



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Monday, 24 February 2020

**Chairman: Councillor R Blaney
Vice-Chairman: Councillor I Walker**

Members of the Committee:

**Councillor L Brazier
Councillor M Brock
Councillor M Brown
Councillor L Dales
Councillor Mrs M Dobson
Councillor L Goff
Councillor R Holloway**

**Councillor J Lee
Councillor Mrs P Rainbow
Councillor M Skinner
Councillor T Smith
Councillor K Walker
Councillor Mrs Y Woodhead**

MEETING: Planning Committee

DATE: Tuesday, 3 March 2020 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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Part 3 - Statistical and Performance Review Items

None

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None

NOTES:-

A Briefing Meeting will be held in Room F1, 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, 4 February 2020 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brock, Councillor M Brown,
Councillor L Dales, Councillor Mrs M Dobson, Councillor L Goff,
Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow,
Councillor M Skinner, Councillor T Smith and Councillor K Walker

APOLOGIES FOR ABSENCE: Councillor Mrs Y Woodhead (Committee Member)

155 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, J Lee and I Walker declared personal interests as they were Council's appointed representatives on the Trent Valley Internal Drainage Board.

Councillor M. Skinner declared a personal interest in agenda Item 5 as he was a Director of Active4Today.

Councillor R. Holloway declared a personal interest in agenda Item 8 as she was a member of the Parish Council but had not attended the Parish Council meeting that had considered the application.

Councillor M. Dobson declared a non-pecuniary interest in agenda Item 11 as she was a Nottinghamshire County Councillor.

Councillor K. Walker declared a personal interest in agenda Item 11 as he was a Nottinghamshire County Councillor.

156 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting and live screening on social media was being broadcast.

157 MINUTES OF THE MEETING HELD ON 14 JANUARY 2020

AGREED that the minutes of the meeting held on 14 January 2020 be approved as a correct record and signed by the Chairman.

158 LAND AT LORD HAWKE WAY AND BOWBRIDGE ROAD, NEWARK 19/01790/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the erection of 87 market residential properties divided into 15 different house types as summarised in the report.

Newark Town Councillor Jane Olsen was in attendance to address the Committee in objection to the application in accordance with the views of Newark Town Council as detailed in the report to Members.

Members considered the application and were in general support of applications for housing development, due to the housing need within the District, however, they did not believe that this was an appropriate site or proposed design. Members echoed the concerns raised by Nottinghamshire County Council and Highways regarding a shortage of parking spaces on site and potential flooding and drainage issues. Members were also concerned about the cumulative impact the development would have on traffic in the area, and particularly on Bowbridge Road which they felt was already congested. It was therefore proposed and seconded that the application be refused, contrary to officer recommendation.

Other Members felt that it would be preferable to defer the application, to enable the applicant to address the issues highlighted and provide further information on the viability of the site in relation to the number of properties proposed. It was proposed and seconded that the application be deferred. On being put to the vote, and motion to defer the application fell.

AGREED (10 for, 4 against) that contrary to Officer recommendation planning permission be refused due to the proposal resulting in on-street parking to the detriment of other users of the highway due to insufficient off-street parking spaces being provided. In addition, the layout of the development would require soakaways under the carriageway as shown on drawing DR-C-0001-P1 which is not an acceptable system of drainage. The proposal is therefore contrary to Policy DM5 of the allocations & Development Management Development Plan 2013.

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

Councillor	Vote
R. Blaney	Against
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	Against
J. Lee	For
P. Rainbow	Against
M. Skinner	For
T. Smith	For
I. Walker	Against
K. Walker	For
Y. Woodhead	Absent

Councillor J. Lee left after the consideration of this item.

159 SOUTHWELL RACECOURSE, STATION ROAD, ROLLESTON 19/01824/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the full planning permission for the variation of conditions 4 and 5 attached to 17/01268/FULM which related to planning permission for the erection of directional lighting (55 columns). The purpose of the columns would provide floodlighting to the racecourse to allow races to take place until 21:30hours. No additional meetings were proposed per year.

It was noted that Southwell Town Council had objected to the application due to the increased lighting pollution that the application would create. However, Members were minded to support the application, as the additional lighting was only a small proportion of lighting on the site that would be lit for a short time after events and was required for the health and safety of site users.

AGREED (12 for, 1 Abstention) that full planning permission be approved subject to the conditions and reasons contained within the report.

160 CHERRY VIEW, BILSTHORPE ROAD, EAKRING 19/01701/FUL

The Committee considered the report of the Business Manager – Planning Development following a site inspection, which sought the erection of one, three bed detached dwelling.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Eakring Parish Council who had no objections to the new plans.

Members heard that the application had been brought to Committee due to objections from the Conservation Officer which differed to the opinion to approve the application from the Planning Officer. Members agreed that the proposed design was of high quality and did not feel that the proposed development would harm the area.

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

161 LAND OFF OLDBRIDGE WAY, BILSTHORPE 19/01858/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the residential development of the site for one hundred and twenty, two storey dwellings. The schedule of accommodation was contained within the report.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Highways which included comments on the proposed development and additional conditions to include should planning permission be granted.

Members heard that there was an extant reserved planning permission due to expire in December 2020. The revised scheme included 7 additional units and provision of 'low cost housing' rather than affordable housing. The Local Ward Member spoke in objection to the application, due to the design and density of the proposed application. Members also considered the provision of 'low cost housing' rather than affordable housing noting that many of the units did not comply with national space standards or the full parking/layout requirements of the Highways Officer.

AGREED (7 for, 5 against and 1 abstention) that contrary to Officer recommendation planning permission be refused as the proposal does not provide for the necessary affordable housing contributions in a form promoted by the Development Plan. Alternately, low costs homes are proposed. 7 additional dwellings within the open countryside outside of the main built up area of Bilsthorpe, above and beyond a current fall-back position which currently exists up to December 2020 would also be contrary to the Development Plan. The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is therefore considered to represent unsustainable 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
R. Blaney	Against
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	Against
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Absent
P. Rainbow	Against
M. Skinner	Abstention
T. Smith	For
I. Walker	Against
K. Walker	Against
Y. Woodhead	Absent

162 LAND OFF CALIFORNIA ROAD, FARNDON 19/01946/FUL

The Committee considered the report of the Business Manager – Planning Development following a site inspection, which sought one, one bed bungalow and associated tree works; removal of T1 and T2 and remedial pruning of crown up to 1.5 metres to T3.

The attention of Members' was drawn to a revised plan for the site, which had been received just prior to the Committee meeting and was therefore not included on the schedule of communication. Members considered the revised plan as part of the Officer presentation and considered the impact on neighbouring dwellings to be more acceptable as a result.

The Local Ward Member supported Farndon Parish Council in objection to the proposed development due to loss of parking provision and risk of increased street parking which would be detrimental to the bus route through the village. Other Members felt that the proposed site was not suitable for development.

AGREED (8 for, 4 against and 1 abstention) that contrary to Officer recommendation planning permission be refused due to the proposal failing to make adequate provision for the parking of vehicles off the public highway to mitigate the loss of a site that currently serves this purpose. Notwithstanding the views of the Highways Authority, an increased number of vehicles being parked on the public highway will result in an increase in the likelihood of danger to other users of the highway.

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

Councillor	Vote
R. Blaney	Against
L. Brazier	For
M. Brock	Abstention
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	Against
J. Lee	Absent
P. Rainbow	Against
M. Skinner	Against
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	Absent

163 LAND OFF LOWER KIRKLINGTON ROAD, SOUTHWELL 19/01771/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought to ascertain the views of the Planning Committee to inform an appeal regarding a proposed residential development for eighty dwellings at land off Lower Kirklington Road, Southwell.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Inspectorate and Marron Planning, on behalf of the appellant, relating to the date of the Hearing, timetable and amended plans submitted, removing the roundabout and replacing with a traffic light control signal junction.

Southwell Town Councillor Peter Scorer was in attendance to address the Committee representing the views of Southwell Town Council, querying the requirement from Highways to include traffic lights at the junction with Kirklington Road.

Members considered the report and presentation from Officers, and that the site had been allocated for an indicative 60 dwellings with the potential for two separate accesses from Lower Kirklington Road, whilst the application was for a significantly higher number of properties on just a part of the allocation site and with only one access on to Lower Kirklington Road. Members felt strongly that as the proposed site formed part of the gateway to Southwell, traffic lights would not be suitable to manage the transition from open countryside to an urban area. It was also noted that there were no other traffic lights anywhere in Southwell.

AGREED (unanimously) that Members reaffirm the original decision and continue to object to the traffic light signal junction on the grounds of its harmful visual impact as a sole reason for objection/refusal.

164 DIVERSION OF SOUTHWELL FOOTPATH 69

The Committee considered the report of the Business Manager – Planning Development, which informed Members of an Order made by Nottingham County Council to divert part of Footpath 69 – Land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell and invited representations and/or objections. Only through a formal objection could the District Council be a party to any process relating to the proposals. The report sought approval for the District Council to submit a formal objection.

The Committee discussed the proposed diversion but agreed that there did not appear to be a compelling reason to divert the footpath from the existing course.

AGREED (11 For, 2 Abstentions) that the Planning Committee endorses maintaining an objection to the diversion of Footpath 69.

165 APPEALS LODGED

AGREED that the report be noted.

166 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.54 pm.

Chairman

PLANNING COMMITTEE – 3 MARCH 2020

Application No:	19/01947/FULM (MAJOR)	
Proposal:	Demolition of existing buildings. Erection of 4 bungalows (1 bedroom), 10 apartments (2 No. 2 bedroom and 8 No. 1 bedroom), access road, parking courtyard and associated infrastructure (Re-submission of 19/01060/FULM).	
Location:	2 Jubilee Street, Newark On Trent, Nottinghamshire , NG24 4DA	
Applicant:	Mrs Allsop - Minster Building Co	
Agent:	Mr Dawid Kornata - Jackson Design Associates	
Registered:	26 November 2019	Target Date: 25 February 2020 Ext. of Time: 4 March 2020
Link to application documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q08MTJLBM0100	

The application is referred to Planning Committee due to an objection received from Newark Town Council which is contrary to the views of the Officer.

The Site

The application site is located within the Main Urban Area of Newark as defined by the Proposals Map of the Allocated and Development Management Plan DPD. The site lies to the south of a residential property known as Green Home and represents the extensive and private garden currently serving this property. It forms a rectangular shaped parcel of land that sits to the rear of properties fronting Jubilee Street to the south, and Bowbridge Road to the east and further to the west is Lime Grove.

