreed in writing by the local planning authority.~~

~~Reason: In the interests of maintain and enhancing biodiversity.~~

Informative

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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

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

03

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

a) a Biodiversity Gain Plan has been submitted to the planning authority, and

b) the planning authority has approved the plan;

OR

c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated

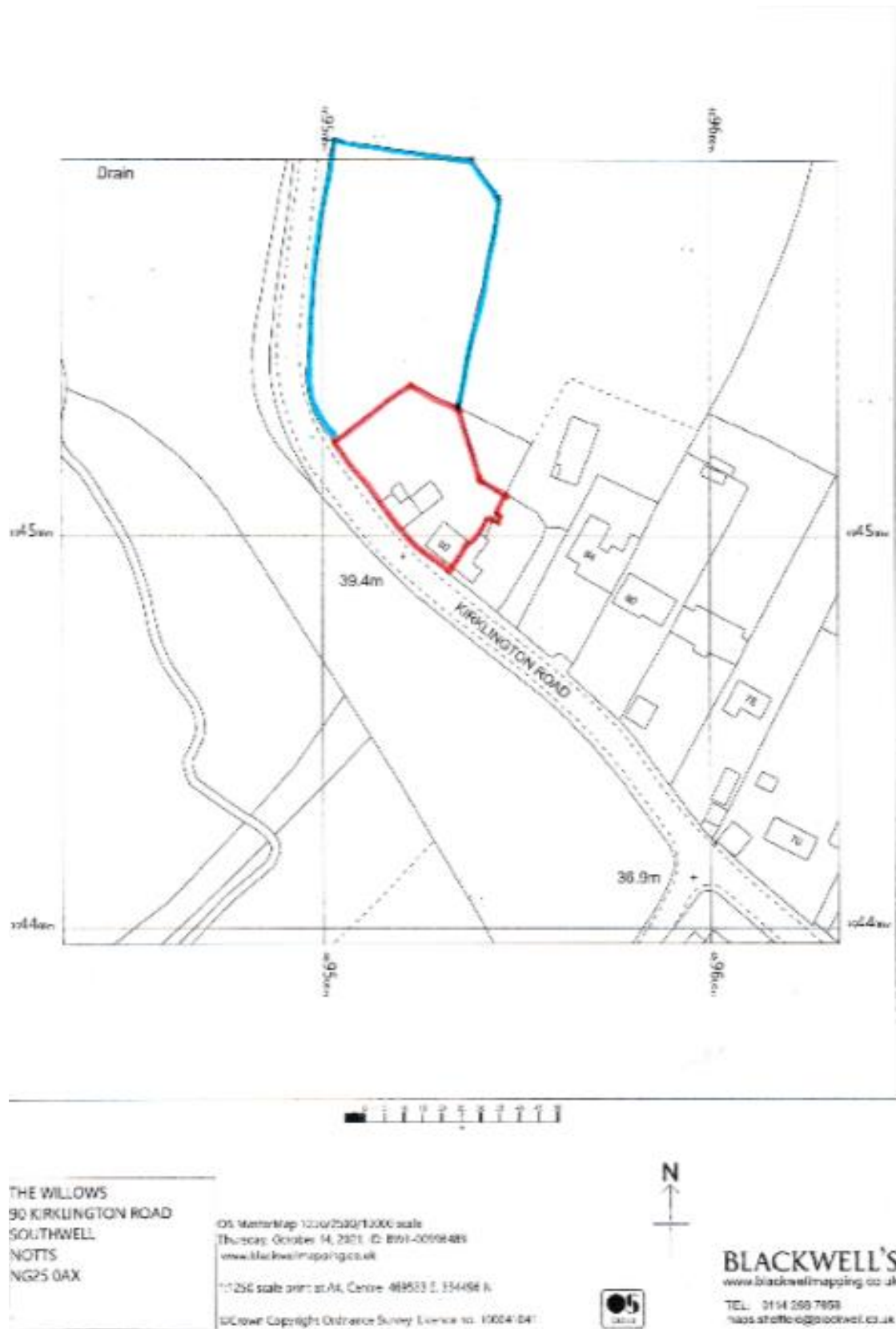
legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply - The application is a section 73 planning application, where the original planning application was exempt from BNG.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.





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Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Abbie Arestis – Planner (Conservation)

Report Summary			
Application No.	25/00877/LBC		
Proposal	Internal and external refurbishment and repairs works, including new LED lights to the auditorium stairs.		
Location	Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Applicant	Newark and Sherwood District Council	Agent	Studio-G Associates Ltd - Miss Yasmin Kelly
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	27 May 2025	Target Date Extension of Time	22 July 2025 8 August 2025
Recommendation	Approval		

This application is being referred to the Planning Committee for determination as the property is in Newark & Sherwood District Council ownership.

1.0 The Site

1.1 The application site comprises The Palace Theatre situated on Appleton Gate. The 2-storey building is connected by a modern extension to the Grade II* National Civil War Centre, which provides interconnecting services. The Palace Theatre is Grade II listed and is situated in Newark Conservation Area.

1.2 The site has the following constraints:

- Newark Conservation Area
- Listed Buildings (Grade II, listing ref: 1215678)

2.0 Relevant Planning History

- **25/00538/LBC (Permitted)** - Upgrade 8no doors to FD60 fire doors - Provide bespoke security shutters to 2no doors - upgrade internal and external CCTV with additional cameras - provide additional external security lighting - provide improved means of escape from the Attic - conservation and repair of the front entrance.
- **25/00242/LBCLDC** (Certificate Issued) - Certificate of Lawfulness of proposed works to a listed building to construct a floor to ceiling timber stud wall
- **23/02073/LBC** (Permitted) - Proposed addition of 4 poster boards on the theatre frontage
- **23/01551/LBC** (Permitted) - Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.
- **15/00167/LBC & 15/00166/FUL** (Permitted) - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities.

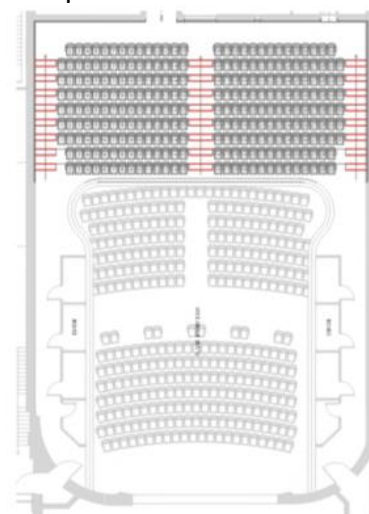
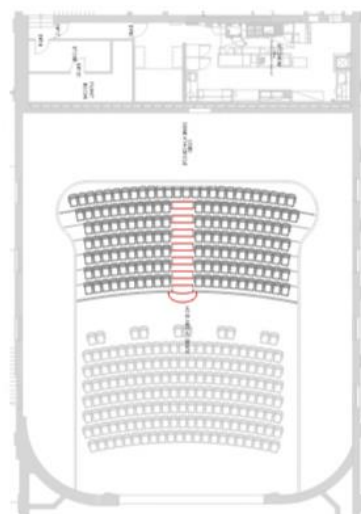
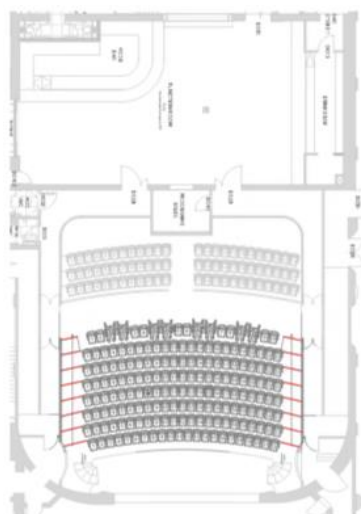
3.0 The Proposal

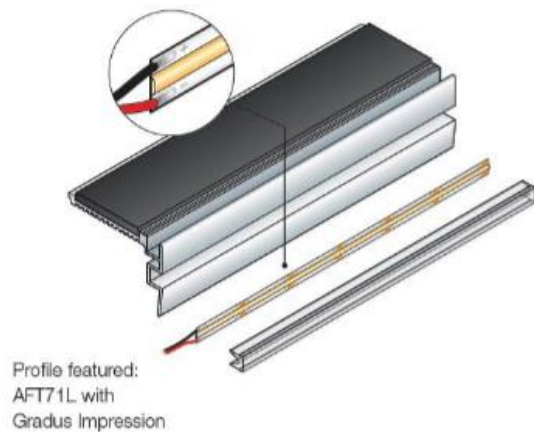
3.1 The application seeks listed building consent for internal and external refurbishment and repair works in addition to installing new LED lights to the auditorium stairs. Initially the application also included new handrails to be provided within the theatre auditorium but this has now been removed from the description of works for this application and will be for consideration at a later date.

