



*Castle House
Great North Road
Newark
NG24 1BY*

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Monday, 12 November 2018

Chairman: Councillor D Payne
Vice-Chairman: Councillor P Handley

Members of the Committee:

Councillor Mrs K Arnold
Councillor R Blaney
Councillor Mrs C Brooks
Councillor B Crowe
Councillor Mrs M Dobson
Councillor P Duncan
Councillor J Lee

Councillor Mrs P Rainbow
Councillor F Taylor
Councillor Mrs L Tift
Councillor I Walker
Councillor B Wells
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 20 November 2018 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Notts, NG24 1BY**

**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.**

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

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| 2. | Declarations of Interest by Members and Officers | |
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Part 1 - Items for Decision

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Part 2 - Items for Information

- | | | |
|-----|---------------------------------------|--|
| 10. | Appeals Lodged
There are none. | |
| 11. | Appeals Determined
There are none. | |

Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

There are none.

- | | | |
|-----|-----------------------------------|--|
| 12. | Exclusion of the Press and Public | |
|-----|-----------------------------------|--|

There are none.

NOTES:-

A Briefing Meeting will be held in Room F3, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 6 November 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks,
Councillor B Crowe, Councillor Mrs M Dobson, Councillor J Lee,
Councillor Mrs P Rainbow, Councillor F Taylor, Councillor Mrs L Tift,
Councillor I Walker, Councillor B Wells and Councillor Mrs Y Woodhead

APOLOGIES FOR Councillor P Duncan
ABSENCE:

108 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs M Dobson declared a Personal Interest in Agenda Item No. 10 – 9 The Paddocks, Newark (18/01402/FUL) as the applicant was known to her.

Councillor D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No. 9 – Land Adjacent Bramley House, Burnmoor Lane, Egmanon (18/00787/FUL) as they were Members of the Trent Valley Internal Drainage Board.

Councillor Mrs P Rainbow declared a Personal Interest in Agenda Item No. 16 – Land to the Rear of Franklyn, Lower Kirklington Road, Southwell (18/01711/FUL) as the applicant was her neighbour.

109 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

110 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 2 October 2018.

AGREED (unanimously) that the minutes of the meeting held on 2 October 2018 be approved as a correct record and signed by the Chairman.

111 WOOD VIEW, THE CLOSE, AVERHAM (18/01421/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought the erection of a new dwelling including the demolition of the existing flat roofed garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Planning Committee Members. Following the site visit Members requested clarification on whether the applicant had ownership/control of the boundary hedgerow to the side and rear. The

agent had confirmed that the applicant had ownership of the rear and side boundary hedgerow and agreed that it could be retained to retain privacy between dwellings.

Members considered the application and felt that the proposed dwelling would have an impact on the neighbouring property Pinfold Cottage. There appears to be a 1.5 metre difference in land levels and impacts are further exasperated by the new dwelling being two storeys. The size of the plot is too small for the dwelling. Members considered that it would not preserve or enhance the character and appearance conservation area and felt that it would dominate and be of harm to the amenity of Pinfold Cottage.

AGREED (unanimously) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- i) The impact on the neighbouring property and residential amenity; and
- ii) The proposal would harm the character and appearance of the in the conservation area.

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

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

112 NOTTINGHAMSHIRE SCOUTS ADVENTURE, HOVERINGHAM ACTIVITY CENTRE, THURGARTON LANE, THURGARTON (18/01298/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought a variation of condition 2, 13 and 14 attached to planning permission 15/01537/FULM.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Hoveringham Parish Council.

Members considered the application and felt that the works undertaken by the Scout

Association were much improved in relation to the previously considered application. It was felt that any consent should be subject to the fourth container being painted green and the higher fence to the rear of the containers to be reduced in height to match the rest of the site.

AGREED (unanimously) that full planning permission be granted subject to the conditions contained within the report and the following amendment to Condition 12:

The fence to the rear of the containers be reduced in height to match the fence around the site and the fourth container to be painted green to match the three containers on site, works to be completed within three months.

113 ROSE COTTAGE, FARNSFIELD ROAD, BILSTHORPE (18/00629/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the demolition of Rose Cottage and associated outbuildings and the construction of nine new properties and the rebuilding of Rose Cottage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a neighbour and agent.

Members considered the application and concerns were raised regarding the one way road system which would be in private ownership and could not be enforced. It was suggested that the road be taken from Farnsfield Road and adopted. Members considered this development with nine dwellings and an unenforceable one way road system not appropriate for the site

AREED (unanimously) that contrary to Officer recommendation outline planning permission be refused for the following reasons:

The limitation of access resulted in a contrived internal layout which was inconsistent and would result in an over intensification development.

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

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For

D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

114 RHED COTTAGE, STATION ROAD, OLLERTON (18/01616/OUT)

The application was withdrawn from the agenda.

115 LAND ADJACENT BRAMLEY HOUSE, BURNMOOR LANE, EGMANTON (18/00787/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought the erection of a four bedroom detached house with double garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Highways.

Members considered the application and felt that the proposal was not acceptable due to the scale of the dwelling and the impact on the amenity space of Bramley House.

AGREED (with 9 votes For and 5 votes Against) that contrary to Officer recommendation full planning permission be refused for the following reasons:

The scale of the property is inappropriate on this site and would overlook and impact on the amenity space of Bramley House to the rear.

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

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	Against
Mrs M. Dobson	For
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	Against
Mrs P. Rainbow	For
F. Taylor	Against
Mrs L.M.J. Tift	For

I. Walker	Against
B. Wells	Against
Mrs Y. Woodhead	For

116 9 THE PADDOCKS, NEWARK (18/01402/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought part conversion of 9 The Paddocks to create an additional Chalet Bungalow within the site, the application was a resubmission of withdrawn application reference no. 18/00683/FUL.

Councillor D. Lloyd representing Newark Town Council and local Ward Member for Beacon Ward spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and it was commented that the proposed extensions to create the additional dwelling would be out of character with the plots in the vicinity resulting in incongruous additions which would dominate a prominent corner plot. Members were keen to protect the local distinctiveness of the typical 1970's estate design and layout.

AGREED (with 13 votes For and 1 Abstention) that contrary to Officer recommendation planning permission be refused for the following reasons:

The proposed extensions to create the additional dwelling would be out of character with plots in the vicinity resulting in incongruous additions which would dominate a prominent corner plot. The Planning Committee were keen to protect the local distinctiveness of the typical 1970's estate design and layout.

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

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For
Mrs M. Dobson	Abstained
P. Duncan	Absent
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

117 NEWARK LORRY PARK (17/01090/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the extension of Newark Lorry Park onto adjacent parcels of land which were currently being unused and the provision of a fuel bunker on existing lorry park land. Proposals were intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development.

Members considered the application and it was commented that reports had been taken to the Operational Committees who were all supportive of the developments to this site. It was reported that the lorry park was a much used facility and that Newark town centre also benefited economically. It was considered a crucial gateway to Newark which should be retained and the land maximised to its full potential.

(Councillor F. Taylor left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

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

118 FUTURE FISHING HARDY'S BUSINESS PARK (18/01118/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission to retain the existing building and use as a Sui Generis Retail Warehouse Club with ancillary B1 (Business) and B8 (Storage and Distribution) uses. The application was retrospective and the building had been in situ since May 2016 according to the planning application forms.

The Business Manager Growth & Regeneration informed the Committee that six car parking spaces and overspill parking for customers could be secured through condition and the applicant was in agreement with that requirement. The Highways Authority raised no objection to the proposed parking arrangements.

Members considered the application and the local Ward Member commented that he would accept the officer recommendation providing that the Planning Authority had the resources to ensure that the recommendations were complied with. The Business Manager Growth & Regeneration confirmed that they had the ability to serve enforcement action on the applicant/company and that three applications had already been taken through enforcement action.

(Councillor F. Taylor left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and an additional condition requiring details of site circulation and the demarcation of car parking spaces.

(Councillor J. Lee left the meeting at this point).

119 BROOKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01337/RMA)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought reserved matters for the erection of three dwellings. Approval was sought for the design, siting, scale and layout. Approved reference 17/00383/OUT.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a local resident; Nottinghamshire County Council Highways Authority and the agent.

Members considered the application and it was commented that the Planning Committee had previously refused the application due to the location of two allocated sites in that vicinity. The application had been approved on appeal. It was therefore commented that the Officers report was correct and that the local need for the dwellings should be demonstrated.

A Member commented that whilst she sympathised with the applicant, Southwell did need two bedroomed properties in the centre of Southwell and not on this location as a car would be needed to drive into the centre of Southwell. The proposed dwellings were large in scale, the application was approved on appeal but was not what was shown.

A Member sought clarification regarding the scale of the dwellings as the report indicated a 50% increase in floor space but then specified that there was no gross difference. The Business Manager Growth and Regeneration confirmed that the Planning Inspectors comments were ambiguous regarding the need element as there was a 2.7% need for five bedroom homes, he had however calculated the need together for the 2, 3 and 4 bedroomed homes.

The Business Manager advised that the larger units proposed were not genuine 4 and 5 bed units and that therefore the need had not been met.

(Councillor J. Lee left the meeting during the Officer presentation and debate and took no part in the vote).

AGREED (unanimously) that planning permission be refused for the reasons contained within the report.

120 2 FORESTRY HOLDINGS, EDWINSTOWE (18/01563/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the removal of an existing timber storage building and the erection of a holiday lodge.

Members considered the application and whilst some concern was raised why the applicant wanted to remove an identical timber building and replace it with a similar one, other Members considered the application acceptable and the replacement dwelling would bring the accommodation up to date in quality and would be more

economical to replace the dwelling than repair the old one.

(Councillor P. Handley left and returned to the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (with 8 votes For and 4 votes Against) that planning permission be approved subject to the conditions and reasons contained within the report.

121 MEADOW VIEW, FISKERTON ROAD, ROLLESTON (18/01592/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought outline planning permission for the erection of a dormer bungalow on the paddock land.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent.

Members considered the application and felt that the Officer recommendation for refusal was correct. It was commented that reference to the application having to be built in flood zone 1 should be contained in reason 2 for refusal.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

122 LAND TO THE REAR OF FRANKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01711/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the variation of condition 2 attached to the appeal decision APP/B3030/W/17/317963 for planning permission 17/00623/FUL to amend the proposed floor plans and elevations.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent.

Members considered the application and some Members felt that the application should be refused as it was contrary to Planning Inspectorate conditions 2 and 4, other Members felt that a pragmatic approach should be taken.

AGREED (with 6 votes For, 6 votes Against and 1 Abstention, the Chairman used his casting vote in support of the application) that planning permission be approved subject to the conditions contained within the report.

123 APPEALS LODGED

AGREED that the report be noted.

124 APPEALS DETERMINED

AGREED that the report be noted.

125 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT 1 JULY TO 30 SEPTEMBER 2018

AGREED that the report be noted.

126 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 6.20 pm.

Chairman

PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01917/FUL		
Proposal:	Proposed additional parking to the rear of the former Municipal Offices including new tarmac surface, drainage, lighting and landscaping and provide additional parking access accessible from London Road car park. The development will provide 36 additional parking bays and 2 additional disabled parking bays.		
Location:	Former Newark Registrar Office, Newark Municipal Building, Balderton Gate, Newark On Trent, Nottinghamshire, NG24 1UW		
Applicant:	Newark & Sherwood District Council - Mrs Kirsty Cole		
Registered:	16 October 2018	Target Date:	11 December 2018

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

The Site

The application site comprises the Grade II listed (Ref. 1196072) former municipal building that was previously occupied as the Newark Registry Office. The former house is mid C18 with late C19 and mid C20 additions in a matching style and was originally built for Dr Bernard Wilson, vicar of Newark. The property is located within the defined Newark Conservation Area.

The area to which the car park is proposed is bound to the NE by the former Municipal building, to the SE by residential housing (properties on Knights Court), to the SW by the Newark Public Library and to the NW by the existing London Road Car Park. The area is currently an approx. 0.2ha amenity grassland area associated with the listed building with other areas of hardstanding present on the site, including the existing Municipal car parking area to the NE.

The site has a number of mature trees positioned throughout, ornamental hedgerows and small areas of ornamental shrub planting. Five mature trees comprising two limes, one false acacia and two sycamores are present on site.

There are a number of key listed buildings and heritage assets to the North of the development site. Apart from the former Municipal Offices, the closest listed buildings are Grade II, located at 47 and 49, Balderton Gate, which are located opposite the former Municipal Offices (others include no's 25 & 27, 29 & 31, 33, 47 & 49 – all Grade II listed).

The existing car park can currently be accessed from Balderton Gate to the N and from London Road to the SW.

Relevant Planning History

16/02065/TWCA - Beech - Fell due to Fungal Decay at base of main stem – Permitted 16.12.2016

16/01617/TWCA - Remove 1 No Pine due to root damage to listed building – Permitted 03.10.2016

16/00008/TPO – Group TPO application for a mixture of mature specimens including Lime, Sycamore and Acacia – Trees considered to not be worth of a Tree Preservation Order 17.05.2017

The Proposal

The application seeks consent for the installation of additional public car parking on the land to the rear (SW) of the former Municipal Offices as an extension to the existing London Road Car Park which would see an increase in the number of car parking spaces by 32 plus 2 disabled spaces.

The land, currently amenity grassland associated with the listed building, is proposed to be surfaced in tarmac with associated drainage installation (approx. 1374m²). Access and egress into the car park would be through the NW boundary of the site into the Council's London Road car park (occupants of the former Municipal Buildings will access their existing dedicated car park at the NE side of the building via Balderton Gate). The creation of an access from the London Road car park would result in the loss of four parking bays on the London Road car park but with an additional 36 spaces being created on the land to be leased to the Council would result in a net gain of 32 spaces overall.

The design of the car park has a central access road with parking bays either side. Access to the will be solely from the London Road car park with a two-way system through the proposed car park and a turning area at the far end. Pedestrian routes are proposed to remain unaffected by the proposals, with the new footpath linking up with existing footpaths. Where the existing footpath crosses the entrance to the new car park, a pedestrian crossing is proposed to be installed with appropriate signage.

The signage proposed comprises 20 no. standard highways/car parking signs (see signage schedule for specifications) that include a pedestrian walkway sign, one way sign, give way sign, disabled parking only sign, and no parking zone sign. Signs are proposed to be erected at the entrance to the car park and throughout.

4 No. lighting columns are proposed to be installed, two on the NE (parallel with the rear elevation of the existing building on site) and two on the SW side of the car parking bays. The columns are proposed to be 6m columns each carrying 90W Apollo LED AL6666 lights all in galvanised steel.

Signage Schedule		
ITEM	QUANTITY	SIGN REF.
4000mm high 114mm dia. circular anodised aluminium sign post with post cap.	7	A-D
2000mm high 76mm dia. circular anodised aluminium sign post with post cap.	2	E
Aluminium Pedestrian Crossing Road Traffic Sign, DOT 544 Class RA2. Size 750mm Triangle. Complete with rear channel for post fixing.	4	A
Aluminium Give Way Sign - DOT602, Class RA2. Size 750mm Triangle. Complete with rear channel for post fixing and back to back clips.	2	C
Aluminium Ahead Only Sign - DOT606, Class RA2. Size 750mm Circle. Complete with rear channel for post fixing and back to back clips.	2	B
Aluminium No Parking Sign. Size 500mm x 750mm x 3mm. Complete with rear channel for post fixing and fixing clips.	1	D
Aluminium Disabled Parking Only Sign. Size 400mm x 600mm. Complete with rear channel for post fixing and fixing clips.	2	E

As part of the car park installation a number of landscaping elements are proposed, two strips are proposed either side of the car parking bays, the strip adjacent to the Newark Library (SW) is

proposed to be grassed with a hedgerow the NE strip is proposed to be a planting strip including a number of replacement tree varieties (specification TBC but anticipated to be c.20 trees to the NE).

Trees: Three trees are proposed to be retained on the SE boundary of the site along with the group of small trees adjacent to the corner of the Library. Planting strips are also proposed on either side of the entrance into the car park area. To the NE of the former Municipal building, on the Balderton Gate side the existing tarmacked surface behind the 1.2 m high boundary wall is proposed to be replaced with grass and planting. The hedgerow that is present on the NW boundary of the site is proposed to be retained.

One tree is proposed to be removed from the SE corner of the site along with one positioned in the middle of the proposed car parking area and one adjacent to the proposed access point into the car park (lime, sycamore, false acacia).

The boundary wall on NE boundary with Balderton Gate is also proposed to be taken down to ground level.

The existing car part to the NE of the former Municipal building is proposed to be retained.

Documents submitted with this application:

- Amended Site Location Plan - R/202-01
- Plan as Existing - R/202-02
- Site Clearance and Tree Removal Plan - R/202-03
- Plan as Proposed – R/202-04
- Setting Out Dimensions – R/202-05
- Construction Details and Cross Sections – R/202-06
- Proposed Lighting – R/202-07
- Proposed Drainage Details – R/202-08
- Proposed Signage – R/202-09
- Design and Access Statement
- Ecological Appraisal
- Heritage Impact Assessment
- Tree Survey: Arboricultural Assessment – London Road Car Park Extension produced by FPCR Environment and Design Ltd Dated: October 2018

Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local press with the consultation period expiring on 15th November 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy

Policy DM2: Development on Allocated Sites

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Section 66 and 72 of the Planning Act 1990
- Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Newark Town Council – No comments received.

NSDC Conservation – “The former Municipal Building is Grade II listed and within Newark Conservation Area. There are many listed buildings in the wider vicinity, notably on Balderton Gate.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework

(NPPF – revised July 2018). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of heritage asset(s)

The former Municipal Building is formerly a house. At the time of listing in 1950, the property had been changed to Social Services offices. The porch and boundary wall date to this period. There is a rather crude modern flat roof addition on the rear also. The property is otherwise a significant mid-18th century building with late 19th additions. The listing advises:

“Built for Dr Bernard Wilson, vicar of Newark. Brick with stone dressings and hipped slate roof. Chamfered quoins, first and second floor bands, coped parapet, 3 ridge and single side wall stacks. Square 5 bay main block, 3 storeys, with 2 bay wings, 2 storeys. Windows are glazing bar sashes of various shapes. 5 sashes with keystone lintels and above, 5 smaller sashes with rubbed brick heads. Parapet has 5 blank panels. Central coped square porch with projecting doorway, double door and overlight, flanked by single sashes. Each wing has 2 sashes on each floor. Rear elevation has similar fenestration to the front, with projecting 3 storey wings. Each wing has 2 sashes, and below, a canted bay window. Between the wings, a single storey mid C20 range with 5 sashes. North west side has to left 5 sashes with keystones and above, a sash and 4 blanks. Moulded doorcase with hood on brackets and fielded 6-panel door with overlight, flanked by a sash to left and 2 to right. To the right, a 2 storey wing, 4 bays. South east side has 7 sashes and below, 2 C20 doors flanked to left by 3 sashes and to right by 2. Interior has 2 C18 stairs, dogleg and open well, with vase and stem balusters and square newels. North west front room has panelled dado and dentillated cornice. Ionic pilasterd chimneypiece with entablature and fielded overmantel panel, containing mid C19 marble fireplace with scroll brackets to shaped mantelshelf. On either side, an elliptical arched recess. Diagonally opposite room has moulded doorcase, cornice and ceiling boss.

9 C18 fielded panelled doors, 2 and 6 panels. (Buildings of England: N Pevsner, revised E Williamson: Nottinghamshire: Harmondsworth: 1979-: 195).”

Newark CA was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Balderton Gate is an important roadway within the CA, and the former Municipal Building is a key building on approach from both directions. The land around the proposal site has been much altered, noting the modern car sales area adjoining, a sea of car parking, a modern extensively glazed library to the rear and a significant modern retail/cinema complex beyond. Nevertheless, the former Municipal Building provides a focus to this part of the CA, noting the attractive views to and from it (including where intervisible with views towards the town centre and St Mary’s Church).

Assessment of proposals

The scheme seeks to construct additional parking to the rear of the former Municipal offices, including new tarmac surface, drainage, lighting and landscaping. The development will provide 36 additional parking bays and 2 additional disabled parking bays. The proposal also allows for the removal of several trees and the 1950s boundary wall to Balderton Gate. The redundant roadway at the front of the listed building (but behind the existing wall) would also be removed and grassed over.

The existing area to the rear of the former Municipal Building is pleasantly green with some trees. Due to the hardstanding around the remainder of the building, the car park proposal will erode the remaining landscape setting of the listed building. It is accepted that there is a business case for the proposal, along with improved capacity for road users and disabled drivers. It is also recognised that mitigation is offered through the green landscaping proposed to Balderton Gate, and the retention of a sense of spaciousness within the car park. The 1950s phase of the building is not significant, and removal of any elements relating to this phase is acceptable. This includes the modern wall to Balderton Gate. Removal of the hardstanding behind the wall is a benefit in this case, and will improve the appearance of the listed building from the main roadway.

It will be for the decision-maker to judge whether these perceived benefits outweigh the harm caused to the setting of the listed building, which is less than substantial and moderate in the context of the NPPF. Given the relationship of the site to the existing London Road car park, the lighting and related car park infrastructure is not fundamentally harmful to the character of the CA in this case.