The majority of the 0.35 ha area site is a garden that is mostly flat, grassed land although there are mature trees along the boundaries of the site. The garden boundary planting appears to have been left unmanaged for some years but there are a variety of trees and planting around the boundaries of the site.

Green Home is a two storey white washed property probably dating back to the 1930's with some charm and character and it is currently accessed from a narrow road to the north of the property that leads from Bowbridge Road. Newark Conservation Area is located on the other side of Green Home, more than 20 metres away from the application site. No 2 Jubilee House is a detached 2 storey dwelling of red brick and concrete roof tiles probably erected in the mid-20th century. Between Nos 8 and 10 Jubilee Street is a pedestrian access that runs between Jubilee Street and the application site but it does not appear to have been used for many years.

Relevant Planning History

19/01060/FULM - Demolition of existing building and erection of 4 bungalows (1 bedroom), 10 apartments (2 No. 2 bedroom and 8 No. 1 bedroom), access road with connection to the public highway, parking courtyard and associated infrastructure - withdrawn.

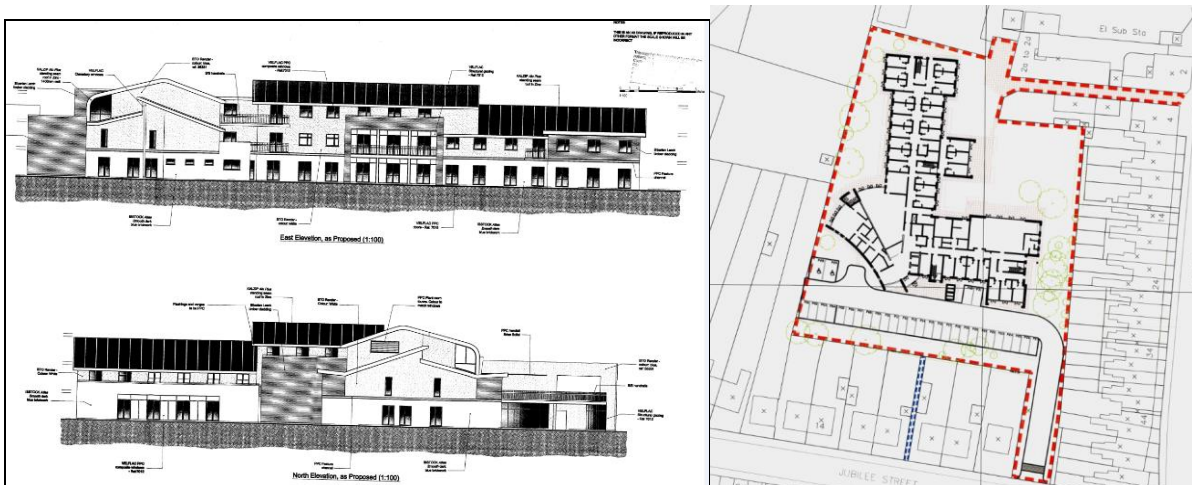
17/02213/FULM - Demolition of No.2 Jubilee Street and erection of 9 No. two storey residential family houses incorporating new access from Jubilee Street – permission 08.03.2019 which remains extant until 07.03.2022.



Approved Block Plan 17/02213/FULM

16/00748/FUL - Erect 9 two storey residential family houses - Withdrawn.

08/02210/FULM - Demolition of existing 'Green Home', 'The Stables' and No. 2 Jubilee Street. Proposed development of new 97 bedroom Residential Care Home with associated new vehicular and pedestrian access. (Re-submission) - approved 08.01.2009



Approved Plans 08/02210/FULM

08/01722/FULM - Demolition of existing 'Green Home', 'The Stables' and No. 2 Jubilee Street. Proposed development of new 110 bedroom Residential Care Home. Proposed new vehicular and pedestrian access from Jubilee Street. – Refused 03.10.2008 on grounds of impact on neighbours from parking, inappropriate car parking design, pedestrian link impacts to neighbours, lack of cycle provision and lack of bin store.

The Proposal

Full planning permission is sought for the demolition of No 2 Jubilee Street, the erection of four 1-bed bungalows, 10 apartments (two 2-bed and eight 1-bed), access road, parking courtyard and associated infrastructure. The description of development and supporting documentation submitted with the application states that these dwellings would be affordable homes comprising supported living units for rent being leased/managed by a registered provider. Albeit, in the event that 100% affordable scheme is not deliverable, the applicant also proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation.

The new buildings would be located around a cul-de-sac layout with central car parking area. The two sets of bungalows would be located opposite each other. Each bungalow would have an internal floorspace of 48.36m² and a shared communal area with a floorspace of 17.48m² would be located between and shared by each set of bungalow (to enable supported living). The ridge height would be 4.8 metres and 2.5 metres to the eaves.

The design of the apartment block has been amended during the lifetime of the applications so that it is 2-storey as opposed to 2.5/3 storey as originally submitted. It is largely rectangular in shape with a rear gable feature and hipped roof. The ground floor would contain the two 2-bed units and two 1-bed units with the remaining 1-bed units being provided at 1st floor level. An internal lobby/lift area and staff room would also be provided internally. The overall internal floorspace would be 794m² with a ridge height of 9m and eaves height of 5.3 metres. Further revised plans amending the apartment design to break up the frontage by applying some contrasting recessed bricks to create vertical emphasis with pitched roof aspects to break up the roof/eaves lines have also been submitted during the lifetime of the application.

Proposed materials would comprise traditional red facing brickwork and dark grey concrete roof tiles.

17 car parking spaces are proposed in total (3 of which would be visitor spaces). The access road from Jubilee Street provides for a bin storage facility and narrow areas of green/planting space. There is a pedestrian footway on one side of the access road.

Documents considered by this application comprise:

- Covering Letter Dated 31.10.2019
- Biodiversity Survey and Report
- Design and Access Statement
- Tree Survey
- Affordable Housing Statement
- 19/2213/LP Site Location Plan
- 19/2213/(02)001 Rev A Existing Site Layout
- 19/2213/(02)003 Proposed Bungalow Layout and Elevations
- 19/2213/(02)002 Rev H Proposed Site Layout (amended plan received 19/02/2020)
- 19/2213/(02)004 Rev C Proposed Apartments Layouts and Elevations (amended plan received 19/02/2020)

Departure/Public Advertisement Procedure

Occupiers of 40 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 Amended Core Strategy DPD (adopted March 2019)

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 1 – Affordable Housing Provision
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 (adopted July 2013)

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 2019
- Planning Practice Guidance
- Developer Contribution and Planning Obligations SPD (2013)
- Affordable Housing SPD (2013)

Consultations

Newark Town Council – It was decided to sustain this Committee’s original Objections but with a slight amendment regarding traffic impact as follows:

- i) Traffic impact in an already congested area; a revised Traffic Impact Assessment should be completed before the application is considered, to include and taking into account, all existing and future traffic flows along Bowbridge Road. This should include the impact arising from the developments on land South of Newark and the Southern Link Road.
- ii) All future applications should be subject to a moratorium until (i) above is complete.
- iii) Loss of mature trees on the site and the detrimental amenity impact on existing adjacent properties and residents.
- iv) The application should not be considered further until the District Council’s new Green Spaces Strategy has been approved.
- v) Now that the nearby old Bearings site has approval for the construction of 62 dwellings, the traffic impact will be increased significantly on Bowbridge Road which already suffers from congestion. This should be taken into account in a Traffic Impact Assessment.

NCC Highways Authority – This proposal is acceptable on the understanding that the access road will remain privately owned and maintained.

Details of the access construction, lighting and drainage should be submitted and agreed prior to commencement of the development. Furthermore, in order to ensure that adequate and appropriate maintenance is provided for the life of the development, it is recommended that a Section 106 Agreement is entered into to cover the access and associated lighting, drainage, etc.

At the junction with Jubilee Street, the access will need to be constructed to the requirements of the Highway Authority.

Whilst sufficient parking appears to be provided, suitable signage and/or management is required to ensure that where visitor spaces are to be shared between properties then these are protected for anyone's free use to avoid neighbour disputes.

In conclusion, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be commenced until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access road to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No part of the development hereby permitted shall commence until details of the access road have been submitted to and approved in writing by the Local Planning Authority including cross sections, street lighting, drainage and outfall proposals, & construction specification. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the access is constructed to appropriate standards commensurate with the scale and type of development; in the interests of safety; to avoid localised flooding, and; to protect the amenity of residents.

Note to Applicant:

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

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

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company; The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

NCC Planning Policy –

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a mineral's perspective.

Waste

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

Strategic Highways

The County Council does not have any strategic transport planning observations to make.

Built Heritage

The proposal site is adjacent to a designated conservation area and the nature of the development is such that it will be visible from within the conservation area. In accordance with the NPPF paragraph 189 the County Council would expect the applicant to provide an assessment of the potential impact on the setting of the conservation area. No such assessment seems to be available, either as a stand-alone document or within the Design and Access Statement.

Planning Obligations

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

The County Council would request a bus stop infrastructure contribution of £4,000. This would be used to provide improvements to the bus stop on Winchilsea Avenue (NS0569), and shall include a bus shelter, subject to highways safety approval.

Education

A development of 14 dwellings would yield an additional 3 primary and 2 secondary aged pupils. Primary Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any contributions towards primary education.

The delivery of secondary education within the district is via the Council's Community Infrastructure Levy (CIL). Based on current data there is projected to be sufficient places to accommodate the additional secondary aged pupils projected to arise from the proposed development.

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at: <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

Conclusion

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

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

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.
- 1.6 This site is also shown to have an area at risk of surface water flooding. The applicant should familiarise themselves with the risk this poses to the development and also show how the existing risk will be mitigated as part of the development proposals.

NSDC Strategic Housing Officer – The proposal concerns the resubmission of an application withdrawn in August 2019 (19/01060/FULM). The application was withdrawn due to concerns in respect of the height of the proposed apartment block and the over domination of parking/hardstanding.

The proposal is made on the basis that, if secured through a S106 Agreement or way of condition, it would meet the requirements of CP1 and the Affordable Housing SPD with the provision of a 100% affordable housing scheme comprising of supported living units for rent being leased/managed by a registered provider. In the event that 100% affordable scheme is not deliverable, the applicant proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation. This acceptable in policy terms.

Should the above 100% affordable scheme not meet the requirements of the Council, the following affordable housing will be required on site:-

	Rent	Shared Ownership	Total
1 Bed Bungalows	2	2	4
Total	2	2	4

For management purposes the Council will seek 4 bungalows on site. Registered Providers will not be comfortable with part ownership of a leasehold property and in this respect the 4 bungalows should form 100% of the affordable housing contribution.