3.2 The proposed works comprise:

- Auditorium works – replacement LED stair nosing;
- Back of Stage – replacement flooring and internal walls to be re-painted;
- Security Door Upgrades and external redecoration and repair works;

3.3 Auditorium: Lighting works comprise removing the existing nosing strips to the steps (retain carpet and install new LED dimmable lighting to step nosing on walkway areas – as outlined in red on the floor plans below.





Up & Forward

Aluminium

Applicable to:
ATF71L

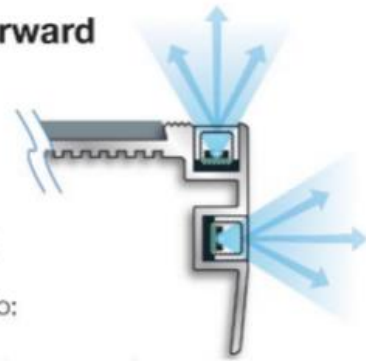
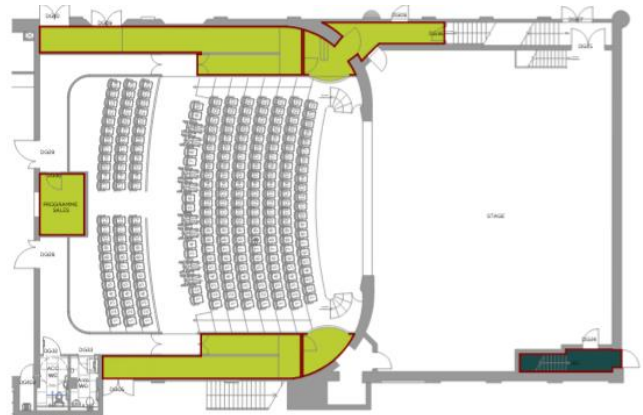


Image above depicts typical example of LED Step Lighting by Gradus showing Aluminium Profile ATF71L lighting position and direction

- 3.4 Back of stage: The red lines denote the internal walls to be re-painted (in breathable finish, colour to match existing), the light green denotes new vinyl flooring (details to be agreed) to match existing areas covered by vinyl floor coverings or existing painted concrete floors to be laid and the dark green denotes the laying of new carpet tiles (details to be agreed) to match existing areas covered in carpet. Other repairs as necessary to these areas include filling, raking out, sanding down, replacement of rotten or missing timber skirtings/architraves and generally making good. Backstage doors internally to be painted a new colour (details to be agreed). All other paintwork is to match the existing colours.



**Backstage Flooring & Decoration - Proposed Basement
Floor Plan**
1:100



**Backstage Flooring & Decoration - Proposed Ground
Floor Plan**
1:100

- 3.5 Security door upgrades and external works: 9 existing external doors (including the two main front doors) are proposed to have additional internal security fitted (new internal locks and a top and bottom heavy duty brass bolt on each leaf to be bolted to the frame above and floor below where necessary and the fire doors (DG06, DG09 and DG10 in the side elevations) to be overlaid internally with aluminium checker plate). All internal doors to be repainted the same colour as existing (other than internal doors Back stage). External redecoration and minor repair works to include external joinery (timber doors/window frames), fascia boards and soffits, rainwater goods

repair, appropriate treatment of damp and re-painting external wall surfaces and external joinery in colour to match the existing colours.

3.6 Documents assessed in this appraisal:

- Application Form – received 27th May 2025
- Heritage Impact Assessment inc Design and Access Statement – received 27th May 2025
- Plans (25013 SGA 20 ZZ DR A 30200 REV P1, 25013 SGA 20 ZZ DR A 30202 REV P1, 25013 SGA 20 ZZ DR A 30203 REV P1, 25013 SGA 21 ZZ DR A 30204 REV P1) – received 27th May 2025
- Correspondence from agent – received 10th July 2025
- Correspondence from applicant to change description – received 10th July 2025
- Backstage Decor – received 3rd July
- Schedule of Repair Works – received 7th July 2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 5 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 A site visit was undertaken on 2nd July 2025.

5.0 Planning Policy Framework

5.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') provides a presumption in favour of the preservation of Listed Buildings and preservation or enhancement of the character and appearance of Conservation Areas.

5.2. The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take account of the following other material considerations:

- National Planning Policy Framework 2024 (as amended Feb 2025)
- Planning Practice Guidance (online resource)
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

5.3. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Core Policy 14 – Historic Environment

5.4. Allocations & Development Management DPD (2013)

DM9 – Protecting and Enhancing the Historic Environment

- 5.5. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector's report is still awaited. There are unresolved objections to the amended versions of policy DM9 emerging through that process, and so the level of weight to which that proposed new policy can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. None.

Town/Parish Council

- 6.2 Newark Town Council - No objection.

Non-Statutory Consultations

- 6.3 Theatres Trust have stated that they broadly support the principle of the proposal but proper explanation and analysis of works in heritage terms have been suggested.
- 6.4 No representations have been received from any third party or local resident.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issue is:
- Impact on the special historic and architectural interest of the listed buildings and the wider historic environment
- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.3. As the application concerns designated heritage assets comprising listed buildings, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act')

is particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

- 7.4. Core Policy 14 of the Amended Core Strategy states that the District Council will seek to secure the continued conservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment, in line with their identified significance as required in national policy. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of the 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) and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy DM9 of the Allocations and Development Management DPD states that all development proposals concerning heritage assets will be expected to secure their continued protection and enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. In Conservation Areas development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with CP14.
- 7.5. The importance of considering the impact of new development on the significance of heritage assets is expressed in Part 16 of the NPPF. Paragraph 8 of the Framework states that protecting and enhancing the historic environment is part of achieving sustainable development.

Summary of Significance of Heritage Asset(s)

- 7.6. The Palace Theatre (Grade II) was built in 1920 for Miss Emily Blagg, known for being a lady builder. The building was altered in the mid-20th century and was again altered and restored in 1988. The building is of 2-storeys and constructed of brick with a stucco front façade and stucco dressings. There are hipped and mansard slate roofs as well as artificial slate roofs. The main entrance has a dentilled cornice and 2 square piers. Round towers with cupolas and onion domes are situated on the 3 corners located at the front of the building, visible from the main street. The building houses a theatre and 2 shops, with wooden shopfronts set on the street. The significance of the building is derived from its architectural features and detailing, historic association with Emily Blagg, and its historic and continued use as a theatre.
- 7.7. The Palace Theatre makes a positive contribution to the significance of Newark Conservation Area and is used by the local and wider community, maintaining its use as a working theatre.

Impact on the special interest of the Listed Building

New LED Nosings to auditorium stairs

- 7.8. The proposal would involve installing LED nosings to the auditorium stairs. While it is acknowledged that these would be a modern feature which would not be typically seen within a historic theatre, there are existing nosings within the stairs and the LED lighting would sit in place of these, in the exact same location. The LED lighting has been specified as 'Gradius Impression LED lighting system' which would have a dimmable, dual-white LED tape. Therefore, the level of the lighting could be controlled, and it would not be permanently turned on.
- 7.9. The electrical wires would be inserted into existing openings where it is hollow under the stage and would link up with the existing electrical equipment and wires used for the control panel, which is used for the existing lighting and technology of the auditorium. Thus, they would be inserted within existing conduit lines, which would involve limited intervention into the fabric of the stairs. The new LED nosings would also be reversible. As such, the LED nosings would cause no harm to the significance of the listed building.
- 7.10. The Palace Theatre is a working theatre with steep stairs which can prove challenging for members of the public. Therefore, the LED lights would be functional and provide a public safety benefit, which is necessary to ensure that the theatre can continue to be enjoyed by members of the public, as historically intended.