Additional mitigation might be considered with a new hedge to Balderton Gate, replacing the line of the wall (reinforcing a sense of enclosure previously provided by the wall).”

NSDC Environmental Health – “I refer to the above application and confirm that I have no

comments to make.”

NCC Highways – No comments have been received to date and will be reported to Members as a late item.

Archaeological Officer – “No archaeological input required.”

Newark Civic Trust – “Newark Civic Trust strongly object to this application.

The Grade II listed building and the grounds must be considered as a single site. To destroy the lawn area is unacceptable in terms of the detrimental visual impact and effect on the character and appearance of a major building within the Conservation Area.

It is difficult to comprehend that the Council claims that minor landscaping will improve the setting of this listed building.

It is the responsibility of local authorities to preserve and enhance local heritage. In our opinion this is an inappropriate development and should be rejected.”

NSDC Access and Equalities Officer – “As part of the developer’s considerations of inclusive access for all, it is recommended that attention be drawn to BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - which contains useful information in this regard.

Pedestrian approaches and footpaths should be carefully designed to ensure that they provide safe, well lit, barrier free level footway network from the car parking, with dropped kerbs and appropriate tactile warnings at road crossing points, as applicable. Routes should be smooth, level, non-slip, and of sufficient width. Consider any camber to footpaths to ensure wheelchair users are able to safely manoeuvre. It is recommended that any information and directional signs around the development are clear and positioned so as to be easy to read.

An adequate parking provision for disabled motorists should be carefully considered within car parking. BS8300:2018 gives information in respect of proportion and layout of spaces. Ticket dispensing machines are often difficult to reach and to manipulate by drivers with hand or reach impairments and other disabled people. As a consequence, careful consideration should be given to their design and use by disabled people. Likewise guidance is given in BS8300 regarding any vehicle height barriers and considerations for the passage of a disabled motorist’s high-top conversion vehicle.

Street furniture such as any cycle racks, litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

It is recommended that the developer be mindful of the Equality Act.”

Tree Officer – “The proposal site contains mature trees that contribute visual public amenity to the area and the setting of the listed building. There has been submission of any survey of these trees to support their removal and little in the way of any mitigation planting. I would therefore

object to this application.”

Historic England – “FORMER NEWARK REGISTRAR OFFICE, NEWARK MUNICIPAL BUILDING, BALDERTON GATE, NEWARK ON TRENT, NOTTINGHAMSHIRE
Application No. 18/01917/FUL

Thank you for your letter of 11 October 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

Comments from Interested Parties – 7 Comments in Objection on the grounds that:

- Loss of the trees would result in a sterile environment
- Users of the Library benefit from the views of the green space and trees
- Media reports state that town centres and high streets have foot fall so additional car parking seems unrequired
- Issues of climate change and global warming should influence a proposal to increase car borne traffic and loss of trees
- Other options to lift restrictions on on-street parking in the town centre would be better than removing this amenity grassland
- Will unduly impact the character and appearance of Newark Town Centre
- Understand the need for more parking but cannot support the removal of mature trees in a historic environment
- Trees are important for inner town environments and removing these will impact visual amenity

Comments of the Business Manager

Principle of Development

The site is located within the main built up urban area of Newark as defined within the Development Plan. Newark Urban Area is defined under Spatial Policy 1 and 2 as a Sub Regional Centre where its function is to be a focus for housing and employment growth and the main location for investment for new services and facilities within the District. Spatial Policy 2 of the CS also states to support such growth the District Council will work to provide new infrastructure, facilities and services.

The site comprises the amenity garden area for the former Municipal building but when considered in its broader context it is located next to the London Road public car parking area which is bound by the Newark Public library, Odeon Cinema, Costa Coffee and a number of other local businesses. The site is within the urban boundary of Newark and within Newark’s historic core. The location is central to the Newark Town Centre, c108 m from the Market Place and the London Road Car Park is one of the publically accessible car parks that provides for town centre visitors.

As the proposal seeks to extend and reorganise the existing approved car park on this site, it is considered that the following policies are of particular relevance. Spatial Policy 7 which is concerned with the provision of sustainable transport solutions on new developments; Spatial Policy 9 and DM5 which require development to be sustainable in their design, taking into consideration the surrounding environment; and Core Policy 6 which emphasizes the need to protect and enhance the vitality and viability of town centres. In addition paragraph 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Design and Access Statement accompanying the application explains that given the proximity of the London Road car park, being very close to the centre of Newark Town, the car park is very busy throughout the day. The car park is also used by visitors to the Library, Cinema and local shops. The existing car park has 106 demarked parking bays including 11 disabled parking bays. On a typical day the car park is full at peak times, resulting in traffic driving around the car park looking for spaces. Adjacent developments and tourism have also increased the demand for parking within the Town Centre. This statement highlights how the demand and increased number of visitors has resulted in a congested car park area which can often cause disruption to traffic accessing and exiting the car park. Whilst not resolving all of the parking issues at the site, it is hoped that the proposed additional car parking provision of 36 spaces will help to alleviate congestion related to the existing car park considerably and allow the current disabled parking provision to be increased by two parking bays.

As the proposal seeks to deliver an extension to the existing car parking area within the Town Centre, in response to a current deficiency in parking provision, I am satisfied that the principle of the proposed development in this location is acceptable, subject to consideration to site specific matters outlined in the following sections below.

In addition, given that the proposed works would be within the curtilage of a Listed Building the impact on the setting of the surrounding listed assets is a material consideration that needs to be carefully considered. The site also lies within the Newark Conservation Area. These matters are considered below.

Impact on the character of the area (including heritage impacts and trees)

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas or within the setting of

designated heritage assets (paragraph 200).

Furthermore, in assessing the setting of the Listed Building Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

Para 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In addition, the proposed development must comply with the principles of Core Policy 14 and Policy DM9. Criteria within these policies require proposals to take into account the setting of heritage assets and the distinctive character and setting of Conservation Areas.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Balderton Gate is an important roadway within the Newark Conservation Area, and the former Municipal Building is a key building on approach from both directions. The land around the proposal site has been much altered over time, noting the surrounding sites comprises a modern car sales area adjoining, a sea of car parking, a modern extensively glazed library to the rear and a significant modern retail/cinema complex beyond. Nevertheless, the former Municipal Building provides a focus to this part of the CA, noting the attractive views to and from it (including where intervisible with views towards the town centre and St Mary's Church).

Given that the proposed works would be within the curtilage of a Listed Building the impact on the setting of the surrounding listed asset and on the character and appearance of the conservation area is an important material consideration. Similarly the proposal includes the loss of amenity grassland and four mature trees – the impact of which will also be considered within this section.

The internal conservation officer has been consulted regarding the proposals and has advised that due to the proposed hardstanding around the remainder of the building, the car park proposal will erode the remaining landscape setting of the listed building. It is accepted that there is a business case for the proposal, along with improved capacity for road users and disabled drivers. It is also

recognised that mitigation is offered through the green landscaping proposed to Balderton Gate, and the retention of a sense of spaciousness within the car park. The 1950s phase of the building which mainly faces the proposed car park but is also present to the front of the building is not significant, and removal of any elements relating to this phase is acceptable. This includes the modern wall to Balderton Gate. Removal of the hardstanding behind the wall is considered to be a heritage benefit in this case, and will improve the appearance of the listed building from the main roadway. I concur with this assessment.

The Conservation Officer has highlighted in his comments that “It will be for the decision-maker to judge whether these perceived benefits outweigh the harm caused to the setting of the listed building, which is less than substantial and moderate in the context of the NPPF. Given the relationship of the site to the existing London Road car park, the lighting and related car park infrastructure is not fundamentally harmful to the character of the CA in this case. Additional mitigation might be considered with a new hedge to Balderton Gate, replacing the line of the wall (reinforcing a sense of enclosure previously provided by the wall).”

The comments of the Conservation Officer regarding the potential to replace the wall to the NE of the building with a hedgerow to retain a sense of enclosure has been discussed with the applicant and they have advised that this is not an element of the scheme that they would like to be included within the application. The Conservation Officer has advised that this element is not fundamental to the acceptability of the scheme and as such any hedgerow planting here would be considered to be an additional benefit. As such the removal of the wall and replacement planting is considered to be sufficient to materially enhance the current arrangement of the principal elevation of the listed building.

Given the Conservation Officer has determined that this proposal will result in less than substantial harm to the character and appearance of the Listed Building, para. 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

I also note that the principal elevation of the building to the NE is bound by a low quality approx. 1.2 m high boundary wall with a barrier that is no longer functional. This element detracts from the setting of the listed building and given the proposal seeks to remove this feature and replace it with an amenity grassed area, which albeit small, will afford a softer visual appearance to the principal elevation of the building improving the setting of the historic asset. This is considered to be an enhancement.

Public Benefits

The glossary of the NPPF does not define what is meant by a public benefit. However, paragraph 20 of the NPPG {ID: 18a-020-20140306} deals explicitly with the meaning of the term:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

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

It is considered that this application will result in an economic benefit for the local area that will be accessible to the public. This benefit will enable visitors to the town to park more conveniently, help with congestion by avoiding visitors driving around looking for a space and given the number of spaces being created will be of benefit to wide range of people on a daily basis thus providing a genuine benefit that would impact a wide audience.

The proposed expansion is a genuine public benefit that will result in an overall net gain of 32 parking spaces, providing increased capacity at peak times in the day and at weekends which in turn will support and help protect and enhance the vitality and viability of town centre as envisaged by Core Policy 6. In addition Para 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. In addition, SP2 supports development of this nature stating that the District Council should work proactively to provide new infrastructure, facilities and services in urban areas. This expansion will do just that.

Impact on Trees

The proposal includes the loss of four mature trees from the site. The trees are afforded a level of protection by virtue of being positioned within the Conservation Area. It is important that when considering development proposals consideration is given to the protection of the natural environment. Decisions should be made proactively to ensure that there is no unnecessary adverse impact upon the surrounding character as a result of development. Given the proposal seeks to entirely replace the amenity grassland and remove a number of trees including a false acacia which is an ornamental species and two mature sycamore and a lime tree consideration has been given to the impact that this will have on the character and appearance of the area and the setting of the listed building. For the avoidance of doubt the ecological value of these trees and the impact of their loss will be considered later in this report.

In considering development proposals that will result in the loss of trees on a site that lies within the conservation area consideration must be given to whether the quality of the trees would sufficient to warrant their preservation through a Tree Preservation Order (TPO). I note that in

May 2017, following interest in removing the trees from the site the Council considered the protection of the group of trees (16/00008/TPO) and concluded that, whilst the trees inarguably contribute to the aesthetics of the area, there was not a reasonable degree of public benefit for making a TPO in this instance. As such, I must consider the conclusion not to protect these trees in my assessment of this application as a material consideration.

This parcel of land is land locked between the former Municipal building (NE), residential housing (properties on Knights Court to the SE) and by Newark Public Library (to the SW), in addition the boundary with the car park is treated with low level hedging. The land is not currently used by the public as amenity space as the land is associated with the former Municipal building. The TPO application concluded that the trees did not warrant the TPO status and I consider this to be because the level of public benefit afforded by these trees is minimal given the land is not used recreationally.

The tree survey submitted also concludes that the majority of the trees on site, by virtue of their peripheral positions are being retained and incorporated into the scheme post development thus maintaining the existing amenity value currently being provided. The retention of as much of the existing tree cover as possible in an urbanised environment is welcomed.

By way of mitigation for the tree loss, the proposed development is also considered to provide an ideal opportunity to secure a future generation of tree cover which shall not only be of benefit visually to those who frequent the site once its constructed but also the wider local tree population and continued greening of the Newark town centre urbanised areas. The positioning of this tree cover is proposed to be accommodated within tree planting areas surrounding the proposed car park and within new soft landscaping and green space between the northern car parking bays and the former Municipal building.

The tree survey discusses the Arboricultural implications at length and advises that the only significant losses of tree cover that are required to facilitate the car park extension are the removals of 'T2' Sycamore and 'T3' lime, both retention category A trees, along with 'T1' Sycamore of a moderate quality (category B) and a False Acacia. Although T2 and T3 were considered to be of high arboricultural quality; devoid of any notable structural defects, this category grade was given in the context of the site which was generally devoid of any trees of particular merit. Furthermore, their removal was concluded to have minimal impact in terms of their context within the wider environment. As they are located within an urban landscape, they have limited connectivity to wider arboricultural features which ultimately places a limit on their arboricultural and amenity values.

The Tree survey also goes on to state that "whilst the loss of any tree cover presents an arboricultural impact, the loss of this tree cover; despite comprising two category A trees, should not be seen as a constraint to the development. The confined nature of the site means it is difficult to retro-fit a feasible car parking layout whilst avoiding all of the retained trees. It is reasonable to suggest that this is the only area of land in the immediate vicinity which could accommodate the proposed car park and, upon reflection of the proposed schemes retention of a large majority of

the remaining assessed tree cover, the impact would be considered acceptable providing any recommendations made regarding mitigation measures are fully explored as part of the future development of the site”.

Nevertheless 4 trees would be removed 2 of which are high quality trees and 2 moderate quality and their loss is regrettable. Their loss and the harm caused will be weighed in the planning balance.

Impact on Ecology

Policy DM7 of Newark and Sherwood’s Adopted Allocations & Development Management DPD specifies that: “On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP.” This is reflected by DM7.

The Ecological Impact Assessment submitted (produced by FPCR) concludes that there would only be minor loss of species of low ecological value at this site as a result of the development proposals. Habitats on the site have been considered to be of negligible conservation value, comprising mainly of managed short grassland and hardstanding habitats. The loss is not considered to be ecologically significant within the local context. I have no reason to disagree with this assessment.

The scheme would also see the loss of four mature trees. The survey highlights that these trees have negligible potential to support roosting bats, but do however provide structural diversity and opportunities for foraging wildlife and suitable nest sites for birds – leading the conclusion to be that these have a moderate ecological value within the context of the site.

To mitigate for the loss of these trees the planting of two new trees and a hedgerow is proposed along the southern site boundary – the survey concludes that as these mature the new trees will provide a similar ecological benefit to those removed notwithstanding the overall net reduction in tree cover that will result from the development proposed.

The ecological survey concludes that to maximise the ecological value of the soft landscaping, tree planting should include native species along with fruit and nut bearing species as these enhance foraging opportunities for local wildlife. The new hedgerow proposed along the southern boundary of the site is also advised to include species rich native planting to include at least six native woody hedgerow species.

A new landscaping strip is also proposed along the NE front boundary of the site. The Ecological survey advises that to maximise the ecological value, native species should be used that are of

value to wildlife with non-native species with overly complex flower structures or invasive species being avoided.

The survey goes on to recommend that small tree species that are suitable in this location include maple, silver birch and holly and that all informal areas of planting should use native species and be subject to sympathetic management to promote their conservation value. All other areas of existing hardstanding, apart from the formal parking areas are proposed to be replaced with amenity grassland. I concur that the recommendations within this survey are reasonable to mitigate any harm to ecology and this will be controlled through the use of a landscaping schedule condition that requires the submission of further details of the landscaping scheme prior to implementation of any planting - the retention of which shall also be controlled via condition.

Impact on Amenity

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

In assessing the extension to an existing car park, I would expect that one of the main amenity issues to be the potential for noise disturbance from the associated increase in vehicular traffic. I note that the site is bound by the former Municipal building (NE), residential housing (properties on Knights Court to the SE) by Newark Public Library (to the SW) and the existing car park (NW).

However, given the relatively modest scale of the proposed extension reconfiguration to the existing car park to provide 32 additional spaces, in comparison to the existing 106 spaces on the site, I am satisfied that the proposal would not result in a significantly greater level of activity than currently exists to unduly impact on the amenity of neighbouring sites. Therefore it is considered that the proposal accords with the aims of policy DM5.

In terms of the external lighting proposed, I am satisfied that the proposed lighting columns are appropriate to ensure that the car park extension can operate in a safe, convenient way and that this would not unduly impact upon the residential amenity of neighbours nearby (in excess of 30 m from the closest lighting column). This is a view shared by our Environmental Health Officer who raises no concerns.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that there is effective parking provision, both on and off-site of new development. Development is to be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Further to this, it is required that attractive accesses for all are provided, including the elderly and disabled, and others with

restricted mobility. This is reflected in Policy DM5 of the DPD which requires the provision of safe access to new development and appropriate parking provision.

The Highways authority has been consulted on this application and their comments are awaited. However they are not expected to raise any highway safety concerns. Comments received will be reported as a late item to the Planning Committee.

It is considered that the creation of an additional 32 parking spaces would better cater for existing customers and improve the situation in the surrounding the site which is frequently oversubscribed. The proposal would accord with the aims of SP7 which aims to provide sufficient on-site parking for developments. The proposal would further satisfy SP8 which aims to improve community facilities where there is a deficiency in the current provision, which in this case there would be an improved car parking facility to the existing public library as well as according with the aims of CP6 in ensuring the vitality and viability of the town centre.

Other Matters

Comments received in relation to the impact that this proposal could have in contributing to climate change and global warming have been considered and in this case I would highlight that the additional car parking spaces are required to address the current requirement for more parking within the district centre, to support the vitality of the town centre and high street which is often discussed, as one commenter has highlighted, in the media as being at risk of decline and closures. The car parking provision is also considered to be a benefit to the Newark on Trent tourism market to support the visitors to the town centre. Whilst I appreciate that the proposal seeks to accommodate more cars within the area I do not consider there would be such an increase in car borne traffic that the proposal could be considered to have an impact on climate change that would warrant a reason for refusal.

Planning Balance and Conclusion

There are a number of matters that require balancing in this case.

The Conservation Officer and I both agree that the loss of amenity land surrounding the listed building would result in harm to the listed building and its setting. The level of harm is considered to be less than substantial in the context of the NPPF but is nevertheless still harm. The loss of four trees (2 high quality and 2 moderate) is also unfortunate and weighs negatively against the proposal albeit I also recognise that these trees were previously not considered to contribute to public amenity sufficient to protect them by way of a TPO.

However on the other hand the proposal would increase parking provision and disabled parking spaces to a public car park in the town centre in an area that experiences high demand and is often full to capacity during peak times. The proposed expansion is a genuine public benefit that will result in an overall net gain of 32 parking spaces, providing increased capacity at peak times in the day and at weekends which in turn will support and help protect and enhance the vitality and

viability of town centre as envisaged by Core Policy 6. In addition Para 85 of the NPPF (2018) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. In addition, SP2 supports development of this nature stating that the District Council should work proactively to provide new infrastructure, facilities and services in urban areas. This expansion will do just that.

I also note that the scheme would bring about an enhancement through the removal of the boundary wall from the principal elevation of the listed building which weighs in the scheme favour.

I am mindful that the loss of the trees which have a positive impact within the conservation area, can in part be mitigated through the planting of replacement trees in different locations within the site.

In terms of ecology there would be no identified adverse impacts and given the proposals to replant trees of a native variety, I consider this is neutral in terms of the planning balance.

Having considered all matters, I conclude that the removal of the wall and the public benefit of the proposed public car parking expansion are considered to outweigh the harm identified. The proposal will see a development that will help support the vitality and viability of the Town Centre and will provide for the tourism market within the area. The proposal therefore is in accordance with the objective of preservation set out under sections 16, 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

There is no other harm identified.

Given the above, I recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

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

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

02

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

- Amended Site Location Plan - R/202-01
- Site Clearance and Tree Removal Plan - R/202-03
- Plan as Proposed – R/202-04
- Setting Out Dimensions – R/202-05
- Construction Details and Cross Sections – R/202-06
- Proposed Lighting – R/202-07
- Proposed Drainage Details – R/202-08
- Proposed Signage – R/202-09

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Prior to first use of the development hereby approved full details of the soft landscape works shall be 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.

Reason: In the interests of visual amenity and biodiversity.

05

The approved soft landscaping shall be completed during the first planting season following the first 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 unless otherwise agreed in writing by the local planning authority. 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.

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

06

The development hereby approved shall be undertaken in strict accordance with the tree protection measures outlined in section 5.0 of the Arboricultural Assessment at: London Road Car Park Extension produced by FPCR Environment and Design Ltd dated October 2018, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

07

No trees, shrubs or hedges within the site which are shown as being retained within the Tree Retention Plan within the Arboricultural Assessment at: London Road Car Park Extension produced by FPCR Environment and Design Ltd dated October 2018 shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

Notes to Applicant

01

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

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

02

As part of the developer's considerations of inclusive access for all, it is recommended that attention be drawn to BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - which contains useful information in this regard.

Pedestrian approaches and footpaths should be carefully designed to ensure that they provide safe, well lit, barrier free level footway network from the car parking, with dropped kerbs and appropriate tactile warnings at road crossing points, as applicable. Routes should be smooth, level, non-slip, and of sufficient width. Consider any camber to footpaths to ensure wheelchair users are able to safely manoeuvre. It is recommended that any information and directional signs around the development are clear and positioned so as to be easy to read.

An adequate parking provision for disabled motorists should be carefully considered within car

parking. BS8300:2018 gives information in respect of proportion and layout of spaces. Ticket dispensing machines are often difficult to reach and to manipulate by drivers with hand or reach impairments and other disabled people. As a consequence, careful consideration should be given to their design and use by disabled people. Likewise guidance is given in BS8300 regarding any vehicle height barriers and considerations for the passage of a disabled motorist's high-top conversion vehicle.