I refer to the evidence the Council can call upon to determine the levels of housing need in the location. The DCA Housing Needs Assessment 2014 (to be revised 2020) describes a significant shortfall of 1 and 2 bedroom properties and in this respect I support the application. In terms of evidence of the demand for supported housing, the applicant has not provided any substantiation for supported housing. It is usual to deliver this type of accommodation through a registered provider but not solely.

Conclusion

The proposal as it stands aligns closely with the housing need in the area, however, the applicant has not provided any justification for supported housing in this location and therefore the application should be considered as a market housing scheme with 30% affordable housing on site to meet the Council's current policy requirements.

NSDC Parks and Amenity Officer – Although this development is for a total of 14 properties 12 of these are 1 bedroomed and there is thus no requirement for a contribution towards children's playing space.

NSDC Tree Consultant –

Comments received 14.02.2020:

The revised layout will result in further loss of existing green infrastructure, particularly in the south section which is now closer to the boundary of adjacent properties.

There is little room remaining to enable a wide landscape buffer as a result, although the impact on adjacent dwellings will be reduced by a reduction of building height.

I would recommend retained infrastructure is protected during all demolition/construction activities and that a robust soft landscaping scheme is considered to mitigate tree loss and provide substantial replacement green screening.

Comments received 02.12.2019:

The updated tree survey clarifies tree loss and impact from development.

After assessing this application I would recommend any approval has attached conditions:

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
 - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection and associated ground protection within the root protection areas
 - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree protection scheme.
3. Prohibited activities
The following activities must not be carried out under any circumstances.
- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

NSDC Environmental Health Officer (Contamination) – No observations

NSDC Environmental Health Officer (Reactive) – No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions and vibration levels from the site and from plant machinery

Restriction on hours of operation:

The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Hours of delivery:

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Limit hours of operation of machinery:

No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Dust: The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Representations have been received from 8 local residents/interested parties which can be summarised as follows:

Trees/Ecology:

- Loss of trees
- Detrimental impact on the environment including wildlife
- Trees have low life expectancy
- Loss of green area

Highways:

- Access to the site would be dangerous as parked cars reduce visibility. It crosses a busy footpath used by children and adults with disabilities
- Limited parking in the area that would be made worse by the proposal. A loss of 3 spaces on Jubilee St.
- Increased congestion
- No plans to upgrade road or infrastructure in an already overcrowded urban space
- Difficulty for emergency vehicles

Residential Amenity:

- Impact on the privacy of adjacent properties
- The 3 story block would overlook the rear of dwelling on Lime Grove and would dominate and overshadow existing properties
- The loss of privacy would be a breach in human rights
- Noise pollution/disturbance from a 24 hr working building with toxic waste disposal and staff movements
- Light pollution would be intrusive to neighbouring properties
- Disruption during construction works

Visual Amenity:

- The apartment block is out of character and detrimental to the general nature of the area
- The development should be restricted to 2 storey as with 17/02213/FULM

Other:

- Garden grabbing should be prevented;
- Waste pollution from planned collection of toxic human waste
- Conflict with NSDC Cleaner, Safer and Greener' approach
- The plans are worse than the last ones
- The proposed site layout plan shows an existing public footpath – there has never been a public footpath. Use of this footpath would permit easy access to thieves and would be a breach of privacy
- Too far for residents to take bins to the end of the road – waste could be a health hazard if this can't be done. Who will be responsible?
- Inaccuracies in relation to the description of the surrounding area in the submitted Design and Access Statement

6 additional representations has been received in response to consultation on the revised plans raising additional issues summarised as follows:

- The revised plans are worse
- Previous objections have not been addressed

- Amended plans bring the two storey apartment building closer to the neighbouring boundaries and overlooking from windows would now occur
- Is there enough room for the proposed trees?
- Bin storage area is too close to boundary
- Overdevelopment of the site/density is too high
- There is a tawny owl nesting on site

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Council can robustly demonstrate that it has a 5 year housing land supply and for the purposes of decision making the Development Plan is up to date.

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. As such, the site is located in a sustainable location for new development.

The site currently forms part of a private garden serving Green Home. As such, it is likely that the site would not fall within the definition of ‘previously developed land,’ as defined by the NPPF, which excludes “land in built-up areas such as residential gardens.” However, this space is not protected as a greenfield site or indeed any form of open space under current legislation. Moreover, the site benefits from planning permission for 9 two storey houses which is extant until March 2022 (17/02213/FULM). The site also had a previous 97 bedroom residential care home permission 08/02210/FULM) albeit this consent is now expired.

As such, the residential development of this site is considered acceptable in principle subject to an assessment of all site specific considerations set out in detail below.

Housing Mix, Type and Density

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

Section 11 of the NPPF is entitled “Making effective use of land” (para 117) states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 122 of the NPPF refers to achieving appropriate densities and support for development that makes efficient use of land, taking into account a range of criteria including, the desirability of maintaining an area’s prevailing character and setting (including residential gardens) or of promoting regeneration and change, and the importance of securing well designed, attractive and healthy places.

The proposed development comprises a mix of twelve 1-bed and two 2-bed dwellings. Whereas the extant scheme proposes three 3-bed and six 4-bed dwellings. A comparison of this housing mix against the market housing demand for the Newark sub-area in 2014 Housing Market and Needs Assessment identifies is as follows:

Property size	Market Demand (in Nos)	Extant Scheme (17/02213/FULM)	Current Scheme
1 bed	79	0	12
2 bed	722	0	2
3 bed	863	3	0
4 bed	309	6	0
5 bed or more	171	0	0

It is clear from the above that the 3-bed market houses are in most demand, with 2-bed second in demand, followed by 4-bed. Whilst it is acknowledged that the mix on this site does not exactly reflect the market demand, the mix proposed is still considered to comply with Core Policy 3 as the policy gives particular emphasis on providing smaller houses. It is also considered to represent a more favourable mix of house sizes to the scheme within extant permission (17/02213/FULM) as the mix and density more closely aligns with the aspirations of Core Policy 3.

The extant permission (17/02213/FULM) has a density of 26 dwellings per hectare ('dph'), below the policy requirement of at least 30dph on all housing developments. The current scheme is proposing a density of 40dph which is compliant with Core Policy 3 in this regard.

Overall, I have no concerns with regards to the density or mix of development as the proposal would contribute to the need for smaller units that is required in this district as acknowledged by Core Policy 3.

Impact on Character and Appearance of the Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the 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. It also 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 would be to harm the established character and appearance of the area. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places. Policies CP14 and DM9, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and their setting.

No 2 Jubilee Street is a 20th century property of no historic or architectural merit and its loss would not result in any unacceptable impact on the character and appearance of the area. The opening up of this part of Jubilee Street to create the access road would represent a significant change, however, it is not considered to unacceptably harm the area.

The surrounding area to the east and south is predominantly high density 2 storey terraced properties, with 2 storey semi-detached dwellings fronting Jubilee Street, the long gardens of which are situated to the west of the application site. Development to the north has a lower density, looser layout of development albeit containing a number of detached buildings with larger footprints. Whilst cul-de-sac layouts are not typical to the area, the site is not prominent in the public realm or readily visible from it. In addition the principle of development on this site is already established through the extant permission (17/02213/FULM).

The proposed buildings would be relatively bland in design albeit I note through a combination of the proposed scale (a max. of 2 storey), use of facing brickwork and hipped roofs that this would assist in harmonising the development with other surrounding properties.

The Conservation Officer has no objection to the proposed development which is considered not to have any impact on the character or appearance of the nearby Conservation Area.

Overall, I am satisfied that the proposal would not result in a development which would be detrimental to the visual amenity or character of the area including the setting of the Conservation Area in accordance with Core Policy 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the DPD.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 175 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

A tree survey undertaken in October 2019 has been submitted with the application. 54 individual trees and 13 groups of trees were identified. Of the surveyed trees: 10 trees and 1 group are retention category 'B', and the remaining 56 trees and groups are retention category 'C'.

The survey recognises a number of trees (which include a mix of Category B and C trees) to have value/group value or increased value as they mature including:

- Poplars T8, T13, T18, T19, T28, T29, T36 and T41
- Fir T14
- Tree of Heaven T35, T38, T40 and T42)
- Lime tree, T46

The proposed layout seeks to retain all of the trees listed above.

The report further highlights a linear group of large Poplar trees, G52 located to the east of the site along the proposed site access which 'form a significant landscape feature, providing reasonable amenity value'. The proposed layout means that all of this group would be removed. This is a negative factor to be weighed in the overall planning balance. However, the removal of this group is largely unavoidable due to the location of the vehicular access to the site which can only be achieved at this point. In addition, I attach significant weight to the fall-back position in this regard as extant scheme (17/02213/FULM) authorises full removal of all trees on site with the exception of T32 and T46.

The remaining trees and shrubs within the site are generally of low value, retention category 'C'. None of these trees should pose a significant constraint on future development particularly when regard is given to the fall-back position of the extant planning permission. It should be noted that the current proposal would retain many more trees than the extant scheme. 26 trees, 6 groups and sections of 2 further groups would require removal as they are situated in the footprint of the proposed development. The Tree Officer raises no objection to this loss and recommends conditions be imposed requiring tree protection measures.

This loss would be mitigated to some extent by some new but more limited planting within a landscaping scheme that would provide planting predominantly along the boundaries of the site and along the sides of the central access road to soften the otherwise hard surfacing and built form.

An Extended Phase 1 Habitat Survey (May 2019) has been submitted with the application. This report concludes that *'this parcel of land does not support a significant range of plant or animal biodiversity as a result of its management and location. It is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity. The inspection completed in April 2019 has not identified any physical evidence of protected species on this site and the records reviewed indicate that the potential for such species is limited to nesting birds and foraging bats. There is potential for these species to access and utilise the land for nesting and foraging'*.

In relation to bats, a low intensity of bat foraging by individual Pipistrelle has been established by the survey completed on the site in 2018. No further surveys are recommended. The report advises that any lighting associated with the proposal should be low level and shielded so that there is no significant increase in artificial light in this location. In relation to nesting birds, it recommends avoiding disturbance to this boundary area during the nesting season.

Conditions requiring the insertion of bat and bird nesting boxes to enhance the opportunities for biodiversity within the new development and any works/removal of vegetation to take place outside of the bird nesting season are recommended.