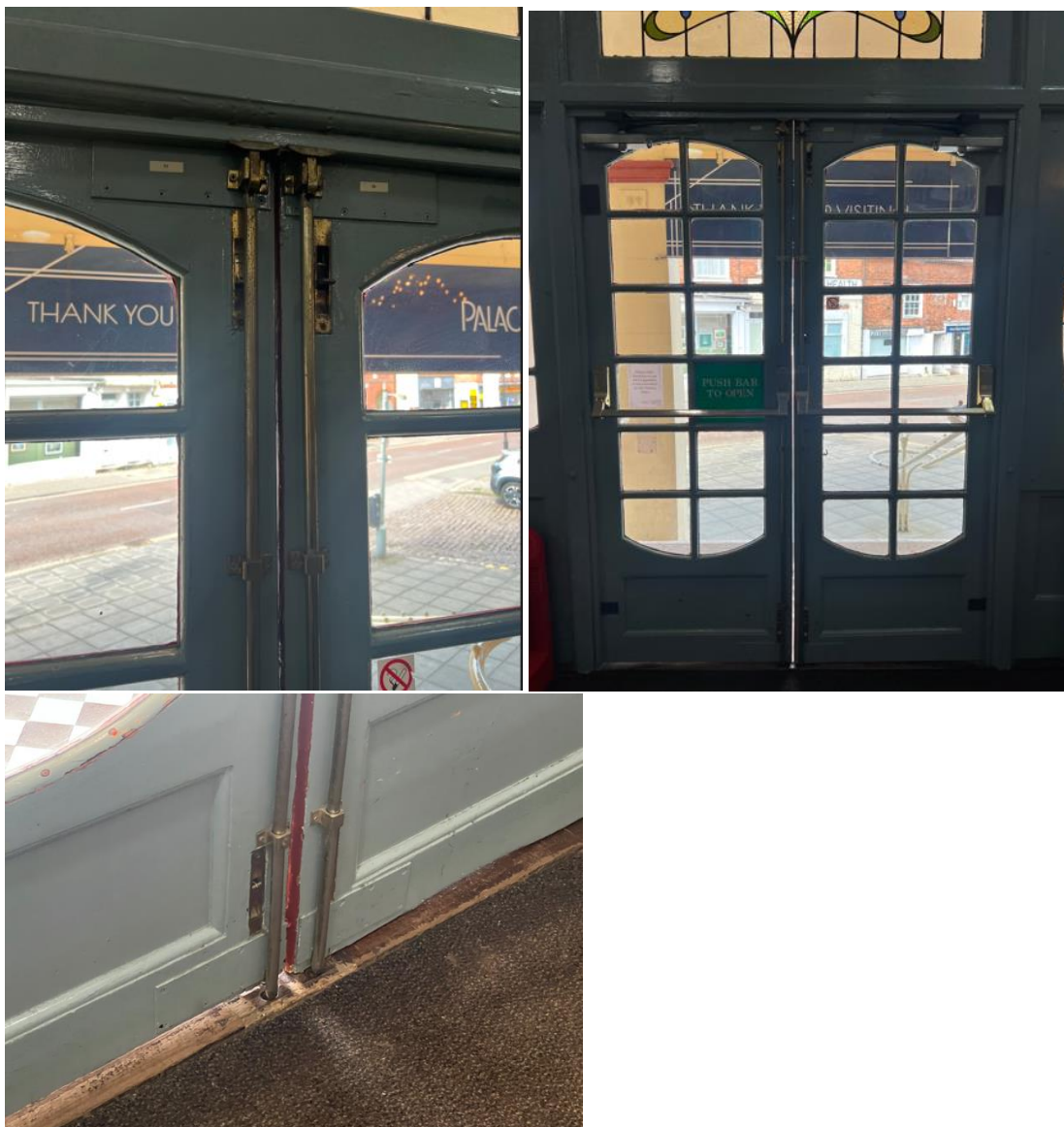
Internal Decoration Works to Back Stage Areas

- 7.11. It is proposed to make good (using an internal grade lime plaster in accordance with the submitted schedule of works) and repaint the back stage area, the internal walls to be cream as existing, the internal joinery to be painted in a new colour (details to be agreed). The proposal also includes inserting new carpet floor tiles following the removal of existing carpet in the same areas (details need to be conditioned) New vinyl floor coverings are also proposed following the removal of existing vinyl covered areas and the insertion of new vinyl coverings on existing painted concrete floors (details to be conditioned). Given the existing floor coverings in these areas, it is considered that the replacement with new would result in no harm to historic fabric and therefore the significance of the special interest of the Listed Building would be preserved. The proposed internal repairs/making good on a like for like basis and repainting to match the existing or a changed internal joinery colour would also not result in any harm to the designated heritage asset, subject to conditions.

External Security Door Upgrades

- 7.12. The proposal would involve upgrading the existing internal security to the external doors. The existing internal security to the doors has been identified as not being sufficient enough in a security audit undertaken by Newark and Sherwood District Council. The current internal security varies for each door, with push bar mechanisms, locks and bolts. The proposed works would include the installation of new internal thumbturn locks, as well as upgrading any existing bolts. Three of the doors are fire doors which are modern additions (DG06, DG09 and DG10). The fire doors are to be overlaid internally with aluminium checker plates which would provide additional security. The fire doors are not historic and are located backstage and only visible externally from the side and rear external elevations.

- 7.13 The majority of the doors are of little historic or architectural significance and as such, no harm would result. However, these increased security works are also proposed to the existing locking system of the doors of the main front entrance to the Palace Theatre which are important architectural features. There are currently both internal locks and bolts to the doors and these would be removed and reinstated once repaired, on a like for like basis.



As such, the proposed internal increased security measures to these doors would result in no harm to the architectural detailing. These works are required in combination with the display of valuable artefacts at the National Civil War Centre as there are access points between the two listed buildings. Therefore, the proposed improvements to the internal security of the external doors would create further protection to both listed buildings, which are used and enjoyed by the public.

External Repair and Renovation Works

- 7.14 It is also proposed to conduct repair works and minor redecoration to the exterior of the Palace Theatre, to match the existing. The proposed works would include minor repair works to include external joinery, rainwater goods repair, appropriate treatment of damp and re-painting surfaces in a colour to match the existing. The external joinery repairs would be carried out in accordance with details submitted within the Schedule of Works.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. Legal Implications - LEG2425/248

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. In summary, the proposed works would cause no harm to the historic or architectural special interest of the Listed Building through the works proposed. In compliance with Section 16 of the Act, special regard should be given to the desirability of preserving the listed building. All the works would represent repairs and upgrading of decoration on a like for like basis which would have a neutral impact on significance.
- 9.2. As such, the proposed works would comply with the guidance within Section 16 of the NPPF and with the duty to preserve set out in S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is therefore recommended that the works be approved, subject to the conditions set out below.

10.0 Conditions

01

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby approved, to conduct internal and external refurbishment and repairs works, including new LED lights to the auditorium stairs, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form – received 27th May 2025
- Heritage Impact Assessment inc Design and Access Statement – received 27th May 2025
- Plans (25013 SGA 20 ZZ DR A 30200 REV P1, 25013 SGA 20 ZZ DR A 30202 REV P1, 25013 SGA 20 ZZ DR A 30203 REV P1, 25013 SGA 21 ZZ DR A 30204 REV P1) – received 27th May 2025
- Correspondence from agent – received 10th July 2025
- Correspondence from applicant to change description – received 10th July 2025
- Backstage Décor – received 3rd July
- Schedule of Repair Works – received 7th July 2025

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

03

Prior to the installation of any new floor coverings and painting of internal doors in the back stage area as shown on the submitted plans, full details of the coverings and paint to be used shall be submitted to and approved in writing by the Local Planning Authority. Only the floor coverings and paint approved shall be installed and applied within the areas approved by this consent.

Reason: In order to preserve the special interest of the Listed Building.

Informatives

01

The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) You and your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter, as any unauthorised works undertaken could constitute a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and could be liable for enforcement action.
- b) The owner and/or developer is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning and listed building implications arising from those amendments may be properly considered.

02

Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

03

All repairs to windows, metalwork and plasterwork not otherwise identified and making good to the retained fabric shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 7 August 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Oliver Scott, Business Manager – Planning Development

Report Summary	
Report Title	Planning Reform Update
Purpose of Report	To update Members of the Planning Committee on the latest planning reform consultations
Recommendations	That Members of Planning Committee note the planning reform consultation responses.

1.0 Background

- 1.1 Members were updated at the 3 July Planning Committee on key planning reform consultations, including speeding up build-out rates, site size thresholds changes, a national scheme of delegation for planning committees and amendments to how biodiversity net gain might be considered in small sites. These consultations have also been reported to Planning Policy Board.