Street furniture such as any cycle racks, litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route.

It is recommended that the developer be mindful of the Equality Act.

03

The ecological survey concludes that to maximise the ecological value of the soft landscaping, tree planting should include native species along with fruit and nut bearing species as these enhance foraging opportunities for local wildlife. The new hedgerow proposed along the southern boundary of the site is also advised to include species rich native planting to include at least six native woody hedgerow species.

A new landscaping strip is also proposed along the NE front boundary of the site. The Ecological survey advises that to maximise the ecological value, native species should be used that are of value to wildlife with non-native species with overly complex flower structures or invasive species being avoided.

04

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

Background Papers

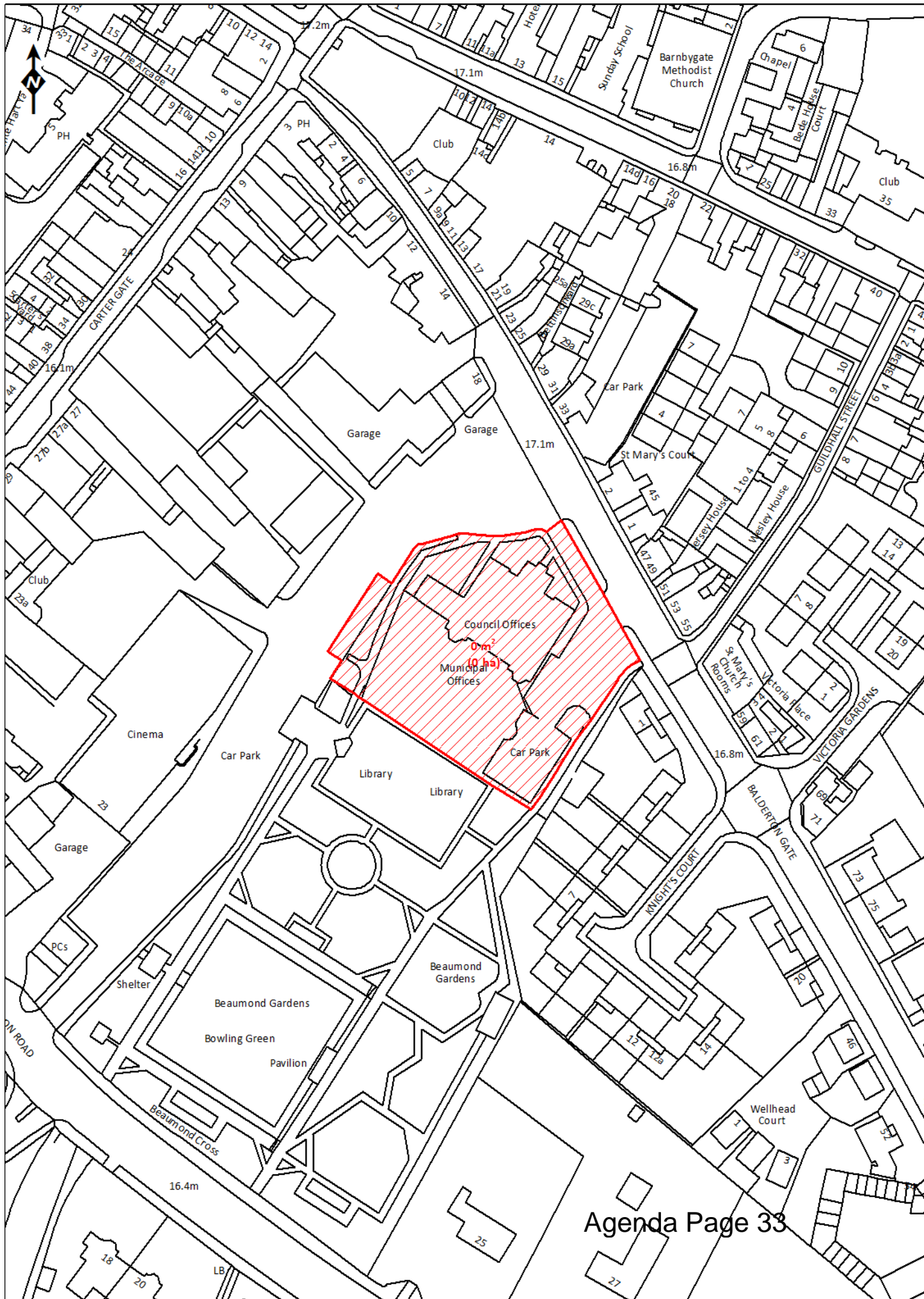
Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01241/FUL		
Proposal:	Retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4) (Retrospective)		
Location:	Balderton Working Men's Club and Institute, 69 Main Street, Balderton		
Applicant:	Yorkhouse Properties Ltd – Mr K Roberts		
Registered:	03 July 2018	Target Date: 28 August 2018	
		Extension of Time Agreed Until 8 November 2018	

This application was deferred from the October Planning Committee following the concerns of Members to firstly allow officers to discover the legal position regarding non-compliance with the previously approved permission through the retention of the northern wing and secondly to allow potential discussions with the applicant regarding possible reduction of the scheme elsewhere on the site to compensate for the loss of amenity space. Following a meeting with the applicant, a revised sketch scheme was submitted which showed the single parking space to serve the new Unit (No 4) located on the opposite side of the access road, the boundary between the amenity space of Unit 1 and Unit 4 relocated further back to provide reduced amenity space to serve Unit 4 and an increase in space to serve Unit 1, on the western side of the retained two-storey wing.

The applicant wanted to obtain Member's view on this sketch amendment before being willing to draw them up and formally submit them to replace the original drawings. If Members were minded to approve the amendment, they would then submit formal plans for re-consultation and it could be taken back to another Committee meeting for approval. However, officers explained that giving a view on the sketch scheme first would then fetter the ability of Members to consider the formal submission following re-consultation at a later Committee. The applicant stated that if Members were minded to refuse the application, then they wanted the original plans to be refused not the amended sketch. Officers explained that the only way to obtain Member's view on the amended sketch would be to submit another application for that proposal. The applicant concluded that they were not prepared to go to the expense of submitting another application.

Within the next few days, officers received confirmation that the applicant had appealed to the Planning Inspectorate against non-determination of the application. This means that the Local Planning Authority is no longer able to decide the outcome of the application. However, officers consider that the views of the Planning Committee ought to be obtained, so that it can be taken into account during the consideration of the appeal.

The application, based on the originally submitted plans, has therefore been brought back to Committee to obtain the informal view of Members only.

In relation to the first matter, the case officer has met with the Council's legal service to investigate what enforcement proceedings were open to the Authority, and these are set out below:

- 1. Serve a Breach of Condition Notice because the development does not accord with the approved plans set out in Condition 1 (plans condition) attached to 17/01339/FUL. There is*

no right of appeal against this type of Notice, it does not assess the planning merits, it demonstrates as a matter of fact that a breach has occurred and results in a prosecution in Court but does nothing to address the breach on the site. This carries the risk of a Judicial Review to the High Court on grounds of illegality, irrationality or procedural impropriety and the risk of costs to the Authority if proven.

2. *Serve an Enforcement Notice against the unauthorized development that does not accord with the approved plans set out in Condition 1 (plans condition) attached to 17/01339/FUL and against the unauthorized change of use to a dwelling. The Notice could be issued with the refusal of planning permission and the applicant has a right of appeal to the Planning Inspectorate where the planning merits of the development are considered and assessed. If the appeal is dismissed and the Notice upheld, it is likely it would secure the cessation of the use, enforce the demolition of the unauthorized two storey wing and secure the amenity space as shown on the currently approved plan.*

However, given that an appeal has now been made against non-determination which is live and pending, the proposal has not yet been formally determined in planning terms and as such Members would have to carefully consider whether it would be expedient to pursue enforcement proceedings at this time given that there is a possibility that the proposal could be approved planning permission in which case the Authority could be open to the risk of costs.

Below is the report that went to the October Committee with all alterations and additions in embolden italics.

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

The Site

The site contains a substantial and attractive period building located on the north side of Main Street within the urban area of Balderton. It is situated within Balderton Conservation Area. It was previously used by Balderton Working Men's Club and Institute but following approval of an application which included a conversion scheme and various demolition works to the existing building, it has now been occupied for residential purposes for the previous 6 months or so. Whilst it is not a listed building, it is regarded as a positive building within the Conservation Area which is a heritage asset. Listed Buildings are located opposite and adjacent to the site including No. 77 and No 79 Main Street (Grade II listed) and St Giles Church (Grade I listed). Residential dwellings are located along the east and west of the site. No. 14 Bullpit Road is a bungalow containing a children's day nursery. A primary school is located to the north of the site.

The building is a former villa, probably dating to the early/mid-19th century. The main building is 2 storeys, with 3 bays in red brick with hipped slate roof, deep soffits and pair of chimney stacks. Its frontage includes Victorian sash windows, and a characterful porch with pediment. Its front and principal side walls are constructed in Flemish bond. It has a 20th century replacement front boundary wall in red brick with central open access and piers also in Flemish bond. Behind this is a large expanse of tarmac car parking. The building contains substantial rear service wings. The eastern range appears to be older, perhaps contemporaneous with the villa which was to be retained to accommodate Unit 3. The currently approved permission shows the north-western rear service wing being demolished. It had Georgian sashes with flat head brick arch headers, the

former of which have now been removed. The building did also have extensive 20th century additions which were of no interest; however, these have been demolished.

The existing and extant permission (along with the three units currently occupied) also approved the construction of 6 new build dwellings to the rear, in the grounds of the building, the construction of which has not yet commenced.

Relevant Planning History

03860285 Skittle Alley – permission 12.05.1986

94/50089/FUL - Removal of walls and provide disabled WC – permission 27.01.1995

98/50088/ADV - Fascia sign – permission 23.10.1998

02/02084/CAC - Demolish front boundary wall and rebuild as same – consent 07.11.2002

06/01052/FUL - To install door to make club flat self-contained, stairs will be needed to car park – permission 06.09.2006

14/01714/FUL - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – approved 12.02.2015.

17/00082/FULM - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West, Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 4 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – still pending but waiting confirmation of withdrawal.

17/01339/FUL – Application to vary conditions 2, 3, 4, 5, 6, 9, 11 and 13 of planning permission 14/01714/FUL (to comply with pre-commencement conditions) for the removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works. (Including minor amendments as set out within letter dated 20/07/17) – approved 14.03.2018.

The Proposal

The application is for a full planning permission for the retention of the north-western wing and the conversion to a dwelling including external alterations to create Unit 4. This two storey north-western wing was proposed to be demolished within both the originally approved scheme granted under 14/01714/FUL and the subsequent Section 73 application approved under reference 17/01339/FUL.

Following the submission of application 17/00082/FULM, which was similar to the 2014 permission but sought the additional retention of the north-western wing of the main building and the conversion of the existing building into 4 units instead of 3, a site visit was made which

revealed that demolition works (of the 20th century elements) had already commenced on site, however, no pre-commencement conditions had been discharged. After discussions with officers, following concerns regarding the level of CIL for which the applicant would be immediately liable for should a new permission be granted, officers sought to assist the applicant and advised that application 17/00082/FULM could be withdrawn and they could then seek a new planning permission for the development approved by the previous approval (14/01714/FUL) but seeking to vary the pre-commencement conditions, as these were clearly no longer able to be complied with, following the commencement of the development on the site, there was still an opportunity to submit the necessary details without resulting in any undue planning harm given the stage of development. In doing this the liability for the inflated CIL could be avoided and the application to vary the conditions has now been approved.

This application now seeks a new independent planning permission to retain the existing two storey north-western wing as a two-bedroomed dwelling. The proposed layout shows a kitchen and living room at ground floor level and two bedrooms and a bathroom at first floor level. There are three windows at first floor level and double doors at ground floor level in the west facing elevation, one window at first floor level and three ground floor openings in the east elevation and a small window set back from the rear (north) elevation at first floor level.

Externally a single car parking space is provided adjacent to the western elevation. There is an amenity space (approx. 2.7m by 3.2m defined by a 1.8m high close boarded timber fence) adjacent to the parking space and an external courtyard area to the east of the wing measuring approx. 3m by 9m with no proposed boundary treatment to serve the new dwelling.

The majority of this two storey element (apart from the rear elevation) is traditional red brick with hipped slate roof. The building has already been converted and is currently occupied.

In support of the application a Design and Access Statement has been submitted.

The following plans have been assessed in the consideration of this application:

- Site Location Plan (Drawing No: BWMC0616-2000A);
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (on-line resource)
- Council's DCA Housing Market and Needs Assessment (2014)
- Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) 1990
- Newark and Sherwood Amended Core Strategy 2017

Consultations

Balderton Parish Council – Object. “This is an additional property to the original planning brief for converting the former club and is considered to be over-intensive development of the site which is in the village Conservation Area. One parking space only is also considered to be inadequate for a two bedroomed property.”

NCC Highways Authority – “No objection.”

Independent Archaeology Advisor – “No archaeological input required.”

NSDC, Conservation – “The proposal site is within Balderton Conservation Area (designated 1992). The Church of St Giles opposite is Grade I listed (designated 1967). 74, 77, 79 and 81 Main Street are all Grade II listed. 9 Bullpit Road is also Grade II listed.

We do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2018) and the legal duties with respect to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reaching any view, the local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the CA, and preserving the setting of listed buildings. Preservation is achieved by causing no harm, and might include maintaining the existing contribution made by the host building to the character and appearance of the CA.”

NSDC, Equalities and Access Officer – “It is recommended that the developer considers access to, into and around the proposals together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. Approved Document M of the Building Regulations gives useful information in this regard. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

One letter of representation was received from a neighbour and reported on Late Items at the last Committee which stated: “If the cramming of too many houses goes ahead then there will be a greater possibility of an accident happening.”

Comments of the Business Manager

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review following the Independent Examination which took place on February 1st and 2nd 2018. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Balderton in principle, as part of the wider Newark Urban Area. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Balderton is an established settlement within the defined Newark Urban Area. Newark is defined as a ‘Sub Regional Centre’ as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the District. New housing and employment growth should be focused in this area as it is considered to be a sustainable location for new housing development. In principle therefore it is considered that the proposed dwelling would be positioned within a sustainable location, but is still subject to an assessment against the site specific criteria as set out below. Although the application site is independent from the wider site by its red line outline, it is considered that the impact of this proposal must be considered against the impact on the wider site, given its planning history, which is somewhat complicated, but set out above.

Housing Density, Type and Mix

Core Policy 3 of the Core Strategy requires good quality housing design in line with the provisions of Core Policy 9 Sustainable Design. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Average densities of between 30-50 dwellings per hectare have been set for the 3 strategic sites in the Newark Urban Area. New housing development should also adequately address 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. The NPPF states planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment (para 117). The NPPF differentiates between areas where there is an existing or anticipated shortage of land for meeting identified housing needs, but that is not the case in Newark.

When looking at the re-development of this whole site, in terms of density, the provision of 10 units on this site which is 0.34 hectares in area, equates to a density of 29.4 dwellings per hectare.

From a general look at the figures in themselves, the proposed development would be acceptable in terms of its density of development on the site. The addition of a further 2-bed unit also accords with the housing need identified in the Council's DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area), in the open market housing sector. This additional unit would therefore meet the identified housing need and accords with the policy requirement. As such this application is considered to comply with Development Plan policy in this respect.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and setting of Listed Buildings. The NPPF states in para 127 that decisions should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states at para 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

As a building of local interest, the original building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 200 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

When looking at the wider site as a whole, the reuse of the original building (back to its original residential use albeit divided into a number of units) is supported in principle as it would help to secure a sustainable future for the building. Part of the significance of this site is the open setting of the building, therefore allowing the character and appearance of the building to make a significant contribution to the public realm in addition to enabling views of the Listed Building located to the east of the site. This aspect has been carefully planned and secured through previous permissions which have not allowed any built form forward of the front elevation of the principal building on the site. The frontage is predominantly open and laid to lawn.

It is acknowledged that the two storey north-western wing represents part of the historic fabric of the principal building, although given its position, is not readily visible from the public realm. It was previously concluded that the development of 9 dwellings (6 two-storey new build to the rear

and three units within the two-storey converted building) on this site was a density that caused no harm to the historic environment, either in terms of the Conservation Area or the setting of listed buildings. This proposal therefore looks to increase the number of dwellings to 10 with an additional two-storey dwelling within the retained north-western wing that was originally proposed to be demolished.

The retention of the northwestern wing is considered acceptable in principle in heritage terms, noting that the Conservation officer has made no formal observations to the proposal. As originally approved the demolition of this resulted in reduced built form to the rear of the site and provided rear landscaped private amenity spaces to serve Units 1 and 2. The retention of the wing would result in a more cramped and enclosed space to the rear of the site and it is noted that the Parish Council object on the grounds of it resulting in over-intensive development. Whilst I acknowledge and take into account the concerns of the Parish Council, the existing north-west wing does represent part of the fabric of this historic local interest building and given its positioning to the rear of the site, I consider it would be difficult to maintain an objection on the grounds of it resulting in any adverse impacts on the setting of listed buildings or on the harm to the character and appearance of the Conservation Area.

It is assumed that the access arrangements for this additional unit would reflect that approved on the wider site which includes retention of the existing boundary wall at the front of the site in a central position and the alterations required (widening of the opening and pedestrian visibility splays being provided) for highway safety reasons will be completed but these are not considered to compromise the setting of the existing building or the character or appearance of the Conservation Area (and these details have not been submitted for consideration by this application).

It is considered that the retention of the north-western wing would not result in any harm to designated heritage assets (either the setting of listed buildings or the character and appearance of the Conservation Area) and is therefore considered to be in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy CP 14 of the Core Strategy and Policy DM9 and DM5 of the DPD, the NPPF and PPG, which are material considerations.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to create places that are safe, inclusive and accessible....with a high standard of amenity for existing and future users (para 127).

The retention of this two storey north-western wing would result in a bedroom window (albeit at a slight angle) in the west facing elevation being approx. 9.4m away from the front elevation (with first floor window (the only one) serving a bedroom) of the proposed new dwelling that would be situated to the west in accordance with the approved plan. It also results in the east elevation being situated approx. 4m away from the west elevation of the existing unit 3 which contains a window to the living room (but which is not the only window serving that room) at ground floor level and first floor windows serving a bathroom and landing. There is also a bedroom window at first floor level in the west elevation that serves a bedroom belonging to Unit 1 (but not the only windows serving that room) that is approx. 1.5m away from the retained east elevation of the new unit. Having carefully considered all these relationships, whilst it is acknowledged that some of them are tight, I am satisfied that these relationships are considered to be acceptable, on balance,

and the privacy offered by occupiers of both existing and proposed dwellings between habitable rooms at ground and first floor levels (bedrooms and kitchen), are on the cusp of acceptability.

In terms of over-bearing impacts and loss of light or overshadowing, on balance, I am satisfied that the proposal would not result in any unacceptable impacts in this regard.

The proposal will also result in impacts to external amenities. The latest approved plan for the wider development (approved under 17/01339/FUL) shows that the land upon which the north-western wing is sited, has been approved as private amenity space to serve Units 1 and 3.

Whilst this would have resulted in a generous level of external space to serve the 2-bed Unit 3, it also approved a reasonable amount of private amenity space to serve the three double bedroomed Unit 1. This application will result in the loss of this space and reduce the private amenity space serving Unit 1 to a minimum 2.0m / maximum 3.4m wide strip of amenity space along the side of their building which is supposed to also accommodate a new hedgerow to run along the access road. Although approx. 14m in length it offers very little in terms of usable depth. Whilst it is considered that this is a poor level of provision, the local planning authority does not have any adopted minimum external private amenity space standards that would assist in resisting such a limited provision. It is acknowledged that it is likely to result in increasing pressure for shed/outbuildings and other ancillary facilities to be accommodated at the side of the property, which if visible from Main Street could be harmful to the character and appearance of the Conservation Area. It could also prejudice the successful planting and establishment of the hedgerow proposed as it would take up too much of their garden area. A condition removing permitted development rights has been attached to my recommendation below to prevent ancillary outbuildings without first obtaining planning permission.

In relation to the amenities of occupiers of the new additional dwelling, whilst of limited quantity and quality, the external private amenity space provided is considered to be on the cusp of acceptability for a two bedroom unit.

As such it is considered, on balance, that whilst not ideal, the amenities between the existing and proposed occupiers of the site are considered to be on the cusp of acceptability. As such the proposal is also contrary to Policy DM5.

Impact on Highway Safety

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

Vehicular access to the property would continue to be provided through the site's existing access (with some widening to provide pedestrian visibility splays) and one on-site parking space is provided to serve the dwelling. The Highways Officer raises no objection to the scheme, although it is acknowledged that the Parish Council raise concerns about the provision of only one parking space to serve the two bedroomed dwelling. However, it is concluded that this application would not result in any adverse impact upon highway safety in accordance with the requirements of Spatial Policy 7 and Policy DM5.