Overall, subject to conditions relating to boundary treatments, landscaping details and ecology enhancements the proposed development would not adversely impact on the potential habitat of a protected species and would result in improved impact upon trees (when compared to the current fall back position), in accordance with the guidance within Core Policy 12 and Policies DM5 and DM7 of the DPD.

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 promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

The site is immediately adjoined by residential properties on all sides, although adjoining the site to the west are the rear sections of long residential gardens serving properties fronting Jubilee Street.

There would be a distance of 24m between the original rear elevations of the houses fronting Jubilee Street to the side elevation of the proposed apartments. This is considered to be in accordance with acceptable standards for rear to side relationships. I note that 3 windows are proposed in the south facing elevation of the proposed apartments. The two closest windows would serve a shower room and as a secondary window to a kitchen/diner window. It is recommended that a condition is imposed to ensure that these two windows are obscure glazed and non-opening below 1.7 metres in room height. The 3rd window would be located on the side elevation of the projecting gable feature and would serve a bedroom. Given that there would be a separation gap of 22 metres to the south boundary and only an oblique angle achievable to the gardens to the west, it is not considered that a material adverse increase in levels of overlooking would result from this window.

The properties to the east of the site fronting Bowbridge Road are traditional terraced houses with deep lightwells in their rear elevations and deep single storey projections that extend into the rear gardens. The side elevation of the Plot 4 bungalow would be closest to the rear elevations of these terraces and given its low height and separation distance of approx. 3 metres to the boundary and 9.4 metres to the closest single storey projection. Having carefully considered this and having regard to the current fall-back position (a two storey dwelling located closer to the boundary), it is considered that this relationship is acceptable and would ensure no adverse impact upon the living conditions by virtue of any overbearing or loss of privacy impact.

Green Home contains a 1st floor dormer window facing the application site. There would be a distance of 18m approx. between the proposed rear elevation of Plot 3 bungalow. This is considered to be on the limits of acceptability in terms of overlooking impacts as the dormer window has the potential to overlook the private amenity area of the proposed bungalows in particular. I note that 1.5 metres less separation gap was achieved in this location between the two storey dwellings proposed here on the extant scheme. There would be a 14 metre separation gap between the corner of Green Home and the nearest corner of the proposed apartments and a separation distance of just less than 21 metres between main habitable room windows which is considered acceptable. Part of the private garden area of Green Home is likely to be overlooked by the proposed apartment window albeit the garden is considered to be of a sufficient size to enable a more than sufficient non-overlooked area of private amenity space to remain.

Overall, having carefully considered the orientation relationships, it is considered that the proposed development would not result in undue or unacceptable over-shadowing impacts.

The relationships between the proposed dwellings are acceptable. The proposed bungalow would be served by private amenity areas proportionate to their size and the proposed apartments would be served by an adequate area of shared amenity space.

Having carefully assessed the scheme it is considered that the proposal would have no unacceptable impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 of the Allocations and Development Management DPD.

Impact on Drainage/Flooding

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site lies in Flood Zone 1 which is at lowest risk of fluvial flooding.

In relation to surface water flooding, the development would result in a significant increase in the amount of hardstanding on the site when compared to the existing situation and the area is known to be at risk of surface water flooding. However, it is considered that surface water run-off can be adequately controlled through the careful design of a drainage scheme which can be required by planning condition. Subject to condition, the proposal would accord with Core Policy 9, Core Policy 10 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

Highway Safety

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

The comments received from third parties with regards to highway safety and parking issues are acknowledged, particularly in relation to the current demands for on-street parking in the area.

The Highway Authority has been consulted on the proposals and have carefully assessed the number of on-site car parking spaces provided (21 spaces total), together with the new junction that would be created on Jubilee Street. The Highway Authority have concluded that, subject to conditions, all these matters are acceptable and would not result in any detrimental impact on highway safety.

The road to be constructed is not up to adoptable standards and so will remain in private ownership, as such, it is essential that the lighting, drainage and construction is acceptable (as it would not be provided by the Highway Authority) and that its future maintenance is secured moving forward through a legal agreement.

It is therefore considered that the proposed development would not result in any significant parking issues or lead to a significant impact on highway safety subject to the approval of details reserved by condition in accordance with the requirements of Spatial Policy 7 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The main areas for which development contributions are sought are considered below:

Affordable Housing

The Council's Core Strategy (2019), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seek to secure the provision of 30% on site affordable housing where the thresholds are met.

The proposal is made on the basis that, if secured through a S106 Agreement or by way of condition, it would meet the requirements of CP1 and the Affordable Housing SPD with the provision of a 100% affordable housing scheme comprising of supported living units for rent being leased/managed by a registered provider. In the event that 100% affordable scheme is not deliverable, the applicant proposes that a minimum of 30% of the units will be provided as affordable with the type and tenure to be agreed with the Council prior to occupation. This is considered acceptable in principle in policy terms. The application would therefore meet or exceed the policy requirement to secure the required level of affordable housing on site in relation to the total number of dwellings proposed albeit both options are considered to carry equal weighting in the overall planning balance given that the 100% affordable scheme would not necessarily be fully compliant with the 60% social rented/40% affordable home ownership tenure split required by Core Policy 1.

Community Facilities

The SPD sets out that a net increase in 13 dwellings would equate to a community facilities contribution of £17,993 plus indexation which the Applicant has agreed to (to improve facilities at Sherwood Avenue Pavilion). This is considered acceptable in principle in policy terms.

Open Space

In relation to amenity green space, the SPD states that 14.4m² is required per dwelling. The net increase in 13 dwellings proposed therefore requires an area of 187.2m² and the proposed site layout plan demonstrates that an area of 350m² (the majority of this would be amenity space provided specifically for the apartments). This is considered acceptable in principle in policy terms.

Education

The County Council have advised that there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As such, no contributions are sought in this regard.

Transport

The County Council would request a bus stop infrastructure contribution of £4,000. This would be used to provide improvements to the bus stop on Winchelsea Avenue (NS0569), and shall include a bus shelter, subject to highways safety approval.

Summary S106 Requirements

A summary of the developer contributions/S.106 requirements is set out below:

Developer Contributions/S106 Requirements	Requirement based on 13 net additional dwellings	Monitoring Fee	Trigger Points
Affordable Housing	30% on site provision which equates to 4 units (2 shared ownership and 2 social rented)	£66 x 4 = £264	No occupation of more than 50% of the individual completed properties constructed on the site until at least 50% of the affordable housing has been completed.

	OR 100% on site provision which equates to 14 units (tenure to be agreed)		No occupation of more than 80% of the individual completed properties constructed on the site until at least 100% of the affordable housing has been completed.
Open Space (for 10+ dwellings)	Amenity Green Space requirement 14.4m ² /dwelling = 187.2m ² . On site physical provision and maintenance of 350m² proposed .	£66 x 1 =£66	No occupation of more than 40% of the individual completed dwellings.
Community Facilities (for 10+ dwellings)	£1384.07 per dwelling = £17,993 + indexation to improve facilities at Sherwood Avenue Pavilion.	£240 x 1 = £240	Full payment due before occupation of more than 80% of the individual competed properties.
Maintenance of access road	The road to be constructed would remain in private ownership, as such, it is essential that the lighting, drainage and construction is acceptable and that its future maintenance by a Management Company is secured.	n/a	Not to occupy any of the dwellings until the access road is substantially completed.
Transport	£4000 to provide improvements to the bus stop on Winchilsea Avenue (NS0569).	n/a	Full payment due before occupation of more than 80% of the individual competed properties.

Table 1: Summary of S.106 requirements

Other Issues

Path Connection – the originally submitted proposed site layout plan showed a link to a path into the site shown between Nos 8 and 10 Jubilee Street. I note the concern raised by neighbours that this is not a public footpath – it is agreed that it is not a definitive footpath according to the Councils records. The path itself falls outside of the application site. Clarification has been sought from the Agent regarding the ability of the development to utilise this link and a revised proposed layout plan has been submitted which no longer annotates this path as a linkage through to the site. Whether or not a right of access exists here is not considered to be a material planning consideration, rather a separate civil issue.

Bins/Waste – the concerns raised in relation to waste disposal are noted. Bin storage facilities are proposed on site and would be located 3 metres approx. away from the boundary with neighbouring dwellings and enclosed by a 1.8 metres high timber fence which is considered acceptable. Concern regarding any health and safety issues with regards to waste disposal that may arise in the future are not material planning consideration and are separate matters for environmental health.

Conclusion and Planning Balance

The site is located within Newark Urban Area and the principle of residential development on this site is considered to be acceptable. The delivery of housing in a sustainable location weighs in favour of the scheme due to the presumption in favour of sustainable development within the NPPF which is also reflected in Policy DM12. The application would meet or exceed the policy requirement to secure the required level of affordable housing on site in relation to the total number of dwellings. Significant weight is also afforded to the fall back position in relation to extant planning permission for the development of 9 2-storey dwellings on the site (application no. 17/02213/FULM).

The loss of “space” and 2 Jubilee Street is acknowledged and impact on the character of the area and natural environment (including loss of mature trees) has been carefully considered and found not to be so harmful to outweigh the benefits in the planning balance, subject to conditions.

Impacts on residential amenity and highway safety have also been weighed in the balance and overall the proposal is recommended for approval, subject to conditions and the securing of road maintenance and other contributions set out in Table 1 above through a legal agreement.

RECOMMENDATION

That planning permission is approved subject to:-

- (a) the conditions and reasons shown below; and**
- (b) a S106 legal agreement to secure the future maintenance of the private access road serving the development and the contributions set out in Table 1 above.**

Conditions

01

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

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

02

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

- 19/2213/LP Site Location Plan
- 19/2213/(02)001 Rev A Existing Site Layout
- 19/2213/(02)003 Proposed Bungalow Layout and Elevations
- 19/2213/(02)002 Rev H Proposed Site Layout (amended plan received 19/02/2020)
- 19/2213/(02)004 Rev C Proposed Apartments Layouts and Elevations (amended plan received 19/02/2020)

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

Reason: To define this permission and for the avoidance of doubt.

03

No development above damp proof course shall take place until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

All external facing materials
Bricks
Roofing materials

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site (including that around the bin storage areas and perimeter of the site) including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

Reason: In the interests of visual and residential amenity.

06

Prior to first occupation of the development hereby approved, 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.
- details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
- An implementation and phasing plan.
- All hard surfacing materials including parking areas and other vehicle and pedestrian circulation areas.
- Minor artefacts and structures, for example, furniture, refuse or other storage units, signs, lighting etc.
- proposed finished ground levels or contours.