2.0 Response to government on Planning Committee reforms

- 2.1 The Planning Committee discussions on reforms were constructive and useful. Officers have considered Member comments prior to making our response to government.
- 2.2 We have acknowledged the principle of having a two-tier structure for a national scheme of delegation but still think there should be scope for a gateway process for a portion of Tier A scenarios which are important to our local communities. In rural areas like ours, even small-scale housing developments can have a significant impact. We recognise that any gateway arrangements would require clear rules.
- 2.3 We have also suggested that reserved matters applications would benefit from being in Tier B. Even though the principle will have been approved via the outline permission, scale, layout and appearance can be equally contentious to local communities.
- 2.4 In terms of the gateway test between planning chair and chief planner, we accept that this process could work. There is a lack of detail in the working paper on how this would

work, however. How, for example, would ward members be able to raise call-in requests? We believe that it is important to ensure that local community views on contentious proposals have a mechanism for call-in. In addition, even with the Nolan principles of public life there is the potential for tension between lead officers and lead politicians. We have emphasised, therefore, that the cultural environment of the organisation will be important moving forward. There may also be a need with greater unitary geographies associated with Local Government Reform (LGR) to expand gateway decision-making beyond two lead individuals e.g. in a proposed unitary with a number of building block councils.

- 2.5 In terms of Committee size, we have stated that we do not agree that regulations should set a maximum of 11 members. There is a complexity of a) needing to achieve political balance and b) ensuring an appropriate spread of experience, backgrounds and ward representations which necessarily requires greater membership if the geography is significant and, in our case, rural. This issue is compounded by LGR who will be looking across a much wider geography. Sizes should be decided locally based on political balance. It is through matters of training that any poor decision making should be addressed.

3.0 Next steps

- 3.1 It is important to note the other actions the government has already signposted in the planning reform consultations, including:
- A new local plan system
 - National Decision Making Policies and a revised National Planning Policy Framework later this year
 - local planning authorities to set their own planning fees to cover costs of delivering a good planning applications service

4.0 Implications

- 4.1 In writing this report and in putting forward recommendations' officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

4.2 Legal Implications – LEG2526/6221

This report is for noting.

Background Papers and Published Documents

[Reform of planning committees: technical consultation - GOV.UK](#)

[Modernising Planning Committees National Survey 2025 | Local Government Association](#)

[Planning Reform Working Paper: Reforming Site Thresholds - GOV.UK](#)

[Planning Reform Working Paper: Speeding Up Build Out - GOV.UK](#)

[FINAL - 17/07/24 King's Speech 2024 background briefing final GOV.uk.docx](#)

[Planning and Infrastructure Bill](#)

[Biodiversity net gain for nationally significant infrastructure projects - GOV.UK](#)

[Biodiversity net gain for nationally significant infrastructure projects - Defra - Citizen Space](#)

[Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development - Defra - Citizen Space](#)

Planning Committee – 7 August 2025

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 19 June 2025 and 29 July 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3368293 24/01810/FUL	Flaggs Farm Caunton Road Norwell Newark On Trent NG23 6LB	Change of use of two former farm storage buildings to storage (Use Class B8) and associated parking.	Written Representation	refusal of a planning application
APP/B3030/D/25/3369237 25/00150/HOUSE	Jesmond Dene 10 Wellow Road Eakring NG22 0DF	Proposed Double Garage, Timber Store, Biodiversity Garden, Bat & Owl Roost	Fast Track Appeal	refusal of a planning application
APP/B3030/C/25/3368193 24/00209/ENFB	Pinfold Cottage High Street Girton Newark On Trent NG23 7JA	Without planning permission, operational development consisting of the construction of a bund on the Land, as shown partly on Photographs 1 and 2 attached to this Notice.	Written Representation	service of Enforcement Notice

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
25/00011/ENFNOT	Without planning permission, "development" consisting of the making of a material change of use of the land from Agriculture to use as a caravan site, including the stationing of caravans and mobile homes and their use for residential purposes; and associated operational development (including but not limited to the laying of hard surface, the erection of means of enclosures, and domestic paraphernalia).	Provisional date changed to 04 November 2025 – awaiting confirmation from all parties To be held at Castle House.	Richard Marshall
23/01837/FULM	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Public Inquiry 22 – 30 October 2025	Anna Horn

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 7 August 2025

Appendix B: Appeals Determined (between 19 June 2025 and 29 July 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01618/FUL	Offices And Workshops Downside Cottage Great North Road Bathley Newark On Trent NG23 6HP	Change of use from Sui Generis to B8 to allow the operation of a storage business including shipping containers	Delegated Officer	Not Applicable	Appeal Dismissed	18th June 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0TV43LBKF500						
23/00149/ENFB	Offices And Workshops Downside Cottage Great North Road Bathley Newark On Trent NG23 6HP	Without planning permission, the material change of use of land to B8 storage with the associated siting of storage containers.			Appeal Dismissed	18th June 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SE79F3LB0FL0						
24/01576/OUTM	12 Manor Close And Land North Of Manor Close Bleasby NG14 7GE	Outline application for up to 9 detached, self build dwellings with all matters reserved except access	Delegated Officer	Not Applicable	Appeal Dismissed	3rd July 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJCAW6LBI4F00						
24/00421/ENFA	Land Adjacent No 4 Yew Tree Way Coddington	Appeal against Tree Replacement Notice			Appeal Not Determined	16th July 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSLIQELB0FL01						

24/00402/FUL	Land At Greenaway Rolleston	Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces.	Planning Committee	Committee Overturn	Appeal Dismissed	25th July 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9IE9XLB04M00						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development



Report to Planning Committee 7 August 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lee Robinson, Planning Technical Support Manager – Planning Development, x5821

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the three-month period April to June 2025 (Quarter 1), alongside a summary for the period April 2024 to March 2025.
Recommendations	For noting.

1.0 Background

- 1.1 The Planning Department undertakes a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.
- 1.2 Regarding performance for planning enforcement area in line with our Planning Enforcement Plan (PEP), this is reported in a separately.

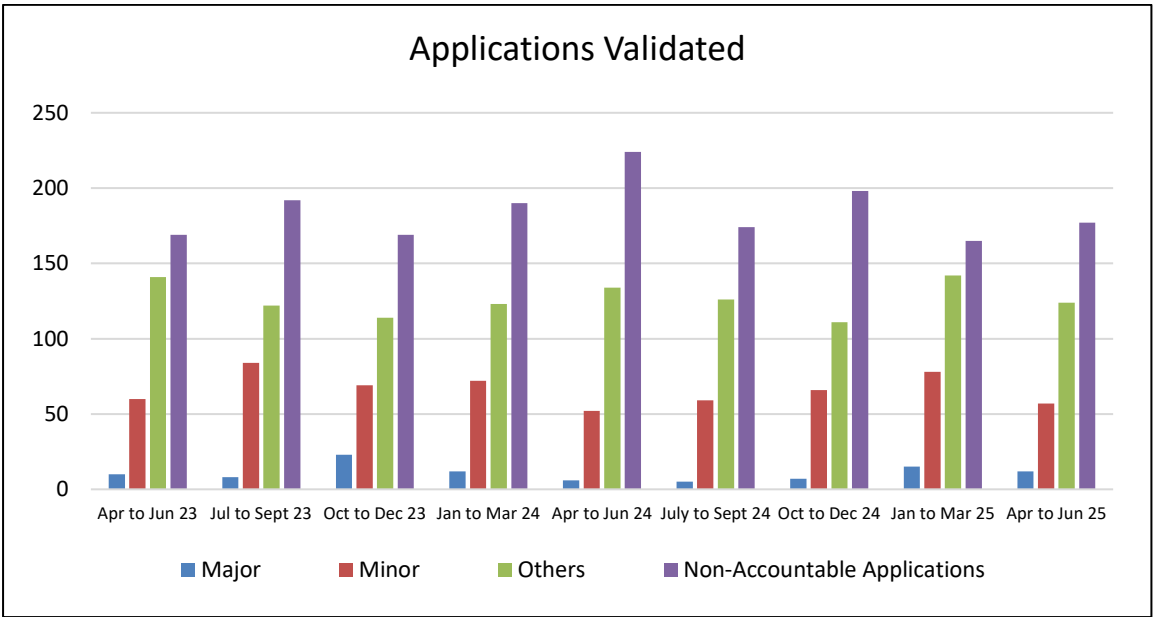
2.0 Performance

- 2.1 The table and graph below show the number of applications that have been received as valid each quarter from April 2024 to Jun 2025. They are presented in line with the Council's reporting to Government.