Impact on Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The application proposes the disposal of foul sewage and surface water by mains sewer and connection to the existing drainage system, to reflect that happening on the wider site, which have already been controlled through condition. Therefore implementation of these drainage details would ensure that the development is provided with a satisfactory means of drainage in accordance with the Development Plan and the aims of the NPPF and PPG.

CIL

Given the application is retrospective, there is no ability to seek any CIL exemptions. CIL is applicable in this location and will be payable at a rate of £45 per square metre.

Planning Balance and Conclusion

This retrospective application has been submitted to seek to authorise the lawful use of this additional dwelling on the site in planning terms. This is a sustainable and appropriate location for new residential development in principle. Whilst no negative impacts have been identified in relation to housing density, type and mix, heritage impacts, drainage and highway safety matters, it is acknowledged that there are some amenity impacts between existing and proposed occupiers that are not ideal. However, weighing all planning considerations in the planning balance, it is considered that the additional dwelling does not result in unacceptable amenity impacts or over-development that would warrant refusal of permission in this particular case.

RECOMMENDATION

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

Conditions

01

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

- Site Location Plan (Drawing No: BWMC0616-2000A)
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

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

Reason: So as to define this permission.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

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

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

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

Or Schedule 2, Part 2:

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

Class B: Means of access.

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

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

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

03

The off-white render finish to be applied to the rear elevation shall be fully applied within 1 month of the date of this permission.

Reason: To ensure an appropriate finish in the interests of the character and appearance of the building and Conservation Area and in the interests of visual amenity.

Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission without unnecessary delay the

District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

Background Papers

Application Case File.

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

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth & Regeneration

PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01430/FUL	
Proposal:	Change of use of former abattoir site and paddock to gypsy and traveller caravan site	
Location:	Park View Caravan Park, Tolney Lane, Newark On Trent	
Applicant:	Mssrs Bower	
Registered:	4 October 2018	Target Date: 29 November 2018

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

The Site

The application site is located on the northern side of Tolney Lane. The majority of the site lies within the Newark Urban Area, as defined within the Allocations and Development Management DPD. The site is closely located to the town and its centre and is relatively sustainable as a result. The site is located within Zone 3b of the floodplain and is also located within Newark's designated Conservation Area.

The north of the site abuts the main railway line linking Nottingham and Lincoln. Open amenity land exists to the south, on the opposite side of Tolney Lane, adjacent to the River Trent. To the east is a local authority operated public car park, while finally to the west an open field/paddock beyond which is another Gypsy and Traveller site.

Comprising approx. 0.6ha in area the site includes the former abattoir building, a single storey structure which remains, oriented gable end on and adjacent to Tolney Lane. The site is relatively flat and is currently in use as a gypsy and traveller caravan site for up to 15 caravans with the benefit of a 3 year temporary permission that expired on 30 September 2018. Access to the site is taken at two points off Tolney Lane, though main access to the site under the most recent planning consent is via the central access point.

The southern boundary is walled, at a height of 1.5m. Palisade fencing and trees sitting outside the application site are situated to the rear boundary. Other boundary treatments comprise of vertical timber boarding (along the north-eastern boundary) and timber post and rail fencing (along the south-western boundary).

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

Relevant Planning History

18/00887/FUL - Variation of condition 1 and removal of condition 5 attached to 15/00354/FUL for

change of use of former abattoir site and paddock to gypsy and traveller caravan site on a permanent basis – still pending but awaiting confirmation of withdrawal as application 15/00354/FUL is no longer extant.

17/00949/FUL - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission permanent and general (Re-submission of 16/1879/FUL) - Refused 07.11.2017 for the following reason:

“The application site lies within Flood Zone 3b where the NPPF states that inappropriate development should be avoided by directing it towards areas at lower risk of flooding. When temporary permission was first granted on this site there were no available Gypsy & Traveller sites in areas at lower risk of flooding. Whilst the Local Planning Authority cannot currently demonstrate a five year supply of pitches, the shortfall of 2 pitches is not considered significant or severe. The purpose of granting temporary consent was to cater for the applicants immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has almost a year to run (up to 30th September 2018) and the Authority is pro-actively pursuing the identification of a suitable site to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area. Although there would be some social, economic and environmental factors which would weigh in favour of the proposal it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would therefore be contrary to the aims of the NPPF and put occupiers of the site and members of the emergency services at unnecessary risk.”

16/01879/FUL - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission permanent and general – Application refused 04.01.2017 on grounds of flood risk.

15/00354/FUL - Variation of Conditions 6(i) and Condition 5(i) of Planning Permission 14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 15.05.2015 to extend the time scales within which to comply with conditions.

14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 02.09.2014 on a temporary basis until 30 September 2018 and on a personal basis with named occupiers

13/01167/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Refused 14.11.2013 Appeal Withdrawn

11/01509/FUL - Change of use of former abattoir site and paddock to form site for touring caravans – Refused 24.01.2012 Appeal Dismissed

10/00889/FUL - Erection of front boundary wall with two gateways (revised design) – Approved 09.08.2010

10/00245/FUL - Erection of a front boundary wall with two gateways to paddock and hard standing. – Refused 26.04.2010

06/01948/LDC - Application for certificate of proposed lawful development in relation to 1 dwelling – LDC proposed REFUSED – 21.02.2007 Appeal Dismissed

03/02316/FULM - Erection of 33 apartments – Refused 04.10.2006

03/02054/FULM - Erection of 24 dwellings – Refused 04.10.2006

02/02488/FULM - Erection of 33 apartments – Refused 17.07.2003

FUL/980280 - Erection of 24 dwellings – Approved 25.09.1998

CAC/980353 - Demolish old abattoir and outbuildings – Approved 25.09.1998

920607 - Enclosure of existing loading canopy to create a loading bay dock & form two external doors – Approved 18.09.1992

900703 - New abattoir and meat distribution plant to replace existing facility – Refused 10.09.1990

900001 - Heritage centre, hotel, offices, and housing + associated roads car parking, harbour & parkland – Approved 10.04.1990

890636LB - Demolition of existing buildings – Approved 03.04.1990

78482 - Extensions to Abattoir (offal fridge and cutting room) – Approved 20.06.1978

76496 - New at cost building to serve as garage/new freezer unit – Approved 15.07.1976

The Proposal

Full permanent planning permission is sought for the change of use of the former abattoir site and paddock to a gypsy and traveller caravan site. Although the description of the development includes the change of use of a 'paddock,' the existing paddock to the west of the application is excluded from the red line boundary identifying the application site and so for clarity, is excluded from the proposed change of use. Although temporary planning permission was previously granted until 30 September 2018 under reference 14/01106/FUL, the permission has lapsed due to non-compliance with conditions but the use is currently continuing on the site.

The submitted site plan shows fifteen pitches with gravel surface each accommodating a touring caravan arranged around a central circular landscaped area and served by 5m wide tarmac roads. Each pitch is defined by a 0.9m high timber fence. The former abattoir building provides an amenity block to serve the occupiers whose finished floor level is 0.6m above ground level and is served by an access ramp.

The application has been supported by the following supporting information:

- Topographical Survey dated 11 November 2009
- Flood Risk Assessment dated May 2018

Whilst no information has been submitted regarding the gypsy and traveller status of the occupiers of the site directly with this application, this information (for the same occupiers) has been submitted within a previously approved application that has been acknowledged and accepted in the past.

The plans that are being considered under this application are:

- Location Plan Scale 1:1250 received 24 July 2018
- Site Plan (Drawing No: 20/48/2009) dated 28 June 2013

Departure/Public Advertisement Procedure

No occupiers of properties have been individually notified by letter but a site notice has been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 (Settlement Hierarchy)

Spatial Policy 2 (Spatial Distribution of Growth)

Spatial Policy 7 (Sustainable Transport)

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

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

Core Policy 9 (Sustainable Design)

Core Policy 10 (Climate Change)

Core Policy 13 (Landscape Character)

Core Policy 14 (Historic Environment)

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption on Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy 2017
- Planning Policy for Traveller sites – August 2015

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

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

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

relevant matters:

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

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

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely reach the development during flood conditions. It should not be assumed that emergency services will have the resource to carry out air and water resources during significant flooding incidents; therefore safe access and egress routes are essential.....

The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe...”

Consultations

Newark Town Council – “Members decided to Object to this application and could see no reason to change their original objection. The site should be appropriately landscaped. There could be a flood risk which could impact significantly on any touring caravans on the site in periods when flooding occurs. This application should not be in conflict with the Allocations and Development Management Options Report for designating Traveller and Gypsy sites in Newark. If permission was to be given for this application, Members of the Town Council Planning Committee would like to see a relevant boundary environmental screening put in place in order to make it less visible from the A46.”

NCC Highways Authority – “No objections are raised to this proposal. However, in the interests of pedestrian safety and convenience, and to promote sustainable travel, the existing highway arrangement (with large unused access mouths) should be reshaped to close off a redundant

access and formalize the new access with a narrower dropped kerb crossing point for pedestrians, as indicated on the attached drawing. [copied below]

Generally gates at access points should be kept open or set back from the back edge of the footway by a minimum of 5m so that vehicles do not have to wait in the carriageway whilst gates are open and/or closed.

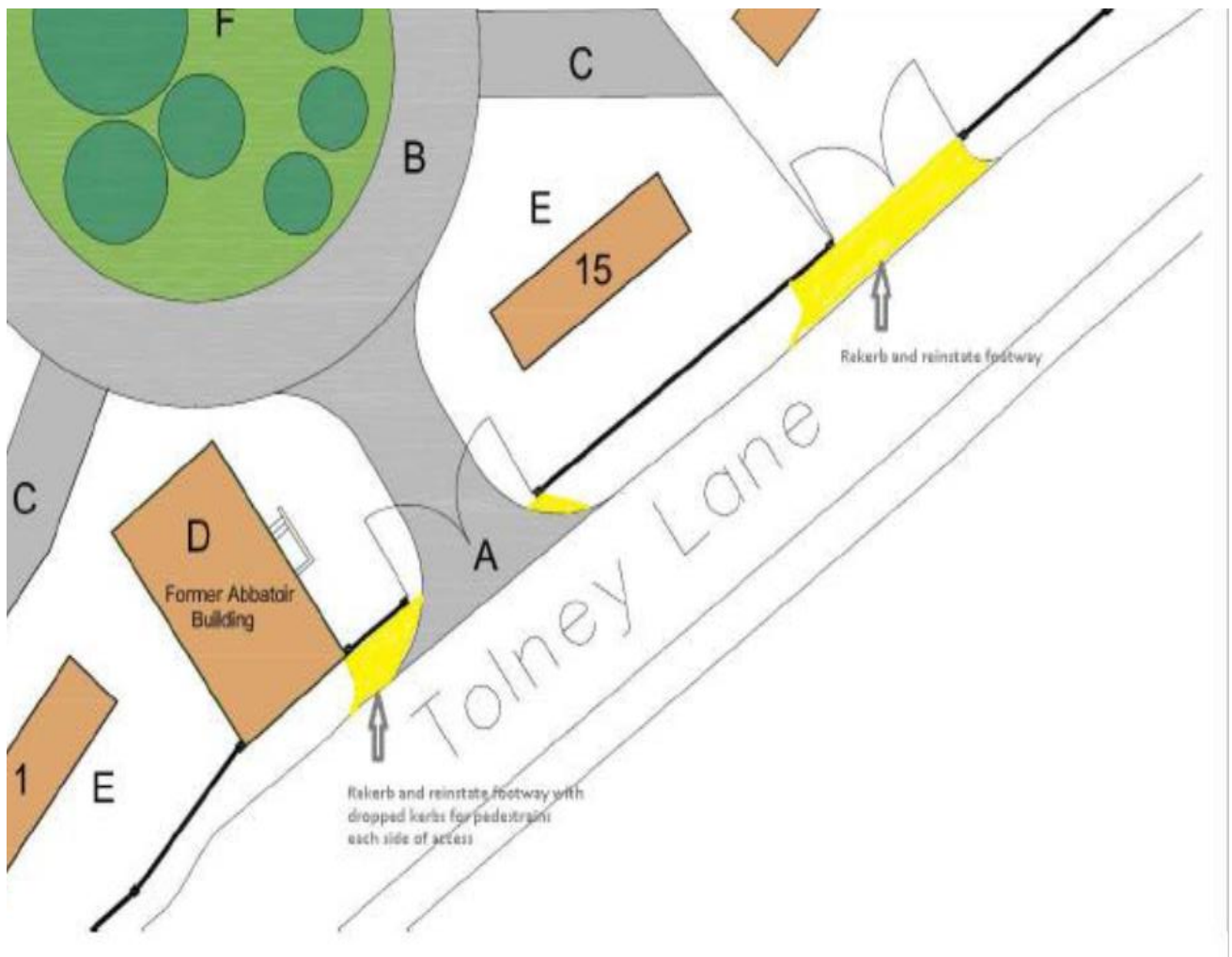
Suitable conditions might be applied to any approval (as with the approved application 14/01106/FUL):

- The development hereby approved shall not be brought into use unless or until footway reinstatement and access works on Tolney Lane have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.
Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel.
- The gates at the single vehicular access point shall either be removed or left open at all times or set back a minimum of 5 metres from the highway boundary.
Reason: In the interests of highway safety.

Note to Applicant:

The development makes it necessary to alter vehicular crossings over a footway within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>”



Environment Agency – “We **object** to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG).

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within flood zone 3b, which is land defined by the PPG as functional floodplain. This is an area where flood water is stored during times of flood, and the risks associated with this are significant. The development is classed as highly vulnerable in accordance with table 2 of the flood zones and flood risk tables of the planning practice guidance. Tables 1 and 3 make it clear that this type of development is not compatible with this flood zone and therefore should not be permitted.

Furthermore, we object to this application because it fails the second part of the flood risk exception test. The NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the exception test. The NPPF makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer’s FRA fails to:

- demonstrate that the development is ‘safe’;
- demonstrate the provision of safe access and egress routes.

Flood risks to the site

We would like to take this opportunity to highlight the risks to the site should a flood event occur. We ask that you present this information to planning committee so they are fully aware of the current day risks to the site, and even more importantly, the increased risks associated with climate change. It is our opinion that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for permanent permissions. This is essential given the much longer lifetime associated with permanent developments. It is our opinion that committee need to be fully aware of this when reaching a decision.

The flood depths that would impact this site during various flood events, according to our modelled data, are set out below. Given the highly vulnerable nature of the proposed development, you may wish to consider the flood depths arising from the 1 in 1000 year event:

- The site could flood to a level of 12.37mAOD during a 1 in 1000 year event, which equates to **flood depths of up to 2.58m.**
- The site could flood to a level of 12.02mAOD during a 1 in 100 year 20% climate change event, which equates to **flood depths of up to 2.24m;**
- The site could flood to a level of 11.82mAOD during a 1 in 100 year event, which equates to **flood depths of up to 2.06m;**
- The site could flood to a level of 11.25mAOD during a 1 in 20 year event, which equates to **flood depths of up to 1.5m.**

Furthermore, it is worth noting that these flood depths are those which are shown to impact the site itself, the depths increase when you look at the proposed access and egress route known as Tolney Lane.

In terms of mitigation, the development is proposing to rely solely on flood warning and evacuation planning; there are no proposals to raise land, and there are no proposals to raise the touring caravans themselves. There are no innovative proposals to reduce flood risk to the development and future occupants. The FRA proposes to rely on evacuation of the site before a flood event.

Where a development proposes to rely on flood warning and evacuation, our preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognises this and instead proposes to manage the flood risk by way of advanced flood warning and evacuation planning; a matter which falls outside of our remit as a statutory consultee. The PPG makes clear that the Local Planning Authority are responsible for determining the adequacy of flood warning and evacuation plans, in consultation with emergency planners.

We strongly recommend that prior to determining the application, your Authority seek expert advice from the local emergency planners in order to consider whether or not the proposed flood warning and evacuation plans will demonstrate the safety of the development and future occupants over its lifetime.

Previous decisions

We are mindful that a planning committee has previously deemed temporary occupancy of this site appropriate; the committee overruled our flood risk objection, and surprisingly deemed it appropriate to grant a temporary planning permission despite the significant flood risks to this site. This was presumably off the back of a planning inspectors decisions on the nearby 'Green Park' site. This decision, rightly or wrongly, set a planning precedent for highly vulnerable development on this site. This situation allowed the site to accommodate an identified need whilst

the Local Plan process continued to develop, with the ultimate aim of identifying an alternative site of lesser flood risk to which the temporary occupants of this site could then be moved.

Like with the nearby Green Park site, we have now reached the end of the temporary permission, and an alternative site of lesser flood risk has still not been identified. We are understanding of the situation this leaves your Authority in. On the face of it, nothing has really changed since the planning committee deemed a temporary planning permission suitable, i.e. there are still no alternative sites for gypsy and traveller provision in Newark and Sherwood, and the flood risks to the site are essentially the same as they were 5 years ago. Having considered the previous decisions taken by the planning committee and the planning inspector (for the Green Park site), we understand that your Authority may be minded to grant another temporary permission. Another temporary planning permission would allow your Authority to continue long term work on identifying an alternative site, or look at options to reduce the flood risks to the existing site. However, it is vitally important that your Authority consider the planning position that might result from the continuous granting of temporary planning permissions; whilst case law can be seen as a fluid situation, we are aware of scenarios where continuous 'temporary' permissions could result in a 'deemed permission' for permanent use. Your Authority, and planning committee, must consider this in reaching a decision re: temporary use. Our recommendation is that if you are indeed minded to approve another temporary permission, you only do so with a time limit that would prevent the use from becoming 'permanent' through case law.

Next steps

Given the information set out above, we do not foresee how this application can overcome our objection; it is contrary to the NPPF at a fundamental level, and the flood risks to the site are highly significant. Whilst we are understanding of the difficult position that your Authority is in, we must act reasonably and fulfil our role as a statutory expert on flood risk.

None the less, if your Authority is minded to approve the application on a temporary basis we ask that you re-consult us and notify us of your intention to do so.

If you are minded to approve the application on a permanent basis, we must stress that we would consider instigating the call in direction as we consider the risks to this site to be too significant to allow permanent 'highly vulnerable' development to proceed, without further work to reduce flood risks to the site beforehand."

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

NSDC Policy –

"Amended Core Strategy

The Inspector examining the Amended Core Strategy has reached the view, as set out in post-hearing note 4 (issued 8 May 2018), that "the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA is insufficient." In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspectors favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six

week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5.

National Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision-making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Carries a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking. The policies in paragraphs 18-219, taken as a whole, constitute what sustainable development means in practice for the planning system. A sequential approach to development and flood risk should be followed, with the objective of steering new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposed use should be taken into account and consideration given to reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, applying the Exception Test if required. Whilst general changes of use proposals are absolved from application of the tests this does not extend to those which would result in a caravan site.

The Planning Policy for Traveller Sites (PPfTS) (2015) sets out, in conjunction with the NPPF, Government policy for traveller sites. This steers LPA's towards ensuring that traveller sites are sustainable, economically, socially and environmentally. Through the policy Local Planning Authorities (LPAs) are required to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Beyond this there is an obligation for LPAs to identify the same standard of supply, or broad locations for growth, for years 6 to 10 and, where possible, years 11-15. Where an LPA cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. There is however no presumption that a temporary grant of planning permission should be granted permanently.

Assessment

The application at Green Park (18/01443/FULM) seeks a number of variations to the conditions attached to the temporary consent granted under 12/00562/FUL in order to make it permanent, whilst the proposal at Park View Caravan Park (18/01430/FUL) represents a fresh application following the lapsing of the previous temporary consent. Given the overlapping issues I have provided one set of comments.

Need for Gypsy and Traveller Pitches

Whilst as a result of the Amended Core Strategy examination the precise level of need cannot be currently defined it is clear that there is unmet need. Given the circumstances it is also the case that the Council is unable to demonstrate a five year supply of sites. Therefore the contribution the proposals would contribute towards meeting future need and the current supply position ought to weigh heavily in their favour.

Flood Risk

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071). Whereby the lack of available sites to meet need weighed heavily in the balance against flood risk issues, to the

extent that temporary was supported so that immediate accommodations needs could be met whilst more appropriate land was identified through the Development Plan process. With the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply.

Subsequently through a recent appeal decision, (APP/B3030/W/17/3180652) at Shannon Falls also on Tolney Lane, a different Inspector deemed that, notwithstanding the above decision and the line taken by the Council with respect to temporary consent, national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. Furthermore the Inspector also considered that the Green Park decisions differed significantly to those relevant to the Shannon Falls appeal, with static caravans and utility blocks being proposed, the need for the raising of ground levels and for flood plain compensation. This led her to reach the view that significant harm in terms of flood risk to third parties would result, with all the measures to pass the Exception Test being unable to be achieved. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

The majority of Green Park (18/01443/FULM) and the entirety of Park View (18/01430/FUL) are located within the functional floodplain (Flood Zone 3b). Furthermore a section of the only point of access serving the Tolney Lane is also situated within the functional floodplain. Clearly this represents a significant level of flood risk to both people and property. Table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' within the Planning Practice Guidance (PPG) is categorical that 'highly vulnerable' uses such as that proposed here should not be permitted within Zone 3b. Where developments may contain different elements of vulnerability (such as Green Park) then the PPG helpfully outlines that the highest vulnerability category should be used, unless development is considered in its component parts. I do not consider that this would be practical in this case however, given the single highly vulnerable use proposed and the layout of development relative to the outline of the floodplain. Consequently there exists a strong policy objection against the grant of planning consent.