Reason: In the interests of visual amenity and biodiversity.

07

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. Any trees/shrubs which within a period of seven years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

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

08

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within seven years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

09

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

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

10

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

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

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

11

Construction works shall not take place outside the following hours:

8am to 6pm Monday to Friday

9am to 1pm Saturday

And not at all on Sundays or bank or public holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

13

No part of the development hereby permitted shall be commenced until a dropped vehicular footway crossing is available for use and constructed in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

14

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access road to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

15

No part of the development hereby permitted shall commence until details of the access road have been submitted to and approved in writing by the Local Planning Authority including cross sections, street lighting, drainage and outfall proposals, & construction specification. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority. The development shall be implemented in full accordance with these approved details prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure the access is constructed to appropriate standards commensurate with the scale and type of development; in the interests of safety; to avoid localised flooding, and; to protect the amenity of residents.

16

The two first floor windows in the south elevation of the apartment building (which serve a shower room and as a secondary window to a kitchen/diner) shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

17

No building on site shall be occupied until details of the number, design and location of bat and bird boxes or bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

18

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

19

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

Notes to Applicant

01

The 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 social housing 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

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

03

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

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

04

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company; The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Bat Conservation Trust notified so that appropriate advice can be given to prevent the bats being harmed. The Bat Conservation Trust can be contacted on (tel: 0345 1300 228).

07

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

08

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

Background Papers

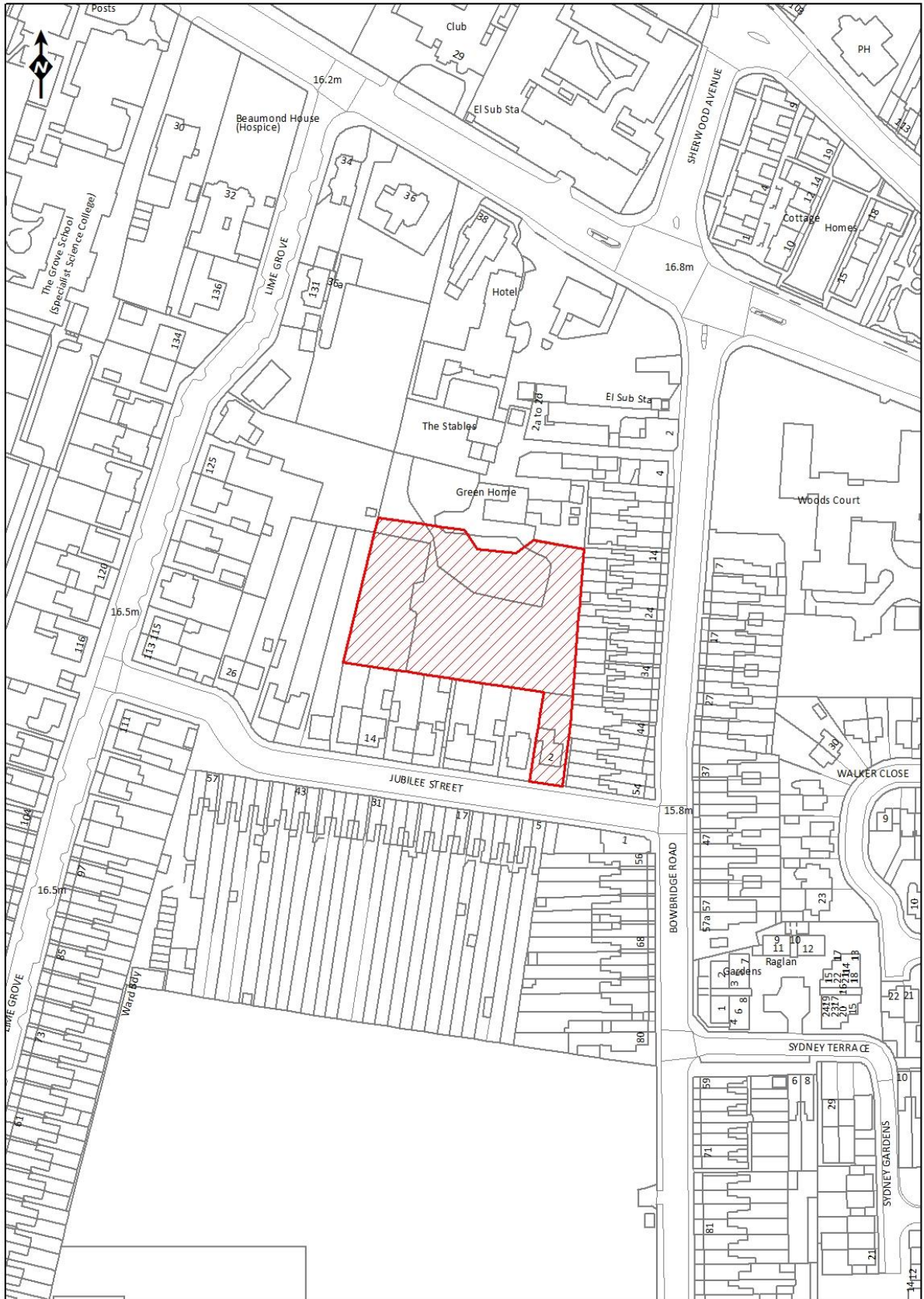
Application case file.

For further information, please contact Helen Marriott on Ext 5793.

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

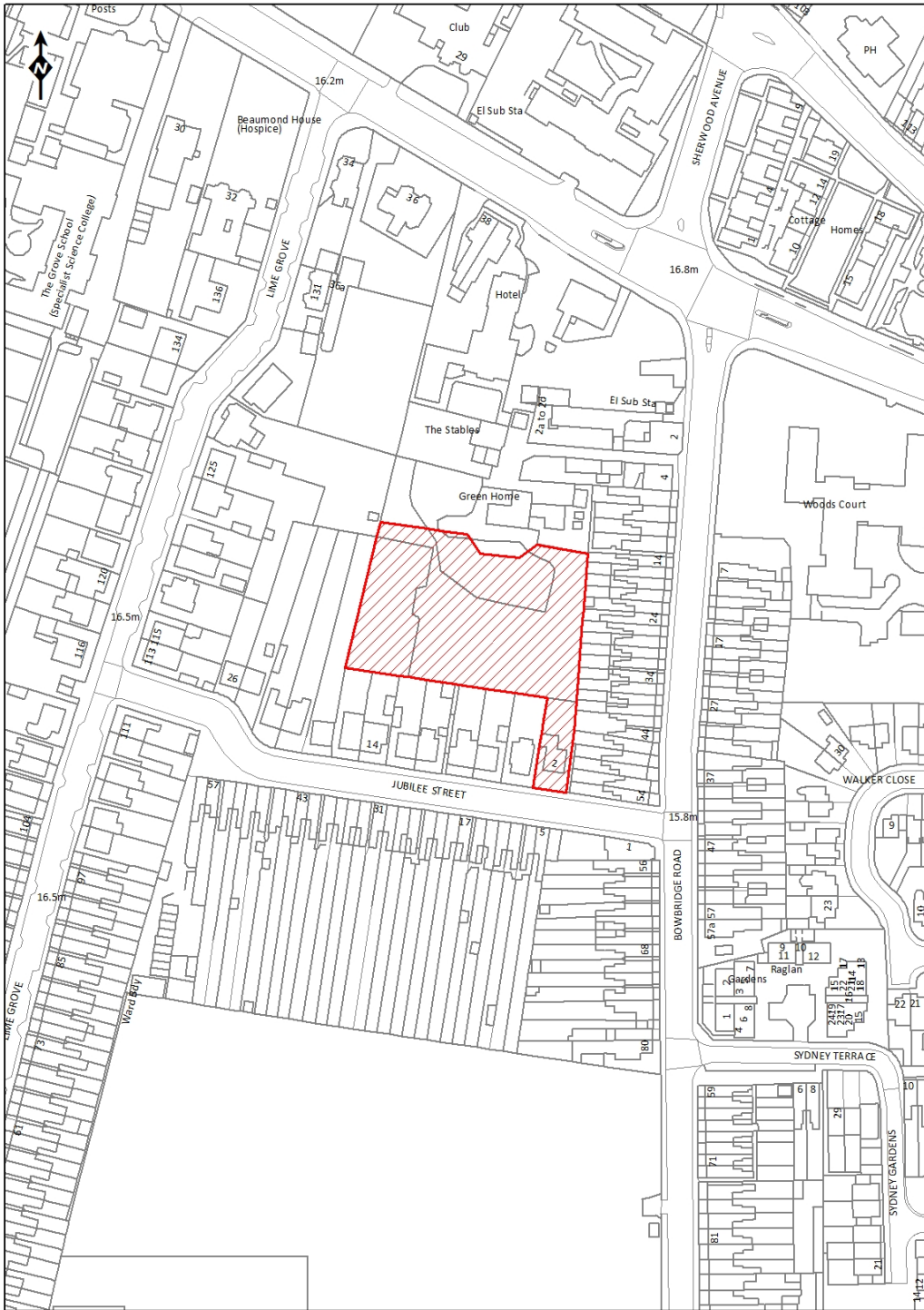
Lisa Hughes
Business Manager - Planning Development

Committee Plan - 19/01947/FULM



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Committee Plan - 19/01947/FULM



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PLANNING COMMITTEE – 03 MARCH 2020

Application No:	19/02146/FUL	
Proposal:	Proposed detached house	
Location:	7 Sycamore Road, Ollerton, NG22 9PS	
Applicant:	Priceville Properties Ltd - Mr Brian Ketchell	
Registered:	05 December 2019	Target Date: 30 January 2020
		Extension of Time Requested Until 4th March 2020

Local Ward Member Cllr Donna Cumberlidge has called in this Planning Application to the Planning Committee.

The Site

The application relates to garden land to the side/rear of the two storey semi-detached dwelling located at No. 7 Sycamore Road, close to the junction of Oak Avenue, Sycamore Road and Birch Road. The site is in a residential area that mainly consists of two storey semi-detached houses strongly coherent in architectural style and character.

Relevant Planning History

14/00017/FUL Proposed Dwelling- Application withdrawn 24 February 2014.