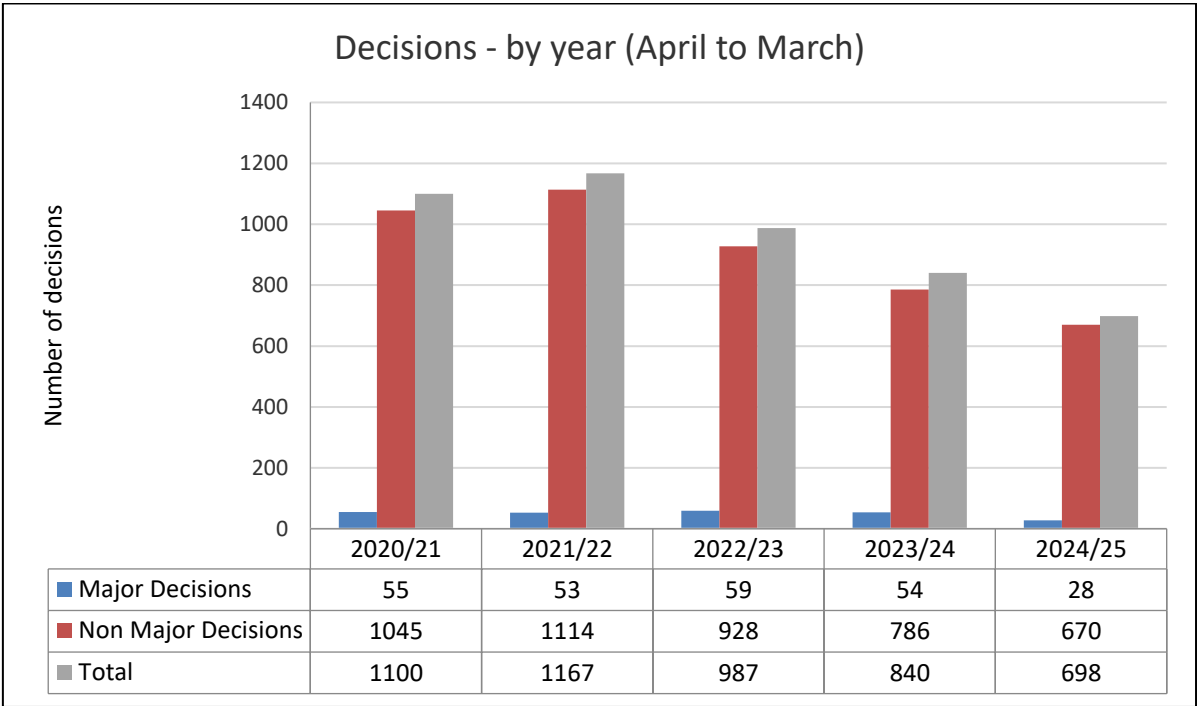
Category	Apr to Jun 23	Jul to Sept 23	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24	Oct to Dec 24	Jan to Mar 25	Apr to Jun 25
Major	10	8	23	12	6	5	7	15	12
Minor	60	84	69	72	52	59	66	78	57
Others	141	192	114	173	134	174	111	142	124
All other*	342	369	352	399	402	390	407	369	350
Total	553	583	558	606	594	580	591	604	531

**Includes: Non – accountable applications, applications/S211 notices regarding protected trees and trees in a conservation area and Pre-application advice*

2.2 In the quarter April to June 2025, a total of 531 applications were validated. When comparing season trends, this quarter represents slightly less than the same period in 2023, however, compared to 2024, figures represent an 11% decrease. It is important to note, Major category applications validated continue to be in double figures, representing a 66% increase compared to 2024.



2.3 Potential factors for the reduction in majors could relate to the impact of Biodiversity Net Gain requirements. There has also been a change in government and a raft of policy announcements. However, there are signs of major development picking up again. Combining potential planning reform next year and likely fee increases, there is reason to be optimistic about planning income over the next 6-12 months.



2.4 Assessing local planning authorities’ performance was introduced in the Growth and Infrastructure Act 2013. Planning performance is considered annually based on a defined previous 24-month assessment period that separately measures the speed and quality of

decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. The authority needs to achieve 60% for majors and 70% for non-majors. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. Quality is set at 10%, this being the threshold for appeal overturns. Government is considering reducing this to 5%.

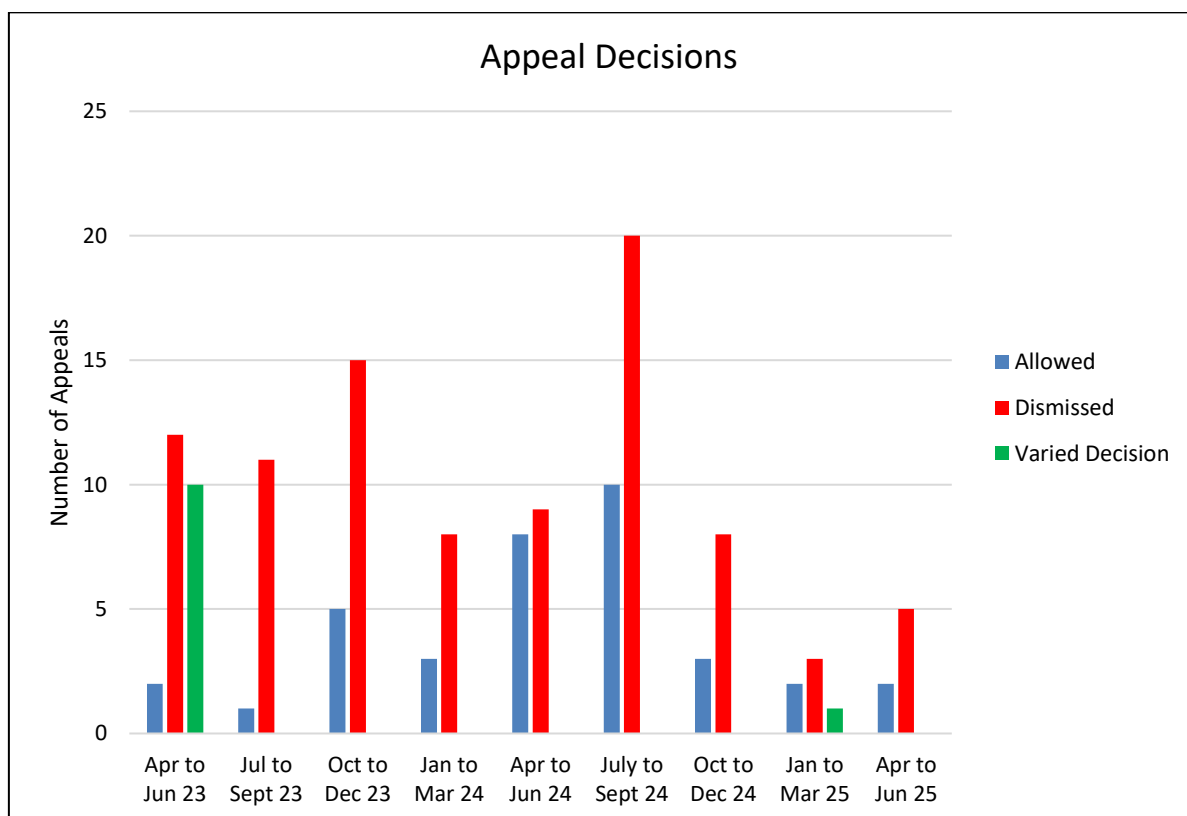
- 2.5 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.

Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks				
2025/26	87%			
2024/25	100%	86%	91%	33%
2023/24	100%	93%	85%	92%
Minors – target 65% in 8 weeks				
2025/26	92%			
2024/25	95%	87%	95%	89%
2023/24	94%	89%	92%	97%
Others – target 80% in 8 weeks				
2025/26	95%			
2024/25	95%	97%	91%	96%
2023/24	94%	96%	86%	92%

- 2.6 Performance at NSDC remains strong overall, with recognition of the decline observed in the 'Majors' category during Q4 2024/25. Results for the most recent quarter are consistent with prior periods, as 'Majors' continue to exceed the national threshold. Additionally, both 'Minors' and 'Others' categories have outperformed the national target. It is important to interpret this performance within the context of recent staffing changes.
- 2.7 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement notices. The table and graph below highlight the number of appeals and whether they were allowed or dismissed. In general, appeals are determined on the same basis as the original application. The decision will be made considering national and local policies, and the broader circumstances in place at the time of the decision.

Appeal Decision	Apr to Jun 2024	July to Sept 2024	Oct to Dec 2024	Jan to Mar 2025	Apr to Jun 2025
Allowed	8	10	3	2	2
Dismissed	9	20	8	4	5
Total determined	17	30	11	6	7
LPA success rate	53%	67%	73%	67%	71%

- 2.8 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions.