Planning Balance

Consequently key to your consideration will be whether the contribution granting permanent consent would make towards meeting gypsy and traveller needs and the current supply position outweighs the strong policy objection from a flood risk perspective. In my opinion this should not be the case given the danger to people and property posed by the level of flood risk - the PPG provides a clear steer in this regard. Consequently I would not be able to provide support for the granting of a permanent consent.

Nonetheless I am mindful that both locations have previously been deemed acceptable for the granting of temporary consent and that the factors underpinning those decisions remain equally applicable here. It is anticipated that production of a new GTAA will occur well in advance of the two year requirement suggested by the Inspector for the Amended Core Strategy, and that the identification of a more appropriate site (or sites) will occur through the efficient review of the Allocations & Development Management DPD. Whilst there is the need to prepare a new GTAA it is not considered that this will dramatically extend the timelines involved with the review of the Allocations & Development Management DPD – with adoption of the amended DPD forecast in the Local Development Scheme for November 2020. The context which previous consents were granted within therefore remains largely the same.

Accordingly I would be inclined to take the view that a further temporary consent could be justifiable - in order that the applicants immediate accommodation needs can continue to be met whilst more appropriate land is identified. This support would however be contingent on the applicant's temporary occupancy of the land falling short of the period of time which would create an expectation of permanence – whilst the PPfTS is clear that this expectation shouldn't exist I believe that there is relevant caselaw. The applicant will also need to be able to demonstrate the Exceptions Test as passed. I would accept that the proposal would be able to demonstrate sustainability benefits, but I would defer to the Environment Agency for advice over the technical aspects of the test. In this respect I note that a Flood Risk Assessment (FRA) prepared in March 2013 has been submitted in support of the Green Park proposal (18/01443/FULM). This is clearly some time ago and predates the review of the Strategic Flood Risk Assessment undertaken in support of the Core Strategy review. It is therefore important that we are content the FRA provides an appropriate basis for considering flood risk issues for the site – and I have some concern as to whether that is the case. I would suggest that input is required from the Environment Agency on this matter.

Conclusion

The contribution which the proposals would make towards meeting gypsy and traveller needs and the inability to demonstrate a five year supply weigh heavily in favour of the proposal; I am however not convinced that these material considerations outweigh the strong flood risk policy objection to the extent that permanent consent should be granted. I would nevertheless provide support for the granting of a further temporary consent to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process – subject to the qualifications outlined above.”

NSDC Emergency Planner – no comments received.

NSDC Conservation – “Conservation provided previous commentary for this site under 17/00949/FUL, in which it stated that:

‘the previous report relating to this proposal considered it unlikely that this proposal would have any significant effect on the appearance of the streetscene or wider CA character even without the landscape proposals. I consider that the proposed variations to the consent would have no impact on this assessment.’

Historic England in their guidance ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’ state that: ‘the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.’

In this instance, consideration must be given to the fact that the paddock site is to be granted change of use, on the fringes of the Newark on Trent Conservation Area. As such the newly proposed land use is a material consideration for the impact on setting of the CA, as well as Newark Castle and surrounding designated heritage assets and scheduled ancient monuments. Conservation has scrutinized the submitted plans and it is considered that that change of land use and the presence of caravans on the site is not sufficient harm to warrant a refusal of the application. The advice provided under 17/00949/FUL remains and there is no objection to the proposal.”

NSDC Environmental Health – “In response to the consultation request for the above planning application I can confirm that if the application is successful the site operator will be required to submit an application to NSDC for a Caravan Site Licence under the terms of the Caravans Sites and Control of Development Act 1960. In determining any such application the Authority will have regard to any planning consent conditions regarding the duration of the planning approval and pitch numbers/occupation levels and the licence duration and conditions will mirror any such restrictions. In addition the site licence will include conditions in regard to site layout, spacing, drainage, fire safety, amenity provision etc. I’m aware that the subject site has an amenity block and the licence conditions will require within this block sufficient amenity provision (wc’s, whb, showers etc.) for the proposed number of occupiers.”

NSDC Environmental Health (Contaminated Land) – “The previous use of this site has been identified as an abattoir, this is a potentially contaminative use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.”

NSDC Access and Equalities Officer – “It is recommended that the developer be advised to give consideration of inclusive access to and around the proposal. Access to available facilities and features should be carefully considered.”

No letters of representations have been received from local residents/interested parties.

Comments of the Business Manager

Although previously granted temporary planning permission until 30 September 2018 under reference 14/01106/FUL, the permission has lapsed due to non-compliance with conditions.

The main planning considerations in the assessment of this proposal are the need for gypsy and traveller sites and supply, the planning history of the site, flooding, the impact on Newark Conservation Area and the character of the area, highway issues, access to and impact on local services, residential amenity for occupants of the application site and neighbouring sites and the personal circumstances of the applicant and the status of occupiers of the site.

The site is relatively sustainable purely in terms of its location (within the Newark Urban Area indicated in the Allocations and Development Management DPD), being well related in position to the highway network and its proximity to the town centre and services.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government’s ‘Planning policy for traveller sites’ requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

Core Policy 4 (CP4) set a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and since that time work has been progressing on a new assessment of need and approach to meeting this. The Council initially intended to produce a separate Gypsy and Traveller DPD but now propose to include this within the review of the

Development Plan. The District Council is currently engaged in the review of its Core Strategy and Allocations & Development Management DPD. The review was initially progressed jointly, but has now had to be uncoupled on account of a proposed gypsy and traveller allocation in Newark proving to be undeliverable. The Core Strategy will be progressed first and was submitted to the Secretary of State in its amended form on the 29th September 2017, and the hearings were held on the 1st and 2nd February 2018. Core Policy 4 and 5 which relate to Gypsy and Traveller development are proposed for amendment through this process and set out the new pitch requirements, the approach to meeting these requirements and the criteria for considering site allocations and proposals to meet unexpected demand.

However, the Inspector since the Plan Review hearing has stated that he has “formed the view that the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA, is insufficient.” In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspector’s favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5. We are still awaiting a response from Inspector in this regard.

Whilst the Plan Review will result in the need for a new GTAA to be carried out in the short term (over the next 2 years) and subsequent site allocations (in the forthcoming DPD) being based on the new GTAA, the current level of need cannot be accurately calculated. However, what is clear is that it will result in an identification of unmet need (precise quantum yet to be identified) and in determining this application now appropriate weight must be afforded to this consideration in favour of the application. In addition to an unmet need, there are currently no other sites with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. This weighs heavily in support of this proposal.

Flood Risk

The final criterion of Core Policy 5 states that ‘in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within PPS 25: Development and Flood Risk and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site specific Flood Risk Assessment’. The NPPF states that local planning authorities should minimise risk by directing such development away from high risk areas to those with the lowest probability of flooding. National guidance/policy relating to flood risk has introduced new guidance in relation to climate change that increases the bar in relation to the assessment of new permanent development. Policy DM5 also reflects the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding.

The application site is located within Flood Zone 3b, at high risk from flooding and within the functional floodplain of the River Trent and it is therefore essential that in any decision, the benefits of meeting the need already identified is carefully weighed against the flood risks.

The proposal is for residential caravans intended for permanent residential use, which are identified as being ‘highly vulnerable’ as set out in Table 2 (paragraph 66) relating to ‘Flood Risk Vulnerability Classification’ in the Planning Practice Guidance (PPG). Table 3 (in paragraph 67) of the Guidance states that within Flood Zone 3b, highly vulnerable classification development should not be permitted. Flood risk therefore continues to weigh significantly against the

proposal. The Environment Agency has stated that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for permanent permission. The EA comments in the consultation section above set out the flood depths that would impact the site during various flood events.

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071), with the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply. The EA has commented that the NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the Exception Test.

Subsequently through a recent appeal decision, (APP/B3030/W/17/3180652) at Shannon Falls also on Tolney Lane, a different Inspector deemed that, notwithstanding the above decision and the line taken by the Council with respect to temporary consent, national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. Furthermore this Inspector also considered that the Green Park decisions differed significantly to those relevant to the Shannon Falls appeal, with static caravans and utility blocks being proposed, the need for the raising of ground levels and for flood plain compensation. This led her to reach the view that significant harm in terms of flood risk to third parties would result, with all the measures to pass the Exception Test being unable to be achieved. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

If Members take the view that the Sequential and Exception Tests are applicable whilst the Sequential Test may be considered passed, on the basis that there are no reasonably available alternative sites for this use at lower risk, the proposal fails the Exception Test. There are two parts of the Exception Test set out in the NPPF, which must be passed:

- It must be demonstrated that the development provides for wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible the development should reduce flood risk overall.

Firstly, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site.

This application complies with criterion 6 of Core Policy 5 through the inclusion of a site specific FRA.

The submitted FRA asserts that;

- The site is within Flood Zone 3b (where there is a high risk of flooding);

- The existing uses currently comprise a lawful Gypsy and Traveller site, however, the temporary permission for the current development expires on 30 September 2018 (the assessment was written in May 2018);
- There is no scope for sequentially testing the development based on Table 3 of the PPG;
- The Sequential Test is considered to be passed as there are no reasonably available sites in areas at lower risk of flooding;
- The Exception Test is considered to be passed but the assessment provides no evidence or demonstration of how this is the case;
- In terms of flood risk management, the applicant would comply with the Draft Flood Emergency Plan set out within Appendix 6 of the assessment (subscription to the EA's advanced warning system; evacuation of site with all tourer caravans prior to flood event; 3 nominated flood wardens to be trained by NSDC Community Safety Team; all residents have identified location where they would evacuate to etc)
- In terms of impact of flood risk elsewhere the current proposal proposes no additional built form or raising of ground levels to obstruct flood flows or reduce floodplain storage and the retention of the existing hardstanding on the site will not increase the rate of volume of surface water runoff.

However, in relation to the second part of the Exception Test, the proposal is considered to fail. This is confirmed by the comments from the Environment Agency who conclude that the FRA fails to demonstrate firstly that the development is 'safe' and secondly the provision of safe access and egress routes. The EA comments that where a development proposes to rely on flood warning and evacuation, the preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognizes this and proposes to manage the flood risk by way of advanced flood warning and evacuation planning – a matter which falls to the Local Planning Authority in consultation with emergency planners. The formal comments of the Council's Emergency Planner are still awaited and will be reported to Committee on the Late Items Schedule, but given the comments received on the Green Park application, it is likely to be an objection to the proposal.

The proposal therefore represents inappropriate development in this high risk flood location. The proposal is considered to be contrary to Development Plan policies as well as the NPPF and the PPG and this weighs heavily against the proposal in the planning balance.

However, in reaching its previous decision to grant temporary permission on this site the Local Planning Authority balanced the benefits of meeting an acknowledged need against flooding and gave significant weight to an appeal decision on Green Park. The majority of the Green Park site is also situated within Flood Zone 3(b) with the remainder in Flood Zone 3(a) so there is also a high probability of flooding on that site as well as on the access to it. That particular site is also at the far end of Tolney Lane. The Inspector for the appeal at Green Park recognised that the development in that case was contrary to local and national policies concerning flood risk, such that it would not normally be allowed. However, if residents of that site could be evacuated in a flood situation before any significant input was required from the Council or emergency services, the development need not give rise to an additional burden and the residents would be likely to be reasonably safe. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent at Green Park subject to managing risk to occupants of the site through the use of conditions to secure a site specific evacuation plan.

In light of the above, the Council previously considered the Inspector's decision at Green Park was an indication of the relative weights to be attached to flood risk and the lack of deliverable sites to meet the need for new Gypsy and Traveller pitches, subject to appropriate conditions. It is therefore considered that notwithstanding the failure of the proposal to meet the second part of the Exception Test in this case, the management of flood risk in the way proposed has been regarded as being an acceptable temporary mitigation strategy on this site previously. The same approach to conditions could therefore been applied again to this site, as in the past perhaps on a further temporary basis. Flood risk therefore continues to weigh significantly against the proposal and this is considered further within the Conclusion and Planning Balance set out below.

Highway Safety

Criterion 3 of Core Policy 5 requires that sites should have safe and convenient access to the highway network.

Spatial Policy 7 states that development proposals provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use. Proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

The Highway Authority has raised no objections to this application subject to conditions being attached requiring alterations to be made to the site entrance and in respect of the management or relocation of the gates. Subject to these conditions being attached to any consent, I consider the proposal would meet the requirements of Core Policy 5 and Spatial Policy 7 and would not result in any danger in highway safety terms.

Impact on the character and appearance of the Conservation Area and visual amenities

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

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Paragraph 194 states that such harm or loss to significance requires clear and convincing justification. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

The site lies at the very fringe of Newark Conservation Area (CA). The site is well screened by the boundary wall to Tolney Lane but otherwise the site does not have a character that positively contributes to the character of the CA. Noting the adjacent car park and residential caravan site to

either side of the site which form the immediate character of this part of Tolney Lane it is unlikely that this proposal would have any significant effect on the appearance of the streetscene or wider CA character and appearance and this is supported by the Council's Conservation officer. However, I also note the comments made by the Town Council concerning additional landscaping, which would assist in screening the site, however, I am also mindful of the relatively secluded relationship of the site within the public realm. Although the use is likely to be recommended on a temporary basis, a condition could be imposed to provide some additional planting along the frontage of the site. I am therefore satisfied that the proposal complies with

I am also mindful of the Environmental Health Officer's Caravan Licensing requirements. Any planning permission would not override the need for this license and a note can be attached to any consent to advise the applicant of this. I consider that any associated structures that a needed to comply with the licensing requirements are unlikely to be so significant to unduly impact on the character of the area when viewed in context with the wider proposals and a suitable condition could be attached to any consent requiring confirmation of details of any such structures.

On balance, it is considered that the proposal would be acceptable and would preserve the character and appearance of the Conservation Area in compliance with Section 72 of the 1990 Act. The proposal is also considered to comply with heritage policy contained within Core Policy 14 of the Core Strategy and DM9 and DM5 of the Allocations and Development Management DPD and section 16 of the NPPF.

Residential Amenity

Criterion 4 of Core Policy 5 states 'the site would offer a suitable level of residential amenity to any proposed occupiers and have no adverse impact on the amenity of nearby residents'.

Policy DM5 requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The site is directly adjacent to a public car park on the one side, but is buffered from a residential caravan site to the west by an open paddock. Any typical impacts would be caused by noise/disturbance from occupiers and from traffic movements. Given the proposed scale of the use, I do not consider that the proposal would cause unacceptable levels of noise and disturbance to existing nearby occupiers. Planning conditions could be imposed requiring details of any external lighting for example to ensure lighting is compliant with generally expected levels.

The proposals therefore meet the requirements of Criterion 4 of Core Policy 5 and Policy DM5.

Personal Circumstances

The Design and Access Statement submitted with the previously approved application on this site states that the applicant and his family are a local family of gypsy and traveller status who previously resided at Bowers Caravan Site within the local area/community. The site continues to be for the sole use of family members, some fifteen in number. The pitches were principally required to allow for the expansion of the families that currently live on the adjacent Bowers Caravan Site which was becoming congested.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that both him and his family along with any other occupier of the site, have Gypsy and Traveller status in accordance

with the definition set out in the Planning Policy for Travellers Sites. Whilst no information has been submitted directly with this application, confirmation was provided with the previous application that all the site residents pursued a nomadic way of life and have not ceased travelling, however they just do so around their education and caring responsibilities. I am therefore satisfied that the information previously provided is acceptable in this instance.

Conclusion and Planning Balance

At the present time there is an unmet need for Gypsy and Traveller pitches within the district, although the exact quantum is currently unknown. National policy and guidance dictates that such an unmet need and the lack of deliverable sites carries significant weight when determining applications for temporary permissions. In further support for the proposal is the lack of a 5 year supply and the lack of other available sites as well as the suitability of this site by reference to the criteria listed by Core Policy 5 (heritage, ecology, sustainable location, highway safety, residential amenity and visual amenity) all of which are material considerations that need to be given positive or neutral weight in the determination of this application.

In allowing the appeal decision at Green Park on Tolney Lane (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weigh positively listed above, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. This decision was reflected in the previous granting of a temporary permission for 3 years on the previous approval granted on this site.

There has been little material change to planning considerations since that decision was reached. However, the matter that requires careful consideration is the continued granting of temporary permissions consecutively. Whilst the Planning Policy for Traveller Sites (PPfTS) (2015) sets out that there is no presumption that a temporary grant of planning permission should be granted permanently, there is case law that exists that where continuous temporary permissions are granted, it could result in a deemed permission for permanent use. This would represent the second consecutive temporary permission on this site, if Members consider would be acceptable on a temporary basis.

The site remains at high risk of flooding, being situated within the functional flood plain of the River Trent (Flood Zone 3(b) and the proposal represents a highly vulnerable use which should not be permitted. As such the recommendation to Members is that a further temporary permission be granted for a further 3 year period, to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process. This would tie in with the Allocations and Development Management DPD which is forecast for adoption in November 2020. The approval should be subject to the same stringent conditions previously imposed regarding site evacuation measures. Members should, however, also carefully consider that the Inspector considered that the use was acceptable on flood risk grounds with this level of management "on a finite basis" and the longer the applicants are on the site, the more the considerations of flood risk appear to diminish over time. The temporary approval is recommended subject to the same stringent conditions previously imposed on this site to ensure any risk to occupants from flooding can be effectively managed.

Recommendation

That planning permission be granted on a temporary basis for a further 3 years until 30 November 2021 subject to the conditions and reasons set out below:

01

The use hereby permitted shall be carried on only by the following and their resident dependents:

- Mr. Harold William Bower and/or Mrs. Donna Bower – wife of Mr. H.W. Bower
- Mr. David Bower and/or Mrs. Deborah Bower
- Mrs. Elizabeth Salmon and/or Mr. Paul Salmon

And shall be for a limited period being the period up to 30 November 2021, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 November 2021, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10.

02

No more than 15 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which none shall be a static caravan, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for purposes of such use shall be removed within 18 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) Within 3 months of the date of this decision a scheme for the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use (hereafter referred to as the restoration scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for the implementation of its various parts;
- (ii) Within 11 months of the date of this decision the site restoration scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vii) below:

- (i) Within 28 days of the date of this permission, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by

the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency that they have done so;

- (ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second and third anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;
- (iii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iv) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided within 28 days of the date of this permission. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;
- (vi) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and
- (vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

Prior to any installation, details of any ancillary structures including those that might be required to meet separate Caravan licensing legislation shall be submitted to and approved in writing by the local planning authority. Once approved any such ancillary structures shall only be kept on the site

in accordance with the approved details and once use of the proposed use site ceases shall be removed in accordance with any scheme for the restoration agreed under Condition 5 of this consent.

Reason: In order to ensure any proposals are of an appropriate design in accordance with the aims of Core Policy 9 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

Within six months of the date of this permission the footway reinstatement and access works on Tolney Lane shall have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel in accordance with the aims of Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011).

09

The gates at the single vehicular access point shall either be removed or left open at all times or set back a minimum of 5 metres from the highway boundary.

Reason: In the interests of highway safety.

010

Within 3 months of the date of this permission full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

- an implementation and phasing programme.

- proposed finished ground levels or contours;

- means of enclosure;

- hard surfacing materials and means of drainage;

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

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Core Policies 5, 7 and 12 of the Newark and Sherwood Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management DPD (2013).

Notes to Applicant

01

You are advised that this permission does not override any other private legal matters including the need for a Caravan Licence. You are advised to apply to the Council at the earliest opportunity to ensure the site is compliant in this regard. Any approved structures shall be removed from the application site

02

Your attention is drawn to the attached plan provided by the Highway Authority with their comments of 10 October 2018 which should be read in conjunction with Condition nos.8 and 9 of this consent.