Relevant Planning Appeal

18/01795/FUL- Erection of a pair of semi-detached houses on land adjacent to 1 Oak Avenue and 10 Sycamore Road, Ollerton. Refused by Planning Committee on 4 December 2018, as recommended, for two reasons summarised as:

1. The proposed development would result in an unacceptable impact on residential amenity by virtue of both the proposed new dwellings and one of the existing dwellings (10 Sycamore Road) being served by insufficient private amenity space. The proposal would also result in an unacceptable and direct overlooking impact onto the rear garden area of the rear neighbouring property to the south (12 Sycamore Road).
2. The proposal would be out of keeping with its surroundings, by virtue of the car parking dominated layout in contrast to the open and green frontages of neighbouring plots. The elevation design of the proposed dwellings would be at odds with the uniform style of the neighbouring traditional, two-bay properties. Furthermore, any development on the site would create a cramped appearance which would set a precedent for further residential development on most of the street corners of the estate. This would erode the original open nature of the planned colliery village and would be cumulatively harmful to the layout and character of the planned village.

An appeal was lodged and dismissed on 18 September 2019 after the Inspector concluded the benefits that would arise from the proposal would not outweigh the harm that would be caused to character and appearance of the area and the living conditions of the occupiers of the proposed development (Ref: APP/B3030/W/19/3229291).

The Proposal

The application proposes the erection of a new two storey detached dwelling measuring approximately 6.0 metres wide by 8.0 metres in length, 4.9 metres to the eaves and 8.2 metres to the ridge. It would include a lean to porch and single eaves gabled dormer to the front, and comprise of an open plan kitchen/dining area, living area and w.c. to the ground floor and 3no. bedrooms, one with en-suite, and a bathroom to the first floor. One off-street parking space would be provided to the front.

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance

Consultations

Ollerton (and Boughton) Town Council – Support proposal

Conservation/heritage consultation response –

Ref: 19/02146/FUL

Proposal: Proposed detached house

Site address: 7 Sycamore Road, Ollerton, Nottinghamshire NG22 9PS

Date consulted: 24 December 2019

We are in receipt of your request for heritage advice on the above proposal.

7 Sycamore Road is identified on the Nottinghamshire Historic Environment Record as being part of the New Ollerton Colliery Village (ref MNT25087) and of Local Interest. The heritage asset is focussed on the planned settlement of New Ollerton, developed in the 1920's by the Butterley Company. 7 Sycamore Road is therefore part of a non-designated heritage asset.

Legal and Policy Considerations

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

The importance of considering the impact of new development on the significance of heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

Significance of Heritage Asset(s)

New Ollerton was a planned model village of 832 houses, and developed between 1922 and 1932. These former worker houses retain a level of homogeneity and group value, despite changes and adaptations in the modern period. The attached aerial photos from the 1930s shows the planned nature of the colliery village, with generous garden plots. Sycamore Road forms part of the original layout of the planned village, and the corner plots to the crossroads with Birch and Oak Road are distinctive, being laid out at 45 degrees with cross-plot gardens. Thought went into the layout of the worker's housing, with spacious garden plots and a uniformity to building design.

At the heart of the planned colliery village is the distinctive Church of St Paulinus, dated 1931 and designed by Naylor, Sale and Woore for the Butterley Company (ref M10678). The Southwell & Nottingham Church History Project state: "It was built deliberately at the geographical centre of the New Ollerton colliery village as a 'cathedral for the new coalfield'. It was the intention of the company that: 'if this was to be done it would be done properly'. On 16th April 1926 Eustace Mitton, the mining agent, wrote to Sir Giles Gilbert Scott, the architect of Liverpool Cathedral,

asking him to submit plans for a church and vicarage at Ollerton. On 9 July Sir Giles was brought by company car to survey the site at Church Circle which had been chosen as the focal point and centre of the new colliery village. Sir Giles submitted plans, but the company, with boldness verging on the foolhardy, rejected his designs and dismissed him as architect. Ultimately the church was designed by Messrs Naylor, Sale, & Woore of Derby and built by Messrs Greenwood of Mansfield at a total cost of £8000 of which the Butterley Company contributed £5000. A further £500 and the land for the site was donated by Lord Saville of the nearby Rufford Estate. The church was consecrated on 1st October 1932.”

Although New Ollerton has subsequently expanded as more housing has been built, the church has always retained its position as a focal point in the community and continued its close links with the mining community as long as mining continued in New Ollerton.

Assessment of Proposal

The proposal seeks approval for a new dwelling between 7 Sycamore Road and 1 Birch Road.

Conservation objects to the proposed development.

The four semi-detached properties fronting the Sycamore Road crossroads with Birch Road and Oak Avenue are laid symmetrically to the junction at 45 degrees. Cottages along Birch Road front the roadway. This plan-form and layout reflects the original town planning of New Ollerton. Whilst it is accepted that domestic clutter and modern outbuildings have some visual impact on the original layout of the colliery houses, they broadly retain their significance and spaciousness at the junction. An infill new dwelling as proposed will result in a cramped arrangement which shall fragment and erode the original colliery village layout. This is harmful to the significance of the heritage asset.

The design of the new house does not reflect the architecture of the colliery village housing furthermore. The houses on the street are all semi-detached forms with either a central gable feature and gable stacks, or hipped roofs with central ridge stack. In contrast, the proposal allows for a narrow 2 bay frontage with lean-to porch and single eaves gabled dormer with no chimney. The gable width and roof pitch do not appear to reflect the established vernacular either.

If built, the new dwelling would erode the homogenous character of the colliery village. Due to the limitations of the plot, it would not be possible to create a semi-detached property, and whilst I accept that the design of the house could be individually improved to better reference the vernacular architecture of the street, this would not fundamentally overcome our objection to the cramped layout and erosion of the original planned layout of Sycamore Road and Birch Road.

Representations have been received from 2no. local residents/interested parties which can be summarised as follows:

- Overbearing impact
- Loss of privacy
- Not in keeping with surrounding properties
- Loss of light (to kitchen in adjacent property at 1 Birch Road)

Appraisal

Principle

Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy (Adopted March 2019) identifies the Sherwood Area (Ollerton & Boughton, Edwinstowe) as a Service Centre and a focus for service provision for a large local population and a rural hinterland. Between 2013 and 2033, 30% of the overall housing growth is expected to be delivered within the Service Centres, including the Southwell Area, Sherwood Area and Mansfield Fringe Area (Spatial Policy 2 'Spatial Distribution of Growth').

The site lies within a sustainable location and therefore the broad principle of development in the area is acceptable subject to other considerations which are set out below.

Housing Need

Core Policy 3 'Housing Mix, Type and Density' identifies a need for family housing of 3 bedrooms or more within the District.

The proposed new dwelling, by virtue of being a family house of 3 bedrooms, would contribute positively towards meeting the housing needs of the District, as outlined in Spatial Policy 2 'Spatial Distribution of Growth' and Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy (Adopted March 2019). Notwithstanding this, it should be noted that the Council has an up to date plan and can demonstrate a deliverable five year housing land supply.

Impact upon visual amenity and character and appearance of the area

Core Policy 9 'Sustainable Design' requires new development proposals to, amongst other things, *"achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments"* and *"demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character"*.

In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance.

In accordance with Core Policy 14, all development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible. (Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD).

Sycamore Road forms part of the original layout of the planned village, and the corner plots to the crossroads with Birch and Oak Road are distinctive, being laid out at 45 degrees with cross-plot gardens. The area is characterised by inter-war semi-detached properties, symmetrically designed, wide 2-bay, 2-storey, red bricked dwellings with open frontages and spacious plots with, generally, generous gardens. This has created an open, pleasant and unspoilt street scene. Due to its history, officers consider the area to be a non-designated heritage asset.

The application site is currently an open area in between two pairs of semi-detached properties, one of which is on a corner plot, close to a junction with other residential roads. Open spaces like these are a characteristic feature of the area and provide an openness that contributes positively to the character and appearance of the area. The proposed new dwelling would result in the loss of one of these open areas to the detriment of the pattern of development and the spacious character of the area. Furthermore, although the proposed new dwelling has been set back at an angle to respect the established building line, the introduction of a single detached dwelling would undoubtedly be at odds with the established character of the area and, by virtue of its scale and detached form, introduce a vertical emphasis on a prominent corner within the estate, setting a precedent for similar forms of development, the cumulative effect of which would be harmful to the established character and appearance of the area.

In addition, the proposed layout is considered to be car parking dominated. The submitted block plan shows that the parking area to the front of the proposed new dwelling, taking up the majority of the front amenity area. As the proposal results in the loss of side garden area serving no. 7 Sycamore Road, any parking serving this property would also have to be to the front of the plot and this is also shown on the submitted block plan. This is out of keeping with the character of the area where the majority of the dwellings have shared side driveways with parking to the side / rear. Front plots are relatively open in nature and most are lawned.

It is acknowledged that there are examples of in-fill developments elsewhere in the wider estate. However the distinctive and original street scene remains intact and prominent at this junction of Oak Avenue, Sycamore Road and Birch Road. The recent planning appeal decision relating to land adjacent to 1 Oak Avenue and 10 Sycamore Road, i.e. the opposite side of the same junction, supported the Council in its decision to refuse the development of a pair of semi-detached houses for this reason.

Finally, the proposed new dwelling is of a standardised design which does not reflect the locally distinctive architectural style of the existing properties in this area.

The proposed development is therefore considered contrary to the provisions of Policy DM5 'Design' which requires new development to reflect the local distinctiveness be in keeping with the general character and density of existing development in the area and 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. It is also contrary to CP9, CP14 and DM9.

Impact upon residential amenity

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

The application site is located at the corner of Sycamore Road and Birch Road between the two pairs of semi-detached properties at 7 and 5 Sycamore Road to the east and 1 and 3 Birch Road to the west.

The proposed dwelling would be set back at an angle to respect the established building line, and sited approximately 1.5 metres off the boundary shared with the neighbouring property at 7 Sycamore Road. Due to the angle of the site and boundary line the proposed new dwelling would be sited approximately 3.0 metres off the boundary shared with the neighbouring property at 1 Birch Road to the front, decreasing to approximately 0.75 metre off the boundary to the rear.

The proposed development would result in a reduction in the private amenity space for the owners/occupiers of the property at 7 Sycamore Road, although a close boarded fence has already been erected around the perimeter of the application site demarcating this. Although the private garden space for the prospective owners/occupiers of the proposed new dwelling and the neighbouring residents at 7 Sycamore Road would be significantly smaller than that enjoyed by other neighbouring residents, it is not considered the proposal would result in an unacceptable reduction of external amenity space. Notwithstanding this, the proposed new dwelling would be a prominent addition to the rear of the neighbouring property at 7 Sycamore Road, and have an enclosing and overbearing impact on their garden. Considering the position and height of the proposed new dwelling in relation to the movement of sun, some overshadowing is also likely to occur.