- 2.9 As discussed in the previous performance report, performance continues to fluctuate on a quarter-by-quarter basis. Performance for the period April to June 2025 represents a 4% increase compared to the previous quarter. Furthermore, compared to the corresponding quarter during April to June 2024, performance represents an overall increase of 18%.

- 2.10 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Below is the Council's performance on s211 Notices (TWCA) over the last 12 months.

TWCA Total Notifications	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
Total Notifications	23	36	32	44	53	37	37	38	32	38	21	27	29
Determined within 6 Weeks	22	30	31	42	53	36	37	38	32	38	21	27	29

- 2.11 When determining applications for consent under a Tree Preservation Order, the authority may: grant consent unconditionally; grant consent subject to such conditions as it thinks fit; refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others. The Council's performance on TPO applications is set out below.

TPO Total Applications	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
Total Applications	3	6	10	7	9	5	11	5	5	8	7	3	3
Determined within 8 Weeks (or EOT)	3	4	6	4	8	5	10	5	5	8	7	3	3

- 2.12 This quarter's results for both TWCA notifications and TPO applications remain strong, matching last quarter's performance. This reflects the dedication and hard work of the tech support officers and specialist arboricultural assistance from AWA Tree Consultants who continue to support the team during the absence of the councils Trees and Landscape Officer.

April 2024 to March 2025 summary of performance

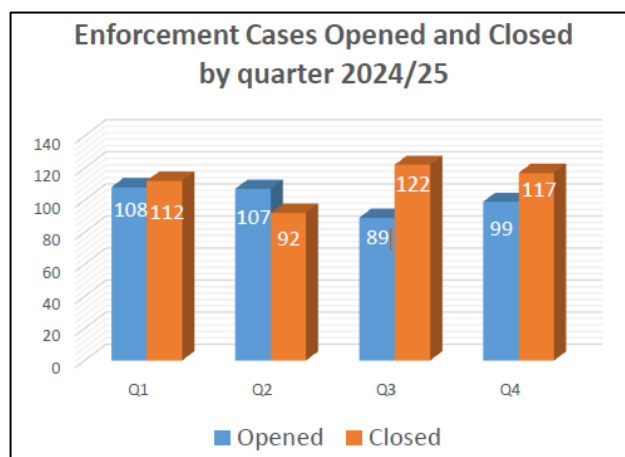
- 2.13 Overall, for the year April 2024 to March 2025, the business unit has far exceeded national government targets regarding speed of decision in all three categories.

Major <i>28 decisions made</i>		Minor <i>215 decisions made</i>		Others <i>455 decisions made</i>	
Target	Performance	Target	Performance	Target	Performance
60%	78.5%	65%	91.5%	80%	93.5%

- 2.14 It is important to highlight that the business unit has experienced significant personnel changes and has operated with several vacancies over the past year. Decisions, particularly within the 'Major' category, often fluctuate due to factors such as scheme complexity, ongoing negotiations, Biodiversity Net Gain requirements, and the necessity for Section 106 planning obligations. Despite these challenges, I would like to commend the team for their continued commitment and dedication, which have ensured we maintain a high level of performance. Furthermore, a total amount of 698 applications were decided across the three categories.
- 2.15 Turning to numbers of applications validated, including non-accountable applications (e.g. discharge of conditions, Non-Material Amendments, tree works and pre-application advice), the team validated 2369 applications across the 12-month period. This figure represents a 3% increase compared to the previous year.
- 2.16 Overall, for the year, The Planning Inspectorate issued 64 appeal decisions (planning related applications and enforcement notices), of these, 64% were dismissed, providing an indication of the quality of decisions being made at both officer (delegated) and committee level.
- 2.17 Other notable areas of work include ongoing measuring of our address data across the district against the 2024/25 Address Improvement Schedule – The local authority (street naming and address management team) recently awarded Platinum status in this year's Exemplar Awards (supply of address data throughout 2024/25). The Platinum Award for Address and Street Data is awarded to authorities that have maintained 'Gold' status across all criteria of the Annual Improvement Schedule for 10 out of 12 months up to the end of March 2025. This prestigious recognition highlights our dedication to maintaining the highest standards of data quality throughout the year - a truly outstanding accomplishment and a testament to the consistent excellence of the team.
- 2.18 The business unit held its first 'Agents Forum' in September 2024, with 26 planning agents from the region participating, along with members of the Business Unit. The event covered updates on recent developments, proposed national reforms, current and future service provision, and challenges including BNG. Feedback was positive, and the next forum is planned for September 2025.
- 2.19 From the start of the 2024-2025 financial year, HM Land Registry have been, for local authorities who have migrated their local land charges register, issuing them with their Local Land Charges performance metrics over the past quarter. These reports cover everything from number of late charges added, to the number of searches conducted on our dataset. Furthermore, it breaks them down into sub-percentages, before giving the LA an overall score and a colour grading, i.e. gold, silver, bronze, special measures (red). The lower the percentage, the better the score. Unfortunately, due to timings of reporting, we can only report on the previous quarter. I am pleased to confirm we continue to maintain gold grading.
- 2.20 In addition to their development management and planning policy work, the Ecology Team have also undertaken outreach work. This has included presentations to the Guardians of Sherwood Farmers Group in January 2025 and to the South East

Nottinghamshire Farmers Group in February 2025 on the topic of Biodiversity Net Gain. This work resulted from the Ecology Team building up a good relationship with the Nottinghamshire Farming and Wildlife Advisory Group (FWAG) representative for the county.

- 2.21 In February 2025, an Ecologists Forum was run at Castle House. This was attended by over 37 professional ecologists representing over 26 ecological consultancies that undertake work in the Newark and Sherwood District. They were joined by 9 Nottinghamshire local planning authority ecologists and Nottinghamshire Wildlife Trust ecologists, The forum proved to be a great success with encouraging and positive feedback from attendees. A key objective of the event was to develop good professional working relationships with ecologists working in the district to encourage good practices and provide appropriate support.
- 2.22 The planning enforcement team has continued to investigate a considerable number of alleged breaches of planning control. This has included numerous highly complex and controversial sites which have required officers to display their professionalism, knowledge and skill sets to resolve matters that have a very real impact on residents' lives.
- 2.23 Overall, the team received over 400 new cases/ investigations (in addition to those ongoing investigations that were submitted in previous years owing to the lengthy process involved in investigating breaches of planning control). Despite this, and due to an increased resource, officers have managed to close over 430 cases, many of which have involved formal notices being issued, court action and appeals (graph below).



3.0 Next steps

- 3.1 The last 12 months have been extremely challenging. Of the 16 planning posts comprising planners, senior planners and planner conservation specialists, we have seen 13 posts replaced. Whilst four of these have comprised internal promotions, the rest have required external recruitment. We have used several planner consultants to supplement the periods with staffing shortages. The tree officer's prolonged absence has had a significant impact on the workload of tech support colleagues and also required external support.

- 3.2 The performance outlined above shows that we are moving in the right direction, but as ever, always things to improve. Government planning reforms suggest that performance will be looked at again. In our recent response to government, we have outlined that speed of decision should not be a marker of quality, but it remains a performance area that we will need to work to. Elements such as effective pre-application advice and better communication are areas we will be working on.
- 3.3 We have also invited the Planning Advisory Service (PAS) to come in as a critical friend to the planning team and advise on areas we could improve (currently penned in for September/October period). Salary bench-marking will be a potential area to review to ensure we support staff retention.

4.0 Implications

- 4.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

5.0 Conclusions

- 5.1 Performance has continued to be met and exceeded, despite challenges within and without the organisation.