BACKGROUND PAPERS

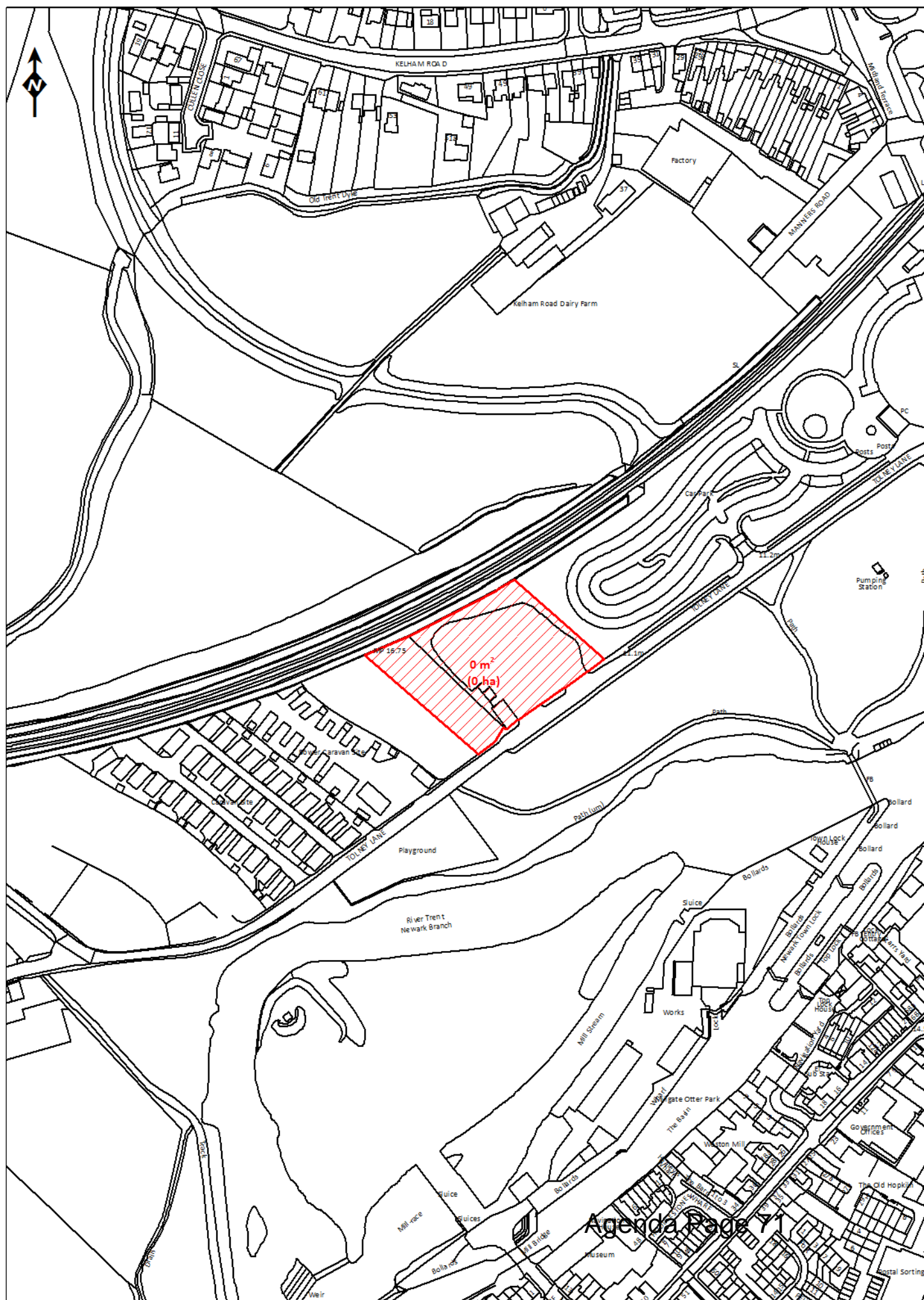
Application case file.

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

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 18/01430/FUL



PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01443/FUL		
Proposal:	Application for the variation of condition 1, to make the temporary permission permanent, attached to planning permission 12/00562/FUL granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071) (Change of use from paddock to gypsy and traveller residential caravan site - retrospective).		
Location:	Green Park, Tolney Lane, Newark on Trent		
Applicant:	Mr & Mrs Coates, Gray, Wilson, Knowles, Calladine, Biddle, Coates, Jones, Smith, Hearn and Wiltshire		
Registered:	03 October 2018	Target Date: 28 November 2018	

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

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Allocations and Development Management DPD and within the open countryside. Located at the south-westernmost end of Tolney Lane which runs from the Great North Road, the site is situated on the north-western side of the River Trent and to the south-east of the A46.

The site measures 1.35 hectares in area, is roughly rectangular in shape and provides 10 pitches for gypsy and travellers, on a temporary basis. The pitches are located either side of a central track formed by compacted ground, and are bounded by stone walls. Hedges define the north-west and south-east boundaries and the Old Trent Dyke forms the south-western boundary beyond which are open fields. The site uses an existing access road that runs through a site known as Hirrarns Paddock which has been extended to the south-west to serve Green Park, which terminates development along Tolney Lane.

Approximately 90% of the site is within Flood Zone 3b of the Environment Agency's Flood Map, which includes the access road serving the site from Tolney Lane, the remaining 10% at the north-eastern end is located within Flood Zone 2. Parts of Tolney Lane itself are located within Flood Zone 3.

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

Relevant Planning History

17/00954/FUL - Removal of part of condition 1 attached to planning permission 12/00562/FUL (Change of use from paddock to gypsy and traveller residential caravan site) to allow the site to be permanent, refused 02.07.2018 by Planning Committee for the following reason:

“The proposed development represents highly vulnerable development that would be located within Flood Zone 3b and therefore would be inappropriate and should not be permitted in accordance with the National Planning Policy Framework and the PPG. The NPPF states that all development should be directed towards areas at lower risk of flooding. When temporary permission was first granted on this site there were no available Gypsy & Traveller sites in areas at lower risk of flooding. Whilst the Local Planning Authority cannot currently demonstrate a five year supply of pitches, the shortfall of 2 pitches is not considered significant or severe. The purpose of granting temporary consent was to cater for the applicant's immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has almost 8 months to run (up to 30th September 2018) and the Authority is pro-actively pursuing the identification of a suitable site to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area. Although there would be some social and economic factors which would weigh in favour of the proposal it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent.

In the opinion of the Local Planning Authority, to allow permanent occupation of the site at such high risk of flooding would therefore place both the occupants of the site and members of the emergency services at unnecessary risk and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies 5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD.”

14/01640/FULM - Remove/Vary conditions 5 and 6 attached to the planning permission granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071; NSDC Ref: 12/00562/FUL). Condition 5 required the removal of all solid walls and close boarded timber fences from site and replacement with post and rail fences within 3 months of the date of the permission and Condition 6 required the ground level within Pitch 8 to be reduced within 3 months of the permission. This application was refused by Planning Committee 18.12.2015 on grounds of failure to demonstrate it would result in no increased flood risk.

12/00562/FUL - Change of use from paddock to gypsy and traveller residential caravan site (retrospective), refused by Planning Committee 12.10.2012 on grounds of impact on flood risk, harm to open countryside and prematurity. Following an extensive Public Inquiry the Inspector resolved 10.06.2014 to grant temporary planning permission for 5 years until 30 September 2018 (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071).

The Proposal

Planning permission is sought to remove part of Condition 1 attached to planning permission 12/00562/FUL for the change of use to the gypsy and traveller residential caravan site, to allow the use to be permanent.

Condition 1 states:

“The use hereby permitted shall be carried on only by the following and their resident dependents:

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 September 2018, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 September 2018, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 7 hereof.”

The Proof of Evidence of the Appellant’s flooding expert at the Public Inquiry dated 13 March 2013 and a letter dated 23 September 2013 from the same has been submitted as a Flood Risk Assessment in support of this application.

As this represents a Section 73 application, no plans have been submitted with the application as reliance will be made on those submitted under reference 12/00562/FUL.

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site (expiry date 22.11.2018) and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 : Settlement Hierarchy

Spatial Policy 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

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

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

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy (July 2017)
- Planning Policy for Traveller sites – August 2015

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

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

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

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

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

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: "New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that "people should be able to evacuate by their own means" without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services."

"New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency

services to safely exit their property during flood conditions.....The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe.”

Consultations

Newark Town Council – Members decided to OBJECT to this application and could see no reason to change their original objection. There could be a flood risk which could impact significantly on any touring caravans on the site in periods when flooding occurs. This application should not be in conflict with the Allocations and Development Management Options Report for designating Traveller and Gypsy sites in Newark.

NCC Highways Authority – The application site is located on the unadopted section of Tolney Lane and this proposal is not expected to affect the public highway. Therefore, there are no highway objections to this application.

Environment Agency – “We **object** to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG).

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within flood zone 3a, which is land defined by the PPG as having a high probability of flooding. The development is classed as highly vulnerable in accordance with table 2 of the flood zones and flood risk tables of the planning practice guidance. Tables 1 and 3 make it clear that this type of development is not compatible with this flood zone and therefore should not be permitted.

Furthermore, we object to this application because it fails the second part of the flood risk exception test. The NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the exception test. The NPPF makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer’s FRA fails to:

- demonstrate that the development is ‘safe’;
- demonstrate the provision of safe access and egress routes.

Flood risks to the site

We would like to take this opportunity to highlight the risks to the site should a flood event occur. We ask that you present this information to planning committee so they are fully aware of the current day risks to the site, and even more importantly, the increased risks associated with climate change. It is our opinion that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for permanent permissions. This is essential given the much longer lifetime associated with permanent developments. It is our opinion that committee need to be fully aware of this when reaching a decision.

The flood depths that would impact this site during various flood events, according to our modelled data, are set out below. Given the highly vulnerable nature of the proposed development, you may wish to consider the flood depths arising from the 1 in 1000 year event:

- The site could flood to a level of 12.61mAOD during a 1 in 1000 year event, which equates to **flood depths of up to 1.03m.**

- The site could flood to a level of 12.34mAOD during a 1 in 100 year 20% climate change event, which equates to **flood depths of up to 0.77m**;
- The site could flood to a level of 12.15mAOD during a 1 in 100 year event, which equates to **flood depths of up to 0.59m**;
- The site does not get flooded during a 1 in 20 year event.

Furthermore, it is worth noting that these flood depths are those which are shown to impact the site itself, the depths increase significantly when you look at the proposed access and egress route known as Tolney Lane.

In terms of mitigation, the development is proposing to rely solely on flood warning and evacuation planning; there are no proposals to raise land, and there are no proposals to raise the touring caravans themselves. There are no innovative proposals to reduce flood risk to the development and future occupants. The FRA proposes to rely on evacuation of the site before a flood event.

Where a development proposes to rely on flood warning and evacuation, our preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognises this and instead proposes to manage the flood risk by way of advanced flood warning and evacuation planning; a matter which falls outside of our remit as a statutory consultee. The PPG makes clear that the Local Planning Authority are responsible for determining the adequacy of flood warning and evacuation plans, in consultation with emergency planners.

We strongly recommend that prior to determining the application, your Authority seek expert advice from the local emergency planners in order to consider whether or not the proposed flood warning and evacuation plans will demonstrate the safety of the development and future occupants over its lifetime.

Previous decisions

We are mindful that a planning inspector has previously deemed temporary occupancy of this site appropriate; the inspector overruled our flood risk objection, and surprisingly deemed it appropriate to grant a temporary 5 year planning permission despite the significant flood risks to this site. The inspectors reasoning was that a temporary 5 year permission would allow the Local Plan process to develop, with the ultimate aim of identifying an alternative site of lesser flood risk to which the temporary occupants of this site could then be moved.

We have now reached the end of the 5 year permission, and an alternative site of lesser flood risk has still not been identified. We are understanding of the situation this leaves your Authority in. On the face of it, nothing has really changed since the planning inspector deemed a temporary planning permission suitable, i.e. there are still no alternative sites for gypsy and traveller provision in Newark and Sherwood, and the flood risks to the site are essentially the same as they were 5 years ago. Having considered the planning inspector's previous decision, we understand that your Authority may be minded to grant another temporary permission. Another temporary planning permission would allow your Authority to continue long term work on identifying an alternative site, or perhaps look at options to reduce the flood risks to the existing site.

However, it is vitally important that your Authority consider the planning position that might result from the continuous granting of temporary planning permissions; whilst case law can be seen as a fluid situation, we are aware of scenarios where continuous 'temporary' permissions could result in a 'deemed permission' for permanent use. Your Authority, and planning committee, must consider this in reaching a decision re: temporary use. Our recommendation is that if you are indeed minded to approve another temporary permission, you only do so with a time limit that would prevent the use from becoming 'permanent' through case law.

Next steps

Given the information set out above, we do not foresee how this application can overcome our objection; it is contrary to the NPPF at a fundamental level, and the flood risks to the site are highly significant. Whilst we are understanding of the difficult position that your Authority are in, we must act reasonably and fulfil our role as a statutory expert on flood risk.

None the less, if your Authority is minded to approve the application on a temporary basis we ask that you re-consult us and notify us of your intention to do so.

If you are minded to approve the application on a permanent basis, we must stress that we would consider instigating the call in direction as we consider the risks to this site to be too significant to allow permanent 'highly vulnerable' development to proceed, without further work to reduce flood risks to the site beforehand."

Trent Valley Internal Drainage Board – The site is within the Trent Valley Internal Drainage Board district. The Board maintained Old Trent Dyke Pt 3, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top of any edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent in, over or under any Board maintained watercourse or culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alterations of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's written consent. The Board's Planning and Byelaw Policy Advice Notes and Application form is available on the website – www.wmc-idbs.org.uk/TVIDB

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

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NSDC Policy –

"Amended Core Strategy

The Inspector examining the Amended Core Strategy has reached the view, as set out in post-hearing note 4 (issued 8 May 2018), that "the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA is insufficient." In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspectors favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5.

National Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision-making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Carries a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking. The policies in paragraphs 18-219, taken as a whole, constitute what sustainable development means in practice for the planning system. A sequential approach to development and flood risk should be followed, with the objective of steering new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposed use should be taken into account and consideration given to reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, applying the Exception Test if required. Whilst general changes of use proposals are absolved from application of the tests this does not extend to those which would result in a caravan site.

The Planning Policy for Traveller Sites (PPfTS) (2015) sets out, in conjunction with the NPPF, Government policy for traveller sites. This steers LPA's towards ensuring that traveller sites are sustainable, economically, socially and environmentally. Through the policy Local Planning Authorities (LPAs) are required to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Beyond this there is an obligation for LPAs to identify the same standard of supply, or broad locations for growth, for years 6 to 10 and, where possible, years 11-15. Where an LPA cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. There is however no presumption that a temporary grant of planning permission should be granted permanently.

Assessment

The application at Green Park (18/01443/FULM) seeks a number of variations to the conditions attached to the temporary consent granted under 12/00562/FUL in order to make it permanent, whilst the proposal at Park View Caravan Park (18/01430/FUL) represents a fresh application following the lapsing of the previous temporary consent. Given the overlapping issues I have provided one set of comments.

Need for Gypsy and Traveller Pitches

Whilst as a result of the Amended Core Strategy examination the precise level of need cannot be currently defined it is clear that there is unmet need. Given the circumstances it is also the case that the Council is unable to demonstrate a five year supply of sites. Therefore the contribution the proposals would contribute towards meeting future need and the current supply position ought to weigh heavily in their favour.

Flood Risk

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071). Whereby the lack of available sites to meet need weighed heavily in the balance against flood risk issues, to the extent that temporary was supported so that immediate accommodations needs could be met whilst more appropriate land was identified through the Development Plan process. With the

Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply.

Subsequently through a recent appeal decision, (APP/B3030/W/17/3180652) at Shannon Falls also on Tolney Lane, a different Inspector deemed that, notwithstanding the above decision and the line taken by the Council with respect to temporary consent, national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. Furthermore the Inspector also considered that the Green Park decisions differed significantly to those relevant to the Shannon Falls appeal, with static caravans and utility blocks being proposed, the need for the raising of ground levels and for flood plain compensation. This led her to reach the view that significant harm in terms of flood risk to third parties would result, with all the measures to pass the Exception Test being unable to be achieved. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

The majority of Green Park (18/01443/FULM) and the entirety of Park View (18/01430/FUL) are located within the functional floodplain (Flood Zone 3b). Furthermore a section of the only point of access serving the Tolney Lane is also situated within the functional floodplain. Clearly this represents a significant level of flood risk to both people and property. Table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' within the Planning Practice Guidance (PPG) is categorical that 'highly vulnerable' uses such as that proposed here should not be permitted within Zone 3b. Where developments may contain different elements of vulnerability (such as Green Park) then the PPG helpfully outlines that the highest vulnerability category should be used, unless development is considered in its component parts. I do not consider that this would be practical in this case however, given the single highly vulnerable use proposed and the layout of development relative to the outline of the floodplain. Consequently there exists a strong policy objection against the grant of planning consent.

Planning Balance

Consequently key to your consideration will be whether the contribution granting permanent consent would make towards meeting gypsy and traveller needs and the current supply position outweighs the strong policy objection from a flood risk perspective. In my opinion this should not be the case given the danger to people and property posed by the level of flood risk - the PPG provides a clear steer in this regard. Consequently I would not be able to provide support for the granting of a permanent consent.

Nonetheless I am mindful that both locations have previously been deemed acceptable for the granting of temporary consent and that the factors underpinning those decisions remain equally applicable here. It is anticipated that production of a new GTAA will occur well in advance of the two year requirement suggested by the Inspector for the Amended Core Strategy, and that the identification of a more appropriate site (or sites) will occur through the efficient review of the Allocations & Development Management DPD. Whilst there is the need to prepare a new GTAA it is not considered that this will dramatically extend the timelines involved with the review of the Allocations & Development Management DPD – with adoption of the amended DPD forecast in the Local Development Scheme for November 2020. The context which previous consents were granted within therefore remains largely the same.

Accordingly I would be inclined to take the view that a further temporary consent could be justifiable - in order that the applicants immediate accommodation needs can continue to be met whilst more appropriate land is identified. This support would however be contingent on the

applicant's temporary occupancy of the land falling short of the period of time which would create an expectation of permanence – whilst the PPfTS is clear that this expectation shouldn't exist I believe that there is relevant caselaw. The applicant will also need to be able to demonstrate the Exceptions Test as passed. I would accept that the proposal would be able to demonstrate sustainability benefits, but I would defer to the Environment Agency for advice over the technical aspects of the test. In this respect I note that a Flood Risk Assessment (FRA) prepared in March 2013 has been submitted in support of the Green Park proposal (18/01443/FULM). This is clearly some time ago and predates the review of the Strategic Flood Risk Assessment undertaken in support of the Core Strategy review. It is therefore important that we are content the FRA provides an appropriate basis for considering flood risk issues for the site – and I have some concern as to whether that is the case. I would suggest that input is required from the Environment Agency on this matter.

Conclusion

The contribution which the proposals would make towards meeting gypsy and traveller needs and the inability to demonstrate a five year supply weigh heavily in favour of the proposal; I am however not convinced that these material considerations outweigh the strong flood risk policy objection to the extent that permanent consent should be granted. I would nevertheless provide support for the granting of a further temporary consent to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process – subject to the qualifications outlined above.”

NSDC Emergency Planner – “Object to proposal. I have considered the report prepared in support of the appellants position. I must clarify that I am not formally trained in flood risk assessment or hydrology and my comment concern the management of emergency events and risks to local communities and the capability of services required to support such communities.

Whilst existing residents may have experience and capability of evacuation in response to flood warnings my concern is that future residents may lack such capability and capacity to self evacuate the site. I note that a number of the current residents have been resident for some years. It is therefore possible that residents with current capacity to self evacuate will remain at the site for years to come with the potential increased risk due to age related health matters. I remain concerned at the potential increased demand upon those charged with delivering flood warnings.

NSDC Environmental Health – “In response to the consultation request for the above planning application I can confirm that if the application is successful the site operator will be required to submit an application to NSDC for a Caravan Site Licence under the terms of the Caravans Sites and Control of Development Act 1960. In determining any such application the Authority will have regard to any planning consent conditions regarding the duration of the planning approval and pitch numbers/occupation levels and the licence duration and conditions will mirror any such restrictions. In addition the site licence will include conditions in regard to site layout, spacing, drainage, fire safety, amenity provision etc.

If the site is restricted, via planning consent conditions, to touring caravans only (as opposed to static units) then consideration will need to be given to the requirement for an amenity block and associated drainage to provide accessible and adequate facilities for the occupiers on site. The siting of such a block may be a consideration for the Planning Authority in determining or conditioning the application.”

No letters of representations have been received from local residents/interested parties.

Comments of the Business Manager

Temporary planning permission was granted for the existing use of the gypsy and traveller caravan site on 10 June 2014, following an extensive Public Inquiry. The principle of the use of the site for these purposes for a temporary period has therefore been established.

The Inspector stated within his decision following the Public Inquiry that *"...the absence of a 5 year supply of deliverable sites for gypsy and travelers must carry weight, notwithstanding paragraph 28 of PPTS. Nevertheless, principally because of the serious flood risk, I am still not persuaded that all the material considerations justify a permanent permission. However, the section of the PPG concerning the use of planning conditions indicates that temporary permission may be appropriate where it is expected that the planning circumstances may change by the end of the relevant period. There is at least a realistic prospect of safer, more suitable sites being allocated through the development plan process and delivered, with planning permission, within the next 5 years. If the risks can be effectively managed and minimized over a finite and temporary period then, in the very particular circumstance of this case, the material considerations identified as weighing in favour of the development would cumulatively indicate that permission should be granted for a temporary period, notwithstanding the national and local policy objections."*

The Inspector concluded in adding to the reasons for a temporary permission that *"it still requires the occupiers to leave the appeal site at the end of the temporary period, but this is a proportionate response and interference with the residents' rights under Article 8 of the ECHR, given the legitimate objective of ensuring safety and avoiding undue additional burdens on the Council and emergency services."*

The original consent was granted following the Inspector's balancing the lack of available gypsy and traveller pitches at the time of consideration against the high level of flood risk on the site. The decision was intended to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The current consent expired on 30 September 2018. As confirmed in the PPTS there is no presumption that a temporary grant of planning permission should be granted permanently, although there is relevant case law that may lead to a different view. However there would need to have been a material change in circumstance since the determination of the previous consent to justify any permanent permission, and I don't believe this to be true in this case.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government's 'Planning policy for traveller sites' requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission.