The owner/occupier of the neighbouring property at 1 Birch Road has expressed concerns about loss of light into their kitchen, although their property includes a car port/caravan to the side which already reduce the amount of light into their property. Notwithstanding this, it is considered the proposed new dwelling would have an enclosing and overbearing impact on the neighbouring property by virtue of being sited slightly forward of their front elevation and close to the boundary.

The proposed new dwelling would include ground and first floor windows to the side elevations although these would be small in size and serve the hall, landing and en-suite bathroom. It is therefore considered there would be no adverse impact upon the neighbouring residents in terms of overlooking or loss of privacy.

Access and parking

Policy DM5 'Design' of the Allocations & Development Management DPD states that provision should be made for safe and inclusive access to new development.

The proposed width and length of the proposed driveway would seem to exceed that specified by the Highway Authority as acceptable for a single private driveway (3.3 metres if bounded by a fence). Notwithstanding this, the Highway Authority requires driveways to be surfaced in a bound material (not loose gravel), to be drained to prevent the discharge of surface water onto the public highway, and to be served via a dropped vehicular footway/verge crossing in all instances. Further details would therefore need to be secured by condition on an approved application to satisfy the relevant requirements.

Planning balance and conclusion

Whilst the proposed new dwelling would contribute positively towards meeting the housing needs of the District, this would be to a limited degree, and would not outweigh the demonstrable harm that would be caused to the area in terms of the impact on its character and appearance and the living conditions of neighbouring residents.

RECOMMENDATION

That planning permission is refused for the following reason(s)

1. In the opinion of the Local Planning Authority, the proposed new dwelling would be at odds with the established character and appearance of the area, by virtue of its scale, form, mass, car parking dominated layout, design, materials and standardised detailing, and introduce a vertical emphasis on a prominent corner within the estate, setting a precedent for similar forms of development, the cumulative effect of which would be harmful to the established character and appearance of the area, which is considered a non-designated heritage asset. The proposal is therefore contrary to the provisions of Core Policies 9 'Sustainable Design' and 14 'Historic Environment' of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and Policies DM5 'Design' and DM9 'Protecting and Enhancing the Historic Environment' of the Allocations & Development Management DPD (adopted July 2013) which together form the relevant parts of the Council's up to date Development Plan. No material considerations outweigh the harm identified.
2. In the opinion of the Local Planning Authority, the siting and scale of the proposed new dwelling would also result in an adverse impact upon the amenities of neighbouring residents by virtue of an enclosing, overbearing and overshadowing impact. The proposal is therefore contrary to the provisions of Policy DM5 of the Allocations & Development Management DPD (adopted July 2013) as well as the NPPF which forms a material planning consideration. No material considerations outweigh the harm identified.

Informatives

1. You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
2. The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.
3. Refused Drawing Numbers: Sketch Design 1018-1 and Block Plan 1018-2

Background Papers - Application case file.

For further information, please contact Amy Davies on ext 5851.

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

Lisa Hughes
Business Manager – Growth & Regeneration

Committee Plan - 19/02146/FUL



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PLANNING COMMITTEE

3 MARCH 2020

ADOPTION OF PLANNING ENFORCEMENT PLAN (PEP)

1 Purpose of Report

1.1 The National Planning Policy Framework (NPPF) states that effective enforcement is important to maintain public confidence in the planning system. It also makes clear that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Additionally, the national Planning Practice Guidance states that local enforcement plans are important because:

“The preparation and adoption of a local enforcement plan is important because it:

- *allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;*
- *sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;*
- *provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;*
- *provides greater certainty for all parties engaged in the development process.”*

Paragraph: 006 Reference ID: 17b-006-20140306

Revision date: 06 03 2014

1.2 In line with this it is encouraged that Local Planning Authorities (LPA's) consider publishing a local planning enforcement plan (PEP) to manage enforcement proactively, in a way that is appropriate to their area. It is advised that such a plan should set out how the LPA will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

1.3 At present the Council does have a Corporate Enforcement Policy, which was written in the knowledge of an ability to have a PEP for specific service areas. In recognition of the growing consciousness of the planning enforcement function, the attached PEP has been written in order to give elected members and the wider public a clearer understanding of how it is envisioned that the service will function. The purpose of this report is to set out the purpose of the PEP, with a dialogue behind the philosophy and considerations contained within, and ultimately to request that Members consider supporting the adoption of the PEP. Should the Planning Committee support the proposal, the matter would then be advanced to the Economic Development Committee in due course.

2 Background Information

2.1 The purpose of the proposed local planning enforcement plan is to provide information on how the Council will respond to suspected breaches of planning control, tackle unauthorised developments, and monitor the implementation of planning permissions.

- 2.2 It is not a criminal offence to carry out unauthorised development (unless an enforcement notice is in place), and there are many different ways that the Council can tackle unauthorised development and other breaches of planning control. The NPPF advises that that LPA's should act in a proportionate way when tackling breaches of planning control and formal enforcement action should be used as a last resort.
- 2.3 This means the Council cannot normally justify taking formal enforcement action against minor breaches of planning control but in other cases the Council may take formal enforcement action to resolve a breach of planning control. In some cases, the Council may seek a retrospective planning application to resolve a breach of planning control instead of taking action, whilst in others the Council might determine not to take any further action.
- 2.4 The Council also has to prioritise cases to ensure there are sufficient resources to make sure serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently and with a view to the planning enforcement service undertaking increased activity in a proactive approach. This means that whilst we will take a consistent approach to planning enforcement, different cases may well be dealt with differently depending on the individual circumstances of the case.
- 2.5 Therefore, the preparation and adoption of a local enforcement plan is important because it:
- Sets out the objectives and priorities which are tailored to local circumstances;
 - Outlines the priorities for enforcement action, which will inform decisions about when to take enforcement action;
 - Provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; and,
 - Offers greater certainty for all parties engaged in the development process.

It is therefore anticipated that adoption of the PEP will be the catalyst for driving the planning enforcement service towards being a key component in an effective development management service.

3 Proposals

- 3.1 The planning enforcement function plays a key role in helping the Council to deliver an effective Development Management service. The team forms part of the development management activity to deliver good community outcomes in line with the Community Plan (2019 – 2023) and Local Plan.
- 3.2 The planning enforcement process is not an isolated activity simply limited to reacting to complaints about breaches of planning control. Whilst it is not expedient for the Council to monitor every planning permission that is implemented across the District, the increased resources allocated to the function has led to an opportunity to evaluate the current function and working practices and to explore opportunities to increase the overall efficiency of the enforcement service with a view to increasing the level of proactive development monitoring within the District.

- 3.3 Members will be aware that whilst the investigation of suspected breaches of planning control is a statutory function, and will lead to the determination of whether a breach has taken place, ultimately the Council does not have a duty to take enforcement action.
- 3.4 The PEP therefore seeks to provide a clearer understanding of the discretionary nature of the planning enforcement function and to explain how investigations will be prioritised following receipt and the associated timescale outlined within the PEP. It is envisaged that the PEP will provide greater transparency and accountability about how the local planning authority prioritise enforcement action and how it is decided if it is expedient to exercise its discretionary powers.
- 3.5 Ultimately the PEP is intended to provide greater certainty for all parties engaged in the development process.

Prioritisation of Investigations

- 3.6 The PEP contains a scale of case prioritisation. This is designed to guarantee that there are sufficient resources to ensure that serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently. This means that whilst we will take a consistent approach to planning enforcement, different cases may well be dealt with on a different timetable depending on the individual circumstances of the case. In these respects, it is important that we can show how we decide to deal with some issues urgently and how long we will normally need to deal with less urgent cases.
- 3.7 A clear policy statement is a way of managing expectations, and everyone (including members) has an important role in seeing that it is respected and that the enforcement team can go about its business in a purposeful and efficient way.
- 3.8 Without this, the enforcement team can come under pressure complaints that are not always deserving of immediate attention.

Performance Management

- 3.9 Government, in recognition of the discretionary nature of planning enforcement, has never set 'targets' or 'standards' for planning enforcement, as is the case with development management.
- 3.10 From reviewing the approach taken to performance management from other local authorities it is noted that authorities commonly set target times for carrying out some form of action (this is usually a site visit) following receipt of a complaint. Some authorities' PEPs set targets for completing the first phase of the investigation, and for the closure or resolution of cases.
- 3.11 Therefore in order to increase the transparency and accountability of the planning enforcement function, the PEP contains targets for response times for the recognition of the initial report and then the initial investigation and assessment of the enforcement action. These targets are based upon the level of prioritisation of the enforcement case.

- 3.12 The PEP that is proposed places targets on taking action, rather than specifically a 'site visit', as it is acknowledged that it may be possible to make contact with a developer or an alleged 'contravener' without an initial site visit, thus increasing the efficiency of the service. The PEP does not place a target on the outcome of enforcement cases as it is considered that such targets would not reflect the often complex and discretionary nature of planning enforcement investigations, which can include decisions of organisations or processes beyond the control of this authority (eg. a court case or appeal).
- 3.13 It is also considered that it is important that a balance is struck for performance targets between a level that is challenging and motivating, but is also realistic and does not unduly raise public expectations. It is important that enforcement targets should also relate to the planning service objectives in order to ensure a corporate response to workload.

Proactive Enforcement

- 3.14 Historically the planning enforcement function at Newark and Sherwood has largely been 'reactive' in that we investigate alleged breaches of planning control as they are reported to the authority.
- 3.15 However, nationally it has been noted that enforcement officers are also becoming proactive in dealing with local problems through direct targeted interventions. This can be through working alongside other departments to tackle the problem of empty run down properties affecting the morale of the local community, taking direct action to deal with unauthorised advertisements and flyposting, or to remove eyesores and clean up properties under section 215 powers (untidy land).
- 3.16 There are further gains that can be made from the team checking when notified of a commencement [of development] to draw attention to the developer of any conditions that may cause particular problems if not addressed, and to build relations on particular sites that are likely to create concerns for the local community.
- 3.17 The PEP recognises this impetus for a more proactive approach in certain circumstances and the potential benefits to the wider community.

Reporting to Committee

- 3.18 It is proposed to continue with the quarterly reports to Planning Committee setting out a snap shot on the general volumes of planning enforcement cases received and dealt with, along with details of the following:
- An outline of the enforcement activity during the previous quarter which captures the overall split to show the number of cases investigated, how many are found to be a breach of planning or otherwise.
 - A summary of formal action taken for that quarter.
 - Examples of cases where breaches of planning control have been resolved without formal action having been taken.
 - Notices complied with.