Report to Planning Committee: 7 August 2025
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

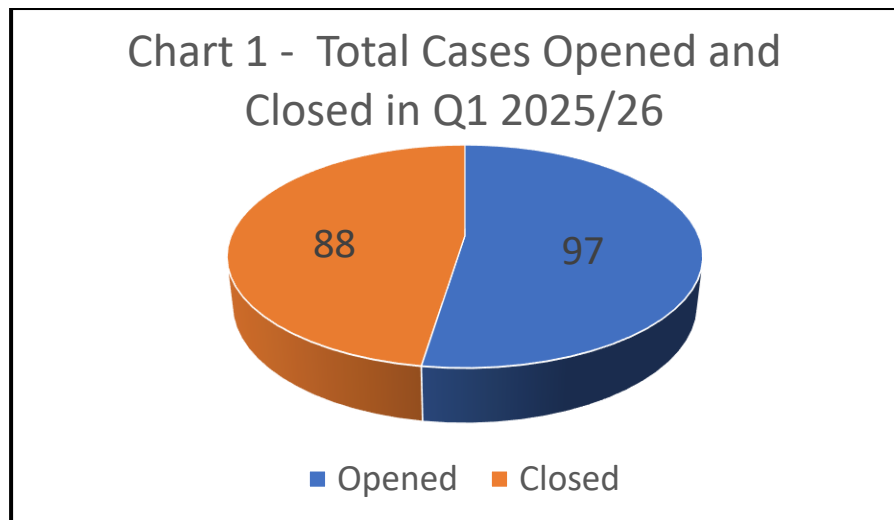
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	2025/26 Q1 – 1 st April 2025 – 30 th June 2025
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

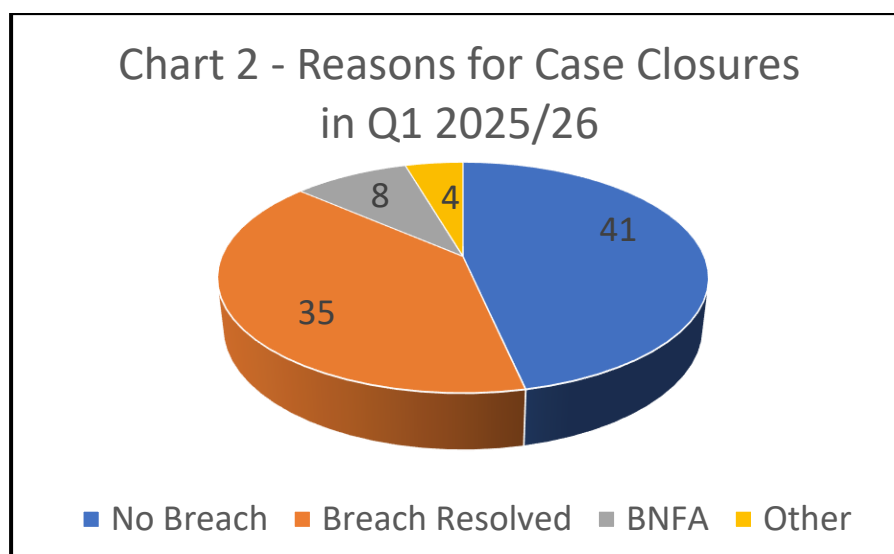
- 1.1 This report relates to the first quarter of 2025/26 from 1st April 2025 – 30th June 2025 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q1 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides an example of a case where officers have managed to resolve the breaches through dialogue and negotiation during the quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q1. Members will note that the number of new cases opened holds at a steady rate. However, the number of cases closed was lower than usual, compared with a high in the previous year of 122 in Q3 of 2024/25 and a low of 92 in Q2 of 2024/25.
- 2.2 The Enforcement team have faced some significant challenges during this 1st quarter with a small number of controversial and intricate cases that officers are continuing to be involved with.

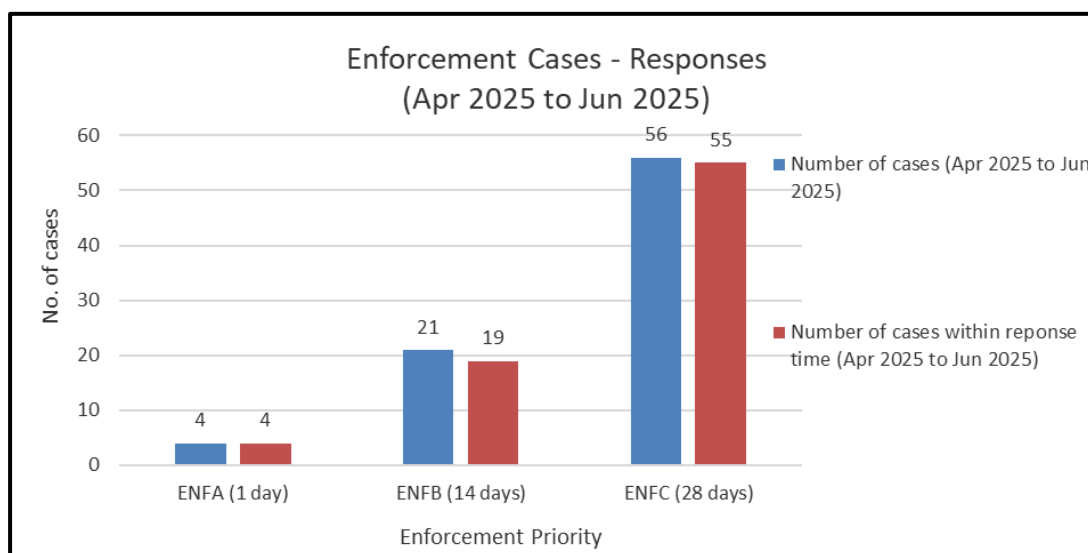


- 2.3 **Chart 2** sets out the reasons why cases have been resolved in Q1. The chart shows that, as ever, the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team's remit). These 'No Breach' cases generally represent around 50% of cases. We continue to assert the importance of investigating these cases so there is a record of the complaint and any associated action.



- 2.4 **Chart 3** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council's Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 96% of enforcement cases have been actioned within the target period that is set out within the PEP and yet again this demonstrates the continuing efforts by the team to meet all targets and objectives that have been set.

Chart 3 – Response to Case Priority Targets in Q1 of 2025/26



- 2.5 **Table 1** sets out the number of Notices issued and appeal activity during Q1 of 2025/26

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q1 of 2025/26			
	APRIL	MAY	JUNE
Notices Issued	3	2	2
Notices Complied With	2	5	4
Appeals Lodged	1	1	1
Appeals Determined	0	1	2

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER 1

3.1 EXAMPLE 1

Enforcement Ref: 25/00121/ENFA
Site Address: Land to the East of Moorhouse Road, Weston/Egmanton
Alleged Breach: Unauthorised GRT site and associated works
Action To Date: Injunction Order secured, and Enforcement Notice Issued.

Background:

- 3.1.1 On 18 April 2025 (Good Friday) the Council was notified of potential unauthorised development on the Land. I was shown photographs of excavations on the Land, land banking, removal of part of a hedge and various plant and machinery including diggers.
- 3.1.2 The site was subsequently inspected by Council Officers who noted that there was around 30 caravans and/or mobile homes on the land, with pitches enclosed by post and rail fences to create approximately 40 plots. In addition, significant quantities of hard core/ road plainings had been imported onto the site to create roadways and areas of hard standing for caravans.
- 3.1.3 The Council had had no prior notice of these works, nor of the persons on site intentions.
- 3.1.4 The lawful use of the land is for agriculture and therefore the use of the land for residential purposes, and the associated operational development (including the hard standing and means of enclosure) was unauthorised and a breach of planning control.
- 3.1.5 It is understood that the plots have been sold, and occupied, by persons from outside of the district, from as far as Essex.
- 3.1.6 On 24th April 2025 the Council issued a Planning Enforcement Notice (PEN). The Notice requires the owner and occupiers of the land to:
- a) Cease the use of the land for residential purposes.
 - b) Remove from the land any operational development that facilitates the material change of use of the land (including but not limited to all hard standing, means of enclosure, structures, buildings and ground works) and all domestic paraphernalia, so as to restore the land to its condition before the development took place.

- 3.1.7 A number of reasons were given for the PEN being served, including that the size and scale of the site is incongruous in this location and that the site and scale of the site could dominate the closest settled communities.
- 3.1.8 In addition, on 25th April 2025 an injunction order without notice was issued by Nottinghamshire County Court following a hearing on the same day. The Order, came into force until the 25th of July 2025 and prohibited activity including:
- a) The Defendants must not materially change the use of the Land or undertake any engineering operation, erect any building/ structure, bring on to the Land any further caravans/ mobile homes, import or deposit any material or excavate the Land without the grant of planning permission.
 - b) Any person who is not living on the Land at the time of the service of this order may not live on the Land after service of the order.
 - c) No caravan or mobile home shall be stationed on the Land which was not there at the time of the service of the order.
 - d) If a caravan/ mobile home is removed from the Land, it may not be replaced with another caravan/ mobile home and nor may it be returned to the Land.
- 3.1.9 On 7th May 2025, a full Injunction Order was issued by the Court. This Order, which remains in place until 7th December 2026 (unless revoked earlier by the Court), reiterated some of the requirements of the previous, interim Order, and also placed further restrictions:
- a) The Defendants must not materially change the use of the Land or undertake any engineering operation, erect any building/structure, bring on to the Land any further caravans/mobile homes, import or deposit any material or excavate the Land without the grant of planning permission or the written consent of the claimant's solicitor.
 - b) Any person who is not living on the Land at the time of the service of this order may not live on the Land after service of this order.
 - c) No caravan or mobile home may be stationed on the Land which was not there at the time of the service of this order (the maximum is 42 caravans).
 - d) If a static mobile home is removed from the Land, it may not be replaced with another caravan/mobile home and nor may it be returned to the Land (albeit it is permitted for a tourer caravan to leave and return to the Land).
- 3.1.10 In addition, the Defendants Solicitor was required to provide the Council with the following information:
- a) A list of the full names of every occupant of the Land.