Core Policy 4 (CP4) set a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and since that time work has been progressing on a new assessment of need and approach to meeting this. The Council initially intended to produce a separate Gypsy and Traveller DPD but now propose to include this within the review of the Development Plan. The District Council is currently engaged in the review of its Core Strategy and Allocations & Development Management DPD. The review was initially progressed jointly, but has now had to be uncoupled on account of a proposed gypsy and traveller allocation in Newark

proving to be undeliverable. The Core Strategy will be progressed first and was submitted to the Secretary of State in its amended form on the 29th September 2017, and the hearings were held on the 1st and 2nd February 2018. Core Policy 4 and 5 are proposed for amendment through this process and set out the new pitch requirements, the approach to meeting these requirements and the criteria for considering site allocations and proposals to meet unexpected demand.

However, the Inspector since the Plan Review hearing has stated that he has “formed the view that the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA, is insufficient.” In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspector’s favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5. We are still awaiting a response from Inspector in this regard.

Whilst the Plan Review will result in the need for a new GTAA to be carried out in the short term (over the next 2 years) and subsequent site allocations (in the forthcoming DPD) be based on the new GTAA, the exact level of need cannot be currently calculated. However, what is clear is that it will result in an identification of unmet need (precise quantum yet to be identified) and in determining this application now, appropriate weight must be afforded in favour of the application. There are currently no other sites with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. This weighs heavily in favour of this proposal.

Flood Risk

The final criterion of Core Policy 5 states that ‘in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within PPS 25: Development and Flood Risk and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site specific Flood Risk Assessment’. The NPPF states that local planning authorities should minimise risk by directing such development away from high risk areas to those with the lowest probability of flooding. National guidance/policy relating to flood risk since 2014 has introduced new guidance in relation to climate change that increases the bar in relation to the assessment of new development. Policy DM5 also reflects the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding.

The majority of the site (approx. 90%) is located within Flood Zone 3(b) and as such is at high risk of flooding and within the functional floodplain of the River Trent, as are parts of the access to it, along Tolney Lane.

Table 2 of the Planning Practice Guidance to the NPPF states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 of the Practice Guidance states that within Flood Zones 3a and 3b, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted. Flood risk therefore continues to weigh significantly against the proposal. The Environment Agency has stated that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for

permanent permission. The EA comments in the consultation section above set out the flood depths that would impact the site during various flood events.

In coming to his decision in 2014, in the appeal on this site, the Inspector acknowledged that the development was contrary to local and national policies concerning flood risk, such that it would represent a highly vulnerable use and therefore inappropriate development in Flood Zone 3 that should not be permitted and the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply. The EA has commented that the NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the Exception Test.

If Members take the view that the Sequential and Exception Tests are applicable whilst the Sequential Test may be considered passed, on the basis that there are no reasonably available alternative sites for this use at lower risk, the proposal fails the Exception Test. There are two parts of the Exception Test set out in the NPPF, which must be passed:

- It must be demonstrated that the development provides for wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible the development should reduce flood risk overall.

Firstly, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site.

However, in relation to the second part of the Exception Test, the proposal is considered to fail. This is confirmed by the comments from the Environment Agency who conclude that the FRA fails to demonstrate firstly that the development is 'safe' and secondly the provision of safe access and egress routes. The EA comments that where a development proposes to rely on flood warning and evacuation, the preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognizes this and proposes to manage the flood risk by way of advanced flood warning and evacuation planning – a matter which falls to the Local Planning Authority in consultation with emergency planners. The Council's Emergency Planner has raised objection to the application, as set out in the consultation section above.

However, the Inspector, in reaching his decision to grant a temporary permission, balanced the benefits of meeting an acknowledged need against flooding. The Inspector recognised that the development was contrary to local and national policies concerning flood risk, such that it would not normally be allowed. However, if residents of that site could be evacuated in a flood situation before any significant input was required from the Council or emergency services, the Inspector concluded that the development need not give rise to an additional burden and the residents would be likely to be reasonably safe. The Inspector determined that the lack of a five year supply was sufficient to warrant the grant of a temporary consent subject to managing risk to occupants of the site through the use of conditions to secure a site specific evacuation plan.

The Inspector concluded that if residents of the site could be evacuated within 8 hours of the first flood alert warning, before flood levels are likely to prevent safe evacuation from the site for the residents, then there would be no input required from the Council or emergency services, and the development need not give rise to an additional burden. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent, subject to managing the risk to occupants of the site through the use of very prescriptive conditions to reduce the risk and secure a site specific evacuation plan.

The applicants have failed to comply with the conditions requiring the removal of solid walls and fencing and the lowering of ground levels on the site within 3 months of the permission. If approved, these conditions would therefore need to be re-imposed on any new planning permission.

In considering whether it would be appropriate to permit a permanent permission, I consider it remains the case that the site is located within Flood Zone 3(b) and therefore remains at high risk of flooding and as such represents inappropriate development in this location.

It is therefore considered that the proposal continues to be contrary to the NPPF (and its PPG), Core Policies 5 and 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

It is therefore considered that notwithstanding the failure of the proposal to meet the second part of the Exception Test in this case, the management of flood risk in the way proposed has been regarded as being an acceptable temporary mitigation strategy on this site previously. The same approach to conditions could therefore been applied again to this site, as in the past perhaps on a further temporary basis. Flood risk therefore continues to weigh significantly against the proposal and this is considered further within the Conclusion and Planning Balance set out below.

Impact on the character and appearance of the countryside

In line with the second reason for refusal, the Inspector concluded that there would be some limited harm from the development on the character and appearance of the countryside, and as such was contrary to Spatial Policy 3 and Core Policies 5 and 9 of the Core Strategy. However, he concluded that that had to be weighed against the advice within the PPTS that gypsy and traveller sites may be located in rural areas and as such some level of harm is inevitable. This consideration was weighed in the balance within the Inspector's overall decision and found not to be fatal to the principle of the development.

Personal Circumstances

The personal circumstances of the applicants appear to remain unchanged and as previously, this weighs in favour of the proposal.

Other matters

The local planning authority has been previously satisfied over the acceptability of the proposal in respect to the other planning considerations of residential amenity, highway safety, ecology and the site's relatively close proximity to Newark Urban Area with resulting access to facilities and services, and as such the development continues to accord with the Development Plan policies referred to in the Planning Policy Framework section of this report above in this regard, which weigh in favour of the proposal.

Conclusion and Planning Balance

At the present time there is an unmet need for Gypsy and Traveller pitches within the district, although the exact quantum is currently unknown. National policy and guidance dictates that such an unmet need and the lack of deliverable sites carries significant weight when determining applications for temporary permissions. In further support for the proposal is the lack of a 5 year supply and the lack of other available sites as well as the suitability of this site by reference to the criteria listed by Core Policy 5 (heritage, ecology, sustainable location, highway safety, residential amenity and visual amenity) all of which are material considerations that need to be given positive or neutral weight in the determination of this application.

In allowing the appeal at this site 5 years ago, the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weigh positively listed above, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time.

There has been little material change to planning considerations since that decision was reached. However, the matter that requires careful consideration is the continued granting of temporary permissions consecutively. Whilst the Planning Policy for Traveller Sites (PPfTS) (2015) sets out that there is no presumption that a temporary grant of planning permission should be granted permanently, there is case law that exists that where continuous temporary permissions are granted, it could result in a deemed permission for permanent use. This would represent the second consecutive temporary permission on this site, if Members consider would be acceptable on a temporary basis.

The site remains at high risk of flooding, being situated within the functional flood plain of the River Trent (Flood Zone 3(b)) and the proposal represents a highly vulnerable use which should not be permitted. As such the recommendation to Members is that a further temporary permission be granted for a further 3 year period, to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process. This would tie in with the Allocations and Development Management DPD which is forecast for adoption in November 2020. The approval should be subject to the same stringent conditions previously imposed regarding site evacuation measures. Members should, however, also carefully consider that the Inspector considered that the use was acceptable on flood risk grounds with this level of management "on a finite basis" and the longer the applicants are on the site, the more the considerations of flood risk appear to diminish over time. The temporary approval is recommended subject to the same stringent conditions previously imposed on this site to ensure any risk to occupants from flooding can be effectively managed.

RECOMMENDATION

That planning permission is granted on a temporary basis for a further 3 years until 30 November 2021 subject to no comments being received which would raise additional material planning considerations to those already considered within the report and subject to the conditions and reasons shown set out below.

Conditions

01

The use hereby permitted shall be carried on only by the following and their resident dependents:

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 November 2021, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 November 2021, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 7 hereof.

02

No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and

Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

Within 3 months of the date of this permission, all of the solid walls and close boarded fences erected on the site shall be demolished and the resultant debris removed from the site and those walls and fences shall be replaced with post and rail fences, all in accordance with the plan showing the layout of the site received by the Council on 5 April 2012, but that providing where that plan indicates a "new wall" at the access to the site, that shall also be a post and rail fence.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

Within 3 months of the date of this permission, the ground level within Pitch 8, which is identified on the plan showing the layout of the site received by the Council on 5 April 2012, shall be reduced so that, at the south-western boundary of Pitch 8, corresponds with the unaltered ground level on the other side of the south-western boundary fence, so that in all other respects, the ground level within Pitch 8 is no higher than the levels indicated for that area on Site Levels Drawing No 1636.A.2 received by the Council on 5 April 2012. All resultant materials shall be removed from the site.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

The scheme for the restoration of the site to its condition before the development took place, as shown on the submitted and approved on Drawing No 1636.A.3 dated July 2014, shall be carried out and completed in accordance with a timetable that shall be submitted to and approved by the local planning authority in writing within 3 months of the date of this permission. At the end of the period for which planning permission is granted for the use, or the vacation of the site, whichever is the sooner, the site shall be restored in accordance with the approved drawing and the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vi) below:

- (i) Each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local

planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second and third anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;

- (ii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iii) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided prior to the first occupation of the site hereby approved. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iv) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;
- (v) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and
- (vi) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

Notes to Applicant

01

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

02

The applicants' attention are drawn to the following comments from the Trent Valley Internal Drainage Board:- The site is served by the Board maintained Old Trent Dyke, an open watercourse which is located along the southern site boundary. In order to protect the Board's machinery access, no excavation of soil, deposition of spoil, planting of trees, structure or fencing or other such obstructions will be allowed within 9m of the edge of the above watercourse without the prior consent of the Board. The Board note that pitches 9 and 10 are located adjacent to the above watercourse. No objection to the proposal provided that no temporary or permanent structures are located within 9m of the top edge of the bank of Old Trent Dyke.

The application indicates that post and rail fencing will be erected within 9m of the above watercourse. Subject to obtaining the Board's formal consent this will be acceptable provided that the post and rail fencing does not exceed 0.9m in height and is sited between 0.5m and 1m from the top edge of the bank. Access gates with a minimum clear opening of 4.25m must also be provided at the upstream and downstream site boundary to allow the Board machinery access along the watercourse. The applicant is advised to contact the Board's Planning and Byelaw Officer, Mr Andrew Dale for further information.

03

The applicants' attention is drawn to the comments of the District Council's Environmental Health officer that state that if approved site will require a caravan site licence.

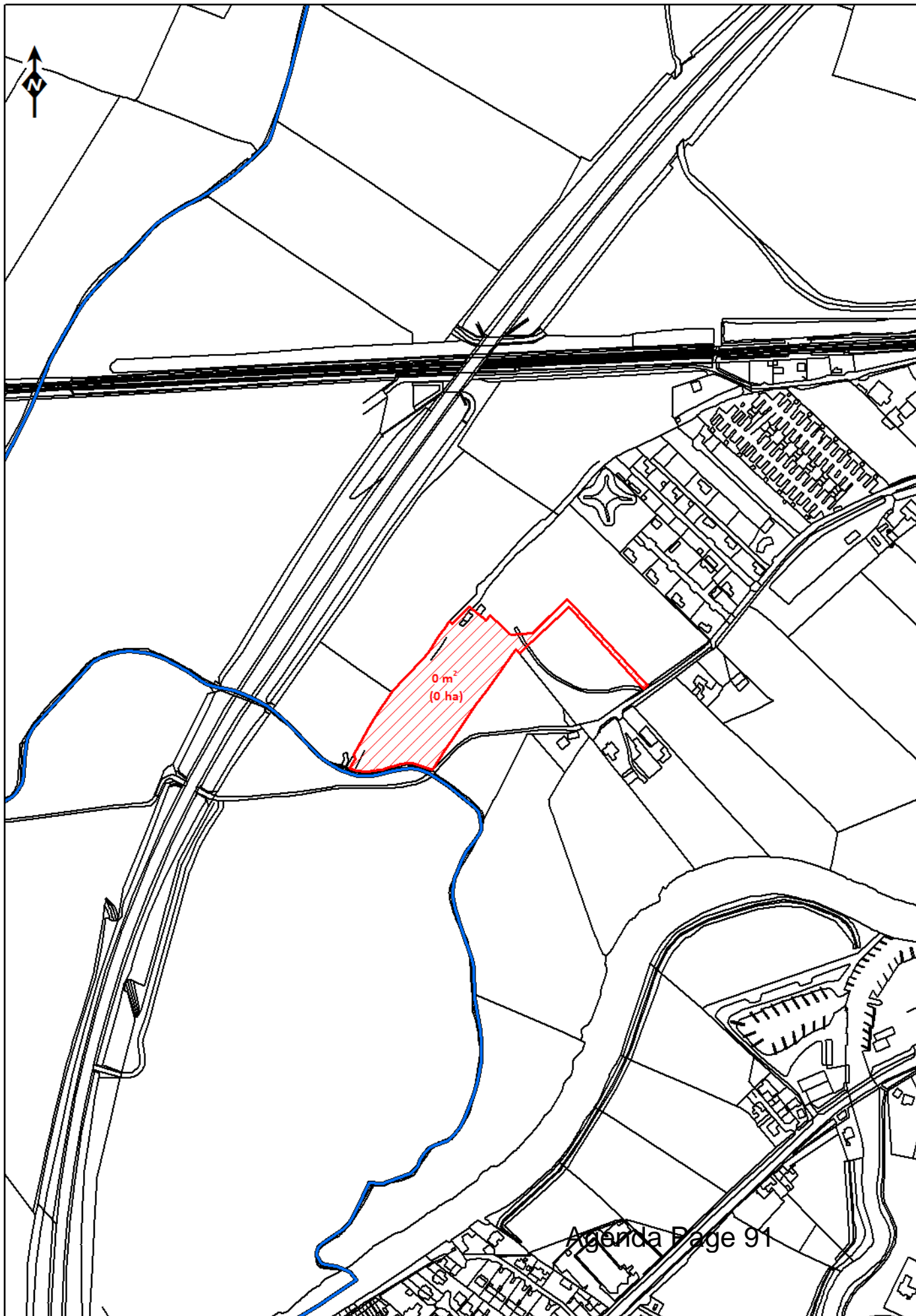
BACKGROUND PAPERS

Application case file.

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

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager – Growth and Regeneration



PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01450/FUL		
Proposal:	Erection of 1 No. two bed bungalow and 1 No. three bed bungalow		
Location:	The Old Stables, Crab Lane, North Muskham, NG23 6HH		
Applicant:	Mr and Mrs Margaret / Mark and Tanya Henderson / Fryer		
Registered:	23.08.2018	Target Date:	18.10.2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the Officer recommendation is one of approval which is contrary to the views of the Parish.

The Site

The application site is located on land to the rear of Peters Cottage and The Old Stables between Thomas Place and Crab Lane and is within the main built up area of North Muskham. The site is currently a grass paddock field/orchard, with two traditional outbuildings located within the north-eastern corner of the site. The site is level in nature with a traditional 2m high brick wall running along the rear boundary of the site and mature hedgerows and trees running along all of the remaining boundaries of the site.

The site lies within Flood Zone 2 of the Environment Agency's Flood Risk Maps.

There are residential properties located in close proximity to the rear boundary of the site, namely 2 Thomas Place and Gilstrap House on Crab Lane. The site is located outside of the conservation area, although this section of Crab Lane has retained its traditional appearance and generally comprise detached properties set within large plots and a narrow highway.

Relevant Planning History

03/02417/FUL - Erection of 3 two storey dormer dwellings with garages and formation of vehicular access and private drive – Refused for the following reasons:

01

The proposal is subject to Policy H22 of the Newark and Sherwood Local Plan, which states:

"Within those parts of villages outside Conservation Areas, which retain their traditional rural form and character, areas have been defined on the Proposals Map where further intensification of development is considered inappropriate. Planning permission will only be granted for new residential development within these areas if:

1. *It reflects the character of the existing development in terms of density, design, materials and layout;*
2. *It would not introduce alien forms of development, such as backland or tandem development that are contrary or inconsistent with Policies H21 and H23;*
3. *It would not result in a loss of buildings or other features, including open space, which contribute to the character of the village; and*
4. *It does not adversely affect the amenities of neighbouring properties.*

This policy does not rule out development, but it does mean that it will be strictly limited."

The part of Crab Lane upon which the application site is situated is characterised by frontage dwellings set within large plots. In the opinion of the Local Planning Authority, the introduction of backland development as proposed, is alien to the area and will adversely affect its character. The proposal also introduces a denser form of development out of character with that in the locality. The proposal is therefore considered to be contrary to Policy H22 of the Newark and Sherwood Local Plan.

02

The proposal is also subject to policy H21 of the Newark and Sherwood Local Plan, which states: inter alia

"Planning permission will be granted for new residential development provided:

1. *It reflects the character of the locality in terms of scale, density, design, materials and layout;*
2. *It respects features of landscape importance including features that contribute to the setting or character of the surrounding area;"*

As stated above, in the opinion of the Local Planning Authority, the development proposed introduces an alien form of development, which fails to reflect the existing character of the area. In addition to this, the proposed new access and required visibility splays also involve the removal of the substantial roadside hedge, which in the opinion of the Local Planning Authority would adversely affect the character of this rural lane. The Local Planning Authority are therefore of the opinion the proposal fails to accord with policy H21 of the Newark and Sherwood Local Plan.

Appeal Ref. APP/B3030/A/04/1145650 - The proposal was subsequently dismissed at appeal on the grounds that the proposal would harm the character and appearance of the area and that there were no other considerations which would outweigh the presumption in favour of determining the appeal in accordance with the Development Plan.

The Proposal

The proposal seeks permission for the erection of 2 No. detached bungalows (1 x 2-bedroom and 1 x 3-bedroom). Both bungalows would have an L-shaped layout and would be positioned either

side of the site, with a turning and parking area positioned centrally within the site.

Unit 1 would be a 3 bedroom property located within the eastern side of the application site. The property would measure 15m in maximum width and 17m in maximum depth. The roof design would be hipped with an eaves level of 2.6m and ridge height of 4.6m.

Unit 2 would be a 2 bedroom property located in the western side of the site. The property would measure 15m in maximum width and 15.5m in maximum depth. The roof design would also be hipped with an eaves level of 2.6m and ridge height of 4.6m.

A new access drive would be created by utilising the existing entrance point serving Peters Cottage and altering to include a wider visibility splay. The driveway would run between the two existing properties and lead to the central parking and turning area serving the proposed development.

Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Guidance Note on Spatial Policy 3, 2013
- Publication Amended Core Strategy 2017

Consultations

North Muskham Parish Council - - Object to Proposal

Comment: This application was considered by Members at the Parish Council meeting on Monday, 10th September 2018.

In the opinion of Members the application had failed the sequential test, as there was potential land available at the north end of the village, which was within flood zone 1.

Members were also concerned to note that, within the flood risk assessment, at paragraph 2.18, advice had been given by Planning Officers that this development was delivering an identified need, and the assessment referenced the Housing Needs Survey.

It was noted that access was extremely tight and narrow, with room for only one car at a time. Councillor Saxton proposed, seconded by Councillor Jones, that the application not be supported as it had failed the sequential test, as potential land was available at the north end of the village which was within flood zone 1 and that the access was inadequate.

This was AGREED unanimously.

NCC Highways Authority – ‘This proposal is for the erection of 2 no. bungalows served by the existing access to Peters Cottage, which will be widened as part of this application, as shown on dwg. no. 1758(P)09 Rev. a.

There are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been widened to 5.25m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.
2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. Reason: In the interests of pedestrian safety.
3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: To ensure adequate parking is provided within the site.’

Environment Agency – ‘The dwellings are located in Flood Zone 2 and as such Standing Advice can be applied. Access/egress from the site may be compromised by deeper floodwater during a major flood event and the occupants would be advised to leave the site in a westerly direction away from the floodplain.’

Historic Environment Officer (Archaeology) - This development site lies in an area of significant cropmarks and close to a scheduled Iron Age settlement the potential for disturbing archaeology during development is high.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this

would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

Trent Valley Internal Drainage Board – No objection. Comments that the Boards consent is required for any erection or alteration of any mill, dam, weir or other obstruction to the flow or erection or alteration of any culvert.

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

NSDC Environmental Health (Contaminated Land) – 'This application is for two new residential dwellings at a site that borders a former depot and an historic cemetery.

There is the potential for contamination to be present on this site due to these nearby former uses.

The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.'