- b) Provide a copy of this order to the prospective purchaser/tenant before the Land (or any part therein) is transferred or contracts exchanged; and
- c) Provide the full name and contact details of the new owner/tenant to the Claimant's solicitor within 48 hours of the transfer / exchange of contracts.

3.1.11 In response to the planning enforcement action taken by the Council, the landowners have subsequently submitted an appeal against the PEN. The appeal will be in the form of a Inquiry. The site owners and seeking planning permission retrospectively through the appeal process and the current date for the Inquiry is 4th November 2025. Officers will ensure that Members and interested parties are kept up to date on the appeal as it progresses.



Aerial photo of site before works



Site after development commenced (May 2025)



Example of works on site.

3.2 EXAMPLE 2

Enforcement Ref: 25/00143/ENFA
Site Address: Land to the South-East of Bullpit Road, Balderton
Alleged Breach: Alleged GRT Activity
Action To Date: Planning Enforcement Warning Notice issued, Planning application - (25/00805/FULM) received.

Background:

- 3.2.1 On 2nd May (again, a bank holiday weekend) the Council was notified of potential unauthorised development on the Land. Officers were informed that numerous caravans had been brought onto the land, along with excavations taking place and the importation of road plainings.
- 3.2.2 The site was subsequently inspected by Council Officers who noted that there was around 11 caravans and/or mobile homes on the Land, with pitches enclosed by post and rail fences to create approximately 10 plots.
- 3.2.3 The Council had had no prior notice of these works, nor of the persons on site intentions.
- 3.2.4 The lawful use of the land is for agriculture and therefore the use of the land for residential purposes, and the associated operational development (including the hard standing and means of enclosure) was unauthorised and a breach of planning control.
- 3.2.5 Subsequent investigations and assessments were undertaken regarding the suitability of the site, including consultation with statutory bodies.
- 3.2.6 The result of these investigations was the issue of a Planning Enforcement Warning Notice (PEWN) on the site owners and occupiers on 9th May 2025. The PEWN required those issued with the Notice to submit an application for planning permission for the development that had been undertaken without consent (the change of use of the land and the operational development).
- 3.2.7 As a result of the PEWN an application for planning permission was submitted on 14th May 2025. The application, 25/00805/FULM - Change of use of land to a traveller site including ancillary hardstanding – is currently pending consideration.



Aerial photo of site before works



Site after development commenced (May 2025)

4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER 1

4.1 EXAMPLE 1

Enforcement Ref: 25/00085/ENFC
Site Address: Rufford Road, Rufford
Alleged Breach: Alleged Fence
Action To Date: Case Investigated and Breach Resolved via negotiation

Background:

- 4.1.1 A fence panel had been added that increased the height of the panel in question from 1m to 1.8m in height, as it was adjacent to the highway, did not benefit from 'Permitted Development'.
- 4.1.2 The complainant outlined that the fence was impacting their ability to exit their driveway safely. A review of the fence agreed with this risk to current and future users owing to the angle of the bend and lack of pavement; and considered it to be contrary to DM5, DM6 (DPD), and SP7 (ACS) as well as the Householder SPD and NPPF.
- 4.1.3 It was considered that should the breach not be resolved by means of negotiation that an enforcement notice would likely be required to remedy the breach.
- 4.1.4 Following a letter explaining the issue to the property owners, they shortly afterwards reduced the fence panel back to 1m in height and in doing so, resolved the breach.

Before Photos



After Photos



4.2 EXAMPLE 2

Enforcement Ref: 24/00285/ENFB
Site Address: Haywood Oaks Lane, Blidworth
Alleged Breach: Alleged business use
Action To Date: Case investigated and Breach Resolved via Negotiation

Background:

- 4.2.1 The case is regarding alleged business use at the residential property. A site visit identified the owner was using an attached garage which had been altered to a room via 'Permitted Development' to be used as a nail salon.
- 4.2.2 The owner was asked of the details of the business, and it was strongly suspected there was a breach of planning control owing to a Material Change of Use from C3 to Class E.
- 4.2.3 The owner was invited to remedy the breach by submitting a planning application to ensure control of working hours and visitor numbers. An application was not forthcoming.
- 4.2.4 The owner then set out that they would cease the business use at the address and move to a new premises.
- 4.2.5 Whilst this was subject to a delay during the early part of 2025, the owner did eventually finalise the move to a nearby business park and confirmation of this was gained via a site visit in May 2025 showing that the business use had ceased.

Before Photo



After Photo



4.3 EXAMPLE 3

Enforcement Ref: 24/00319/ENFC
Site Address: Main Street, Blidworth
Alleged Breach: Alleged untidy land
Action To Date: Case investigated and Breach Resolved via Negotiation

Background:

- 4.3.1 A case was raised following concerns and a complaint regarding alleged untidy land at this property. The land was confirmed to be untidy during a site inspection in October 2024.
- 4.3.2 The case was delayed for a variety of reasons but a visit in May 2025 found that the frontage of the property had been completely tidied along with the area to

the left of the property. In additions, there had been some works carried out at the rear attempting to also clear that area.

- 4.3.3 The land overall is now much improved with the areas that can be viewed by the public now it much better order.

Before Photos



After Photos



4.4 EXAMPLE 4

Enforcement Ref: 25/00044/ENFC
Site Address: Co-op, Sutton on Trent
Alleged Breach: Alleged in-post parcel locker
Action To Date: Case investigated. Breach Resolved

Background:

- 4.4.1 An "In-Post" parcel locker was installed on the frontage of The Co-Op, High Street, Sutton on Trent. Although a modern building, it is in the middle of the Conservation Area, and the locker featured prominently on the front elevation.
- 4.4.2 They were advised that such an 'InPost locker' was unacceptable and asked them to explore alternative positionings at the premises, to see if an application could be submitted for it being repositioned. They surveyed the area surrounding the store found no suitable alternative location. Following this, the unauthorised locker was removed to avoid enforcement action.

Before



After



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER 1

5.1 EXAMPLE 1

Enforcement Ref: 22/00051/ENFB
Site Address: Cross Lane, Blidworth
Alleged Breach: Alleged unauthorised stable
Action To Date: Enforcement Notice Issued & Complied With. Breach Resolved

Background:

- 5.1.1 The case forms part of a wider enforcement investigation into the areas surrounding Blidworth which feature a material change of use from agricultural land to keeping of horses/equestrian with associated operational development within the Notts-Derby green belt.
- 5.1.2 Within this case a stable building and material change of use had occurred.
- 5.1.3 Following the PCN an enforcement notice was issued as no application was forthcoming to seek to retain the use of the land and or operational development.
- 5.1.4 The enforcement notice was issued 21.07.2022 requiring the use of the land as equestrian to cease and for the operational development consisting of timber stables to be removed due to harm identified to the green belt.
- 5.1.5 Following the removal of the stables, the requirements of the notice were accorded to within the timeframe given and the case was closed with the breach being resolved.

Before



After



5.2 EXAMPLE 2

Enforcement Ref: 22/00195/ENFB
Site Address: Low Meadow, Caythorpe
Alleged Breach: Erection of garage to front of dwelling
Action To Date: Enforcement Notice. Breach Resolved

Background:

- 5.2.1 The case is regarding an outbuilding ('garage') built forward of the principle elevation. The main issue within this case is that the site is washed over by the green belt thereby finding the unauthorised development to be harmful.
- 5.2.2 The owner initially sought to retain the development by means of application (despite advice that it was unlikely to be viewed favourably) as the owner wished to have additional storage for their sports vehicles.
- 5.2.3 Following refusal of the initial planning application an enforcement notice was issued 13.04.2023 requiring full demolition of the outbuilding including the base.
- 5.2.4 The owner demolished the outbuilding but did not wish to remove the concrete base. Following consideration, it was agreed that the LPA would verbally vary the requirements of the notice and take no further action against the concrete base which could have been developed under The Town and Country Planning (General Permitted Development) (England) Order 2015 or redeveloped following removal.

Before



After



6.0 IMPLICATIONS

- 6.1 In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.

END OF REPORT