NSDC Strategic Housing – The evidence clearly demonstrates that there is a need for affordable housing in North Muskham. The recent consent for an exception site scheme (16 dwellings) will meet that need. Part of the scheme will provide 4 market dwellings (bungalows) which are the preferred housing for some people responding to the parish survey. The survey highlighted the demand for bungalows and houses, however this is only a preference and not a need. I defer to the planning officer to determine how much weight they wish to accord to a preference in determining the application.

NSDC Access and Equalities Officer – 'As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating accessible and adaptable dwellings in the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general maneuverability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed 'vehicular free' access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic

free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and maneuver on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.'

Representations have been received from 1 local resident which can be summarised as follows:

- Overdevelopment of the site;
- The only identified need is for affordable housing which has already been addressed in Main Street;
- The planning application does not include an ecology survey. Any approval should include a caveat to maintain the plant cover already in place;
- The two proposed bungalows will congest the access for the existing dwelling Peters House.

Comments of the Business Manager

Principle of Development

The Council has published that it has a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's. This position has also been accepted by a number of appeal decisions that have recently been considered and should therefore carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 77 states that in rural areas, planning decisions should be responsive to local circumstances and support housing development that reflect local needs. Para. 78 goes on to advise that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

North Muskham is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. The proposal is assessed against these criteria below.

The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017 for independent examination by a Planning Inspector with the examination taking place on the 2nd February 2018. The main modification document has been out to public consultation and is now with the Inspector for consideration. Accordingly for the purposes of this proposal it is considered that some weight can be attached to this emerging policy.

Location

SP3 states that new development should be within the main built-up areas of villages which have local services and access to the Newark Urban Area, Services Centres or Principal Villages. I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am satisfied that the application site is situated within the main concentration of existing development in the village and is not in an isolated position.

North Muskham is a village with a good range of facilities including a primary school, village hall, a public house and restaurant with access to public transport (bus stops and bus services) to Newark, Normanton-on-Trent, Grantham, Retford and the catchment secondary schools. I therefore conclude that the site meets the locational criteria of SP3.

Need

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

As referenced within the submitted Planning Statement, I am mindful of the Housing Needs Survey (by Midlands Rural Housing) of March 2015 as a demonstration of housing need for the community which has previously been accepted as demonstrating a need for additional residential development at a number of sites within the village. The Survey concludes that there is a need for up to 6 affordable homes and a preference for 10 open market (sale) homes for local people enabling them to be suitably housed in the community. The preference for open market dwellings can be broken down into:

- 1 x 2 bed house;
- 2 x 3 bed house;
- 5 x 2 bed bungalows;
- 2 x 3 bed bungalows.

The survey was supported by this Council, its findings are not disputed and so it follows to assess whether the proposal would help to meet the identified need. In the case of social housing, need is addressed through the allocation process administered by the social landlord but with market housing the only control is at the point of sale. As the policy requirement is to 'help meet' proven local need I consider that the availability of a house on the open market which local people *could* (emphasis added) purchase/rent is sufficient to meet this.

The proposal is for 1 No. 2 bedroom bungalow and 1 No. 3 bedroom bungalow, and therefore the proposed dwellings would fall into the property types being in demand as identified by the Housing Needs Survey. I am mindful that recent approvals in the village listed below could already in time potentially satisfy this need.

- Erection of dwelling and widening of Crab Lane to create passing space at front of site 18/00015/FUL.
- 12 affordable homes and 4 2-bedroom market bungalows (18/00597/FULM) – Members minded to approved at Planning Committee subject to the signing of a S106
- 1 no. 3 bed dwelling at South View, Crab Lane (17/00282/FUL which supersedes the original outline to which the needs survey was generated – 15/01440/OUT)
- 1 no. 3 bed dwelling at Old Hall Farm, Main Street (15/02239/FUL)
- 3 no. 3 bed dwellings at 8 Willow Drive (16/00155/FUL)
- 3 bed detached dwelling at New Manor Park North Muskham (18/01575/FUL) – new PP granted

I am also conscious that while these approvals remain extant, there is no guarantee that the other approvals will come forward to be available to the open market and thus I have attached only limited weight to their approval. I take the view that until the need is met (i.e. through these dwellings being built out on site and available for use) the housing need remains unmet.

Overall, I am satisfied that in this instance a local need has been established and that the proposed development falls into a property category identified as a preference which must attract weight. Furthermore, I am satisfied that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3. The principle of the proposal is therefore considered acceptable subject to its compliance with the remaining requirements of Spatial Policy 3 and any other material considerations.

Scale and Character

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature.

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics. In terms of scale, I am of the opinion that in numerical terms, the addition of 2 dwellings would be proportionate to the size of North Muskham as a settlement. Furthermore and with the relatively low eaves/ridge height of the proposed bungalows in mind and the ratio of built form to landscaped area at the site, the proposed scheme is considered to result in a scale and density that is appropriate to the site and in keeping with the character of the wider locality.

New development should not have a detrimental impact on the character of the location or its landscape setting.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 requires the rich local distinctiveness of the District's

landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Moreover, The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within the built up part of the village with dwellings on Crab Lane positioned at varying distances from the boundary with the highway. Whilst not within a conservation area, this part of the village retains its traditional rural form and character assisted by the narrow lane which helps make the location feel more rural. Many properties along the lane are two storey and are unique in design.

The proposed dwellings would be situated to the rear of The Old Stables and Peters Cottage and set back from Crab Lane by approximately 55m. As such, it is appropriate to describe the proposal as backland development.

Policy DM5 states that 'proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.'

North Muskham, particularly at the part of the village to which the site is positioned, is a relatively linear settlement, however there is by no means a defined urban grain in terms of setback of dwellings from the highway.

I am mindful of previous reason for refusal in terms of the impact on the character and appearance of the site and wider locality from residential development in this position as well as the comments from the appeal Inspector which agreed with this conclusion. However, in also considering that there are properties along Crab Lane which abut the highways edge, while others, such as The Old Stables and Peters Cottage as well as properties along Main which are set back from the highway considerably. I am also mindful that to some extent backland development has already occurred on Main Street as well as the recent grant of planning permission on Crab Lane Ref. 18/00015/FUL for a single dwelling to the rear of 10 Crab Lane. Furthermore, immediately to the rear of the site are the detached properties along Thomas Place, which, while part of a comprehensive development, are accessed via private drive off of Main Street and set back considerably from the main highway and have occurred since the time of the appeal decision on the previous application at the site referred to.

The application site is unusual within the settlement of North Muskham, in that it is made up of a large open area and not residential curtilage, but surrounded by residential properties on all sides. While it is acknowledged that the properties along this section of Crab Lane are predominately large detached dwellings set with substantial plots, and therefore have the potential to accommodate backland residential development, it is considered that similar development of the scale and nature to that of the proposal could not be accommodated within neighbouring plots.

Furthermore, and in light of the existing backland development within North Muskham as well as the recent grant of planning permission along Crab Lane, it could be argued that a precedent for this form of development within the locality has already been set.

In regards to the visual harm arising from the proposal, I am mindful that due to the position of the proposed development, set back from Crab Lane, plus the low overall height and hipped roof single storey design of the proposed bungalows, it is considered that proposed development

would be highly visible from public vantage points and that the impact on the visual amenity of the locality would be minimal.

While the locality is predominately made up of two storey properties, there are also single storey bungalows, notably to the rear of the site along Thomas Place. Therefore in terms of the general character of the area, it is considered that the type and form of the proposed development would not be inappropriate.

I am mindful that the proposed development would involve the loss of some of the existing hedgerows either side of the existing access drive in order to incorporate the required visibility splays, which did make up part of the refusal reason for the previous application for residential development at the site Ref. 03/02417/FUL that also utilised the same access drive. However, I am also mindful of the appeal Inspectors comments in respect of this part of the proposed development which, whilst dismissing the appeal on other grounds, made the following comments;

‘Whilst hedges are a typical boundary feature along Crab Lane, I do not consider the hedge adjacent to the appeal site, which contains alien as well as indigenous species to be a feature of landscape importance. The lane varies in width so that in my view, providing consent was conditioned to secure the replanting of a suitable hedge, was conditioned to secure the replanting of a suitable hedge.’

I take the same view held by the Inspector in this case and conclude that whilst the loss of a portion of existing hedgerow at the site is regrettable, a replacement landscaping scheme which also worked with the required visibility splays would mitigate this visual harm and this could be controlled by condition attached to any grant of planning permission.

Overall it is considered that while the proposed scheme would take the form of backland development, the proposal is considered to be compatible with the scale and form of the built form in the vicinity and would not result in any material impact on the visual amenity of the locality. As such, it is considered that the proposal would conform with the scale and character criteria of SP3.

Impact

SP3 states new development should not generate excessive car-borne traffic from out of the area. Proposals should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. The NPPF and Development Management Policy DM5 also seek to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst protecting the amenities of neighbouring occupiers. Impacts are considered further below.

Highways Impacts

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal makes use of the existing access serving Peters Cottage, I note that the Highway Authority have not raised any objection to the proposal and consider the proposed widening of the vehicular access to be acceptable from a highway safety perspective. The proposed scheme includes 2 No. off street parking spaces to serve each of the proposed dwellings and a shared off street turning area to facilitate vehicles entering and leaving the site in a forward gear.

In light of the above and subject to the conditions suggested by NCC Highways, it is considered that the proposal would be compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Residential Amenity

Policy DM5 of the DPD states the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

I am mindful that the proposed access driveway runs between to existing properties and associated residential curtilages. The potential impact on the residential amenity on The Old Stables and Peters Cottage from the associated noise, and headlights of vehicles travelling along the access drive was a concern raised at pre-application stage and voiced to the applicants. I note that the submitted planning statement sets out that the windows on the flank elevation of The Old Stables facing the driveway are proposed to be bricked up as part of the proposal in order to mitigate this impact.

The 2 No. windows on the flank elevation of Peters Cottage facing the proposed access driveway are noted, although I am also mindful that these are small secondary windows. Therefore while the potential impact on the residential amenity has been identified, in also taking into account that the access driveway would serve 2 No. properties, and as such the number of vehicular movements along the driveway is unlikely to be excessive, overall it is considered that the impact from the access driveway is unlikely to result in a material impact on residential amenity that would warrant refusal of planning permission on its own. Nevertheless, a condition securing the side facing ground floor windows and flank elevation of the conservatory serving The Old Stables to be bricked up as shown within the submitted planning statement is considered appropriate in order to mitigate the impact on this property.

I am mindful of the relatively close relationship with the properties to the north of the site, with unit 1 being positioned 5.7m to the south of No. 2 Thomas Place and unit 2 being positioned 7m to the south of Gilstrap House on Crab Lane. However, due to the single storey hipped roof design and modest height dimensions of the proposed bungalows, I am of the view that the proposal would not result in any material overbearing or overshadowing impact on the neighbouring amenity of these properties. Furthermore, as the high brick wall running the northern boundary is shown to be retained and all windows would be serving accommodation at ground floor level, it is considered that the proposed development would not give rise to any material overlooking concerns.

It is also considered that there is sufficient level of separation between the proposed dwellings and other immediate properties surrounding the site, so as to not result in any material overbearing, overshadowing or overlooking impact on residential amenity.

Impact on Trees

The application has been accompanied by a tree and boundary treatment plan which identifies two No. apple trees located centrally within the site which are proposed to be removed in order to facilitate the creation of a vehicular turning area. These fruit trees are relatively small and not highly visible from any public vantage point. As such, their removal is not considered to result in any material impact on the visual amenity of the locality.

Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. Policy DM5 sets out that the Council will aim to steer need development away from areas at highest risk of flooding and confirms that in Flood Zones 2 and 3m development will only be approved where it constitutes appropriate development and that it can be demonstrated by way of the Sequential Test, that there are no reasonable available other sites at lower risk of flooding. It further requires that the development would need to be safe for its lifetime. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 2 according to the Environment Agency's flood risk maps and is therefore at medium probability of flooding from river sources. As such consideration must be given as to whether the application passes the Sequential Test. It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built. However, if the Sequential Test is considered locally, the majority of North Muskham falls within Flood Zones 2 and 3, being located adjacent to the River Trent.

The applicant has submitted information in relation to the sequential test within the flood risk assessment. There has not been a detailed assessment of all potential sites within North Muskham although areas within the village inside flood zone 1 have been identified and argued to be ruled out as suitable for residential development due to the distance and level of detachment from the village centre.

While an independent assessment of all available sites at lower flood risk within the search area would ideally have been submitted, I am aware of such assessments within recent applications for residential development within North Muskham. These have found there to be no available sites within the main built up area of North Muskham within a lower flood risk area than the application site i.e. flood zone 1. Of particular note is application Ref. 18/00597/FULM for 12 affordable and 4 market dwellings, within the committee report for this application, the officer, having had regard to the submitted independent assessment, concluded that the only available site in flood zone 1 within North Muskham was land at Rose Cottage within the northern part of the village. However, this site would not be comparable to the application site as the majority of the site is located in an open countryside position with only the small portion of the site within the main built up area of the village and this portion of the site would not be capable of accommodating the level of development proposed within this application.

Furthermore, I am also mindful of other applications at South View, Crab Lane, both the outline application Ref. 15/01440/FUL and the full application Ref. 17/00282/FUL (for one x 3 bedroom dwelling). These applications accepted that in the absence of available sites in Zone 1 to meet the

housing need for the village that the proposal passed the Sequential Test. Within the committee report for the outline the application, the officer commented;

'Officers raised initial concerns that the Flood Risk Assessment submitted with this application did not robustly demonstrate that there were no sequentially preferable sites within the village in Flood Zone 1 which could accommodate the proposed development. The agent subsequently submitted a Supplementary Sequential Test which assessed 14 alternative sites within Flood Zone 1 (i.e. that may be at lower risk of flooding). The agent has put forward various reasons why these sites are not reasonably available for residential development at this time including that some sites are in multiple ownership, impacts on residential amenity, access issues and relationship with heritage assets. The agent goes on to assess what they consider to be the 4 most suitable sites against Spatial Policy 3 and has concluded that the sites are not considered to be realistically available or deliverable at this time.'

In my opinion, whilst the alternative sites have not been independently assessed, there may be some merit to the arguments put forward and I consider it unlikely that any of the alternative sites would be able to accommodate all the housing need for the village (as indeed this site cannot). This may not be the case for sites beyond the exiting main built up area of the village. Whilst the application site would be ideally assessed alongside others as part of the Development Plan review, I consider that at the present time, it may well be difficult to present a case that there are other sites readily available. It is acknowledged that although the proposal would only make a minimal contribution towards housing need in the village (6%), it would nevertheless reduce the number of dwellings required and therefore should the Development Plan review find that the housing need cannot be catered for within the existing built up part of the village (which I consider is likely for 16 units in total), there would be slightly less requirement for alternative land to be found.'

Within the full application, the officer expanded and followed on from these original comments with the following;

'Given these previous findings, it would be difficult to reach an alternative view...''

Whilst subsequent applications for residential development within North Muskham have been received and granted planning permission since the determination of the applications relating to the site at South View, as discussed previously there is no guarantee that these will come forward. In also taking into account of the numbers of open market dwellings listed within the Housing Needs survey, I therefore conclude that there remains an unfulfilled need within the village and as such the situation remains largely the same. Therefore, given the above, I am also of the opinion that it would be very difficult to reach an alternative view than that of the argument put forward in the detailed alternative site assessment submitted in connection with South View application Ref. 17/00282/FUL, in that there are no sequentially preferable sites within the built up area of the village. It is therefore considered that the application would pass the sequential test with the search area carried out on a local settlement only basis.

As the proposed development would fall into a 'more vulnerable' classification and the application site is located within Flood Zone 2, the proposed development would be classed as appropriate within the Flood Risk Vulnerability and Flood Zone compatibility table and as such the Exception Test referred to in para 160 of the NPPF is not required to be applied.

Section 5 of the submitted FRA sets out the mitigation measures which would be incorporated the development, these measures include the floor level of the proposed bungalows being set 0.50m above the 1 in 1000 year level and flood resilient construction including water resistant airbricks, backwater valves and non-return valves. The FRA also confirms that the site is located in an area

of low level flood risk from fluvial and ground water sources. These measures can be secured by condition should Members be minded to grant permission.

Overall and in light of the above, it is considered that the proposed development would not be at significant risk of flooding, the development would be appropriately flood resistant and resilient and would not increase the risk of flooding elsewhere. The proposal is therefore considered to be in line with the guidance contained within Core Policy 10, DM5 and section 14 of the NPPF.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that there are no habitats of conservation concern and the site did not contain the potential to support protected and/or rare species. A number of potential enhancements to the site are recommended including, hedgehog nest boxes, bumblebee boxes, bug hotel and wild meadow area.

With no evidence to the contrary and from site inspection, I am inclined to agree with these findings. It is therefore considered that with a condition to secure the recommended biodiversity enhancements at the site, the proposal would comply with the aims of CP12 and DM7.

Other matters

The comments from the archaeological officer are noted and I am mindful of the advice contained within para 189, 190 and 199 of the NPPF which advises on sites which have the potential for heritage assets with archaeological interest and requires developers to submit an appropriate desk based assessment and where necessary a field evaluation. As such the recommended condition relating to the requirement of a scheme of archaeological works is considered appropriate to be attached to any grant of planning permission.

Planning Balance and Conclusion

The proposal would make a modest yet positive contribution to helping to facilitate the housing needs and preferences for North Muskham. This is of benefit to both the village and to the district council's wider housing supply.

There are no known sequentially preferable sites within the village that are in flood zone 1 that are available and could meet the housing needs for the village and as such I consider that the Sequential Test is passed in this case. The application has demonstrated that the application could be made safe. Whilst it may place an extra burden on emergency services when compared with the existing situation this would be minimal and could be partly mitigated by conditions requiring the applicant to sign up to the EA's Flood Warning system and raising the finished floor levels.

I have identified no demonstrable harm in terms of the impact on neighbouring dwellings, ecology or the highways network and on balance the impact on the character and appearance of the site and wider locality is considered acceptable.

On balance I am satisfied that the provision of the proposed dwelling and the public benefit in terms of meeting an identified need would outweigh the minimal additional flood risk in this

instance. Overall, I am satisfied that the provision of the proposed bungalows and the public benefit in terms of meeting an identified need would outweigh the failure of the sequential test and the minimal flood risk in this instance.

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

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans received 9 March 2018 reference:

1758 P 01 B SITE LOCATION PLAN

1758 (P) 02 B SITE PLAN

1758 (P) 03 GROUND AND ROOF PLANS - UNIT 1

1758 (P) 04 ELEVATIONS - UNIT 1 - SHEET 1

1758 (P) 05 ELEVATIONS - UNIT 1 - SHEET 2

1758 (P) 06 GROUND AND ROOF PLANS - UNIT 2

1758 (P) 07 ELEVATIONS - UNIT 2 - SHEET 1

1758 (P) 08 ELEVATIONS - UNIT 2 - SHEET 2

1758 (P) 09A INDICATIVE PROPOSED DRAINAGE

1758 (P) 10 TREES AND BOUNDARY TREATMENT PLAN

REV D REVISED SUPPORT STATEMENT

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

Reason: So as to define this permission.

03

No development above damp proof course shall be commenced until details of the external facing materials identified below have been submitted to and approved in writing by the local planning

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

Facing materials

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

Prior to first occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

means of enclosure

car parking layouts and materials

Reason: In the interests of visual amenity and biodiversity.

05

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 unless otherwise agreed in writing by the local planning authority. 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.

06

Development shall not commence within the application site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation (in line with 4.8.1 in the Lincolnshire Archaeological Handbook (2016) which has been submitted to and agreed in writing by the Local Planning Authority.

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

07

No part of the development hereby permitted shall be brought into use until the access to the site has been widened to 5.25m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2m x 2m are provided on each side of the access drive. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

09

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking is provided within the site

10

Prior to the occupation of either of the dwellings hereby approved, the ground floor windows on the flank elevation of 'The Old Stables' shall be bricked up as shown within the supporting statement Rev D and retained as such for the life of the development.

Reason: In the interests of residential amenity.

11

Prior to the first occupation of either of the dwellings hereby approved, a scheme for ecological enhancements shall be submitted to and be approved in writing by the Local Planning Authority. These enhancements shall draw upon those recommended in the ecological survey submitted to accompany the application by Elite Ecology and may include but need not be limited to hedgehog nest boxes, bumblebee boxes, bug hotel and wild meadow area. The scheme shall also set out where on the site the enhancements will be located.

Reason: In the interests of maintaining and enhancing biodiversity.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 10.90m AOD and 0.50m above the 1 in 100 year floodplain level.
2. Bungalows to incorporate flood resilient construction including water resisting airbricks, backwater valves and non-return valves and all electrical installation to be above 11.20m AOD.
3. The future occupants of the bungalows sign-up to the EA flood warning system;
4. The surface water will be disposed via soakaways into the sand and gravel and the foul water to the existing foul sewer

The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: Reduce the risk of flooding to the proposed development and any future occupants.

Notes to Applicant

01

Your attention is drawn to the comments made by the Environmental Health section who advise that a contingency plan is required should the construction phase reveal any contamination, and in which case the Pollution Team in Environmental Health at Newark and Sherwood District Council must be notified on (01636) 650000

02

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

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

03

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

(as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01450/FUL