- 3.19 In addition, once the enforcement team has been brought up to a full complement, it is also anticipated that figures will be presented in relation to the performance standards outlined within the PEP.

4 Conclusions

- 4.1 The PEP has been written to reflect the Council's commitment to focus on the needs of the Newark and Sherwood community and to reflect the objectives contained within the Community Plan, towards which the planning enforcement service will be at the forefront. The PEP seeks to not only provide information as to how the enforcement service will operate, and how recorded cases will be prioritised, but also set targets for standards of service that customers can expect to receive from the service.
- 4.2 In line with the Planning Practice Guidance, it is recommended that consultation is undertaken regarding the contents of the Plan. Consultation will be with all Members of the District Council, Parish Councils, Agents, consultees, members of the public engaged with the planning process and via the Council's website. It is recommended that this is for a minimum period of 6-weeks.

5 Equalities Implications

- 5.1 There are no equalities implications. All alleged breaches of planning control will be investigated in accordance with the standards and timescales set out within the Plan, once adopted.

6 Financial Implications

- 6.1 There are no direct financial implications arising from the adoption of the Planning Enforcement Plan. However, its adoption will have the benefit of ensuring that Planning Enforcement resources are directed in a timely manner according to the priorities set out.

7 Community Plan – Alignment to Objectives

- 7.1 The PEP aligns with the Council's Community Plan Objectives 'Improve the cleanliness and appearance of the local environment'; 'Protect, promote and enhance the district's natural environment'; 'Reduce crime and anti-social behaviour, and increase feelings of safety in our communities' and 'Enhance and sustain Town centres'.

8 Comments of Director

The development and adoption of a Planning Enforcement Plan (PEP) is welcomed. It will allow the service to set clear, but deliverable expectations for service users and members of the public. A targeted focus on major developments, alongside the additional resources already committed in the 2020/21 budgets onwards assist delivery of any adopted PEP.

9 RECOMMENDATIONS that:

- (a) **the attached Planning Enforcement Plan (Appendix 1) is noted and Members consider ratifying the Plan and recommend the plan is presented to Economic Development Committee prior to a minimum 6-week consultation; and**

- (b) the consultation will be with all Members of the District Council, Parish Councils, Agents, consultees, members of the public engaged with the planning process and via the Council's website. The responses and updates to the Plan will be reported back to Economic Development Committee, following notification to the Planning Committee in due course.

Reason for Recommendations

The PEP is a document that is recognised by the NPPF as being an important document in ensuring effective enforcement takes place and to provide confidence to the local community. The adoption of the document will show clear guidelines on what the Planning Enforcement is and is not able to do and the timescales for investigating cases.

Background Papers

National Planning Policy Framework 2019

For further information please contact Richard Marshall on Ext 5811

Matt Lamb
Director – Growth & Regeneration



NEWARK &
SHERWOOD
DISTRICT COUNCIL

Planning Enforcement Plan

Date 2020

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PART ONE – GENERAL PRINCIPLES

1. Introduction

This Plan has been the subject of a public consultation exercise carried out between xxxx and xxxx. The Plan was considered by the Policy and Finance Committee and approved on the xxx.

This Plan sets out the general principles that form the standard operating procedures and function of the Planning Enforcement Service, within the Planning Development Business Unit of Newark and Sherwood District Council. This policy/ plan should be

1.1 Why is a local enforcement plan important?

The National Planning Policy Framework states that the Council should act in a proportionate way when tackling breaches of planning control and formal enforcement action should be used as a last resort. In addition, it is not a criminal offence to carry out unauthorised development (unless, for example, the development relates to a listed building, advertisement or is in breach of an enforcement notice), and there are many different ways that the Council can tackle unauthorised development and other breaches of planning control. This means the Council cannot normally justify taking formal enforcement action against minor breaches of planning control and may decide not to take formal action against some cases.

Therefore, in some cases, the Council may seek a retrospective planning application to resolve a breach of planning control instead of taking action whilst in others the Council might determine not to take any further action because the works that have been carried out do not cause any harm. However, in other cases the Council may take formal enforcement action to resolve a breach of planning control and it is important that we can show how we decide when we will take formal enforcement action.

The Council also has to prioritise cases to ensure there are sufficient resources to make sure serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently. This means that whilst we will take a consistent approach to planning enforcement: different cases may well be dealt with differently depending on the individual circumstances of the case. In these respects, it is important that we can show how we decide to deal with some issues urgently and how long we will normally need to deal with less urgent cases.

Therefore, the preparation and adoption of a local enforcement plan is important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;

- provides greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary powers; and,
- provides greater certainty for all parties engaged in the development process.

1.2 Aims of the Policy

In order to provide the best possible service, it is essential that the Council gives clear information on what it is able to do and how the service is prioritised, given the available resources.

This document is written with due consideration to relevant Government Policy, Legislation and Guidance, to provide a clear statement of the decision-making framework that will enable the effective provision of a Planning Enforcement Service through the implementation of sound procedures and working practices.

1.3 General Statement

The Council's primary objective is to achieve regulatory compliance and to protect the amenity, privacy and overall well-being and prosperity of the residents and businesses of Newark and Sherwood district.

Where it becomes necessary to take formal action in respect of breaches of planning control, the Council ensures such action is taken, where it can be shown to be expedient and in the public interest to do so in accordance with the principles contained within this policy.

There is a wide range of enforcement tools available to the Council to remedy breaches of planning control, with prosecution and direct action being the most serious. The Council will always choose an enforcement sanction that is commensurate with the breach of planning control to which it relates. This policy is built around a process of escalation. In most circumstances the Council will only issue a formal notice where a breach of planning control has caused, or is likely to cause, material loss or harm to amenity, and where informal negotiations have been or are expected to be unsuccessful. Where there is a 'technical breach of planning control', but that breach is not considered to be causing 'harm', the Council may decide that further enforcement action is not expedient.

1.4 Relationship with the Council's Corporate Enforcement Policy and Corporate Targets and Objectives

The District Council adopted its Corporate Enforcement Policy on 4th June 2015. This policy provides operational guidance to authorised officers and information to Elected Members and the public in relation to breaches of planning control.

The Corporate Policy, which deals with general enforcement matters common to all service areas, is applicable to all Council employees working in enforcement roles and those from other service areas who support the delivery of those functions. It is also applicable to agency/contract staff working on behalf of the Council.

The purpose of this policy is to set out the steps Newark & Sherwood District Council will use to secure compliance with the law whilst minimising the burden on individuals, businesses and the Council.

The District Council has identified the following as its priority objectives within the Corporate Plan:

- Improve the cleanliness and appearance of the local environment;
- Reduce crime and anti-social behaviour, and increase feelings of safety in our communities;
- Improve transport infrastructure to reduce congestion and facilitate growth;
- Accelerate the supply of new homes, including associated facilities;
- Increase visits to the District and the use of visitor attractions by local residents;
- Protect, promote and enhance the district's natural environment;
- Enhance and sustain the town centres;
- Reduce levels of deprivation in target areas and remove barriers to social mobility across the district;
- Improve the health and wellbeing of local residents, with a particular focus on narrowing the gap in healthy life expectancy and other health outcomes;
- Increase participation with the Council and with local communities; and
- Generate more income, improve value for money and increase residents' satisfaction with the Council.

The Planning Enforcement Team contributes to the achievement of a number of the Council's priority objectives by:

- Protecting the amenity of those who live and work in the district from the harmful effects of unauthorised development and the neglect of land and buildings through negotiation but where necessary by taking appropriate formal enforcement against perpetrators.
- Protecting both the natural and built historic environment
- Ensuring that environmental, economic and social benefits negotiated through planning applications are achieved
- Enabling businesses to operate in such a way that maintains economic competitiveness without this being achieved at the expense of the environment and/or public amenity.

PART TWO - KEY PRINCIPLES OF PLANNING ENFORCEMENT

2.1 Why is effective planning enforcement important?

Effective planning enforcement is important to:

- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;
- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally be granted planning approval; and
- maintain public confidence in the Council's decision-making processes by ensuring planning conditions and planning obligations needed to make development acceptable in planning terms are complied with.

2.2 Investigation

The Council's planning enforcement function is responsible for the investigation and enforcement of 'breaches of planning control'. Breaches of planning control are restricted to matters falling within the scope of 'development'.

Development is defined as:

"Except where the context otherwise requires... the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land"

s.55 Town and Country Planning Act 1990 (as amended).

2.3 What is a Breach of Planning Control?

The Town and Country Planning Act 1990 defines a breach of planning control as "the carrying out of development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted."

A breach of planning control can include the following:

- Building work and/or a material change of use undertaken without planning permission being granted;
- Development not being carried out in accordance with the approved plans of a planning permission;
- Non-compliance with conditions attached to a planning permission: and
- non-compliance with a planning obligation contained in a s.106 legal agreement attached to a planning permission; and

There are also other legislative codes which fall within the remit of the enforcement function. Breaches of this legislation can include the following:

- Works being carried out to a Listed Building which affect its character without listed building consent being granted;
- Non-compliance with conditions attached to a listed building consent;
- The display of advertisements for which express consent is required but not granted;
- The removal of protected trees and/or trees situated within a Conservation Area for which notification or consent is required but not given: and
- unauthorised removal of important hedgerows.

Not all development or change of use requires planning permission from the local planning authority.

The Town and Country Planning (Use Classes) Order 1987 (as amended) allows for certain changes of use without the need for planning permission. For example, the change of use from a dry cleaners to a travel agents does not require permission.

The Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) grants permission for some developments without the need to apply for consent from the Council. Development granted by virtue of the Order is considered to be 'permitted development'. Permitted development cannot be subject to enforcement action even in instances where development is considered to cause harm. Further information on permitted development is available from the Planning Portal website.

The Enforcement Team are not able to assist in matters which are covered by other legislation, for example, complaints in relation to public health matters, high hedges or the improper use of the highway. Any complaints with regard to these issues will be passed onto the relevant department.

The Council is required to operate its enforcement function within government guidelines and in accordance with Council policy and therefore must determine whether or not a breach of planning control is a breach of policy and then whether the breach unacceptably affects, amenity or the general quality of life, such that enforcement action is warranted and justifiable.

2.4 Duties of the Enforcement Function

The Enforcement Team plays a key role in helping the Council to deliver an effective Development Management service. The team forms part of the development management activity to deliver good community outcomes in line with the adopted Development Plan.

The planning enforcement process is not an isolated activity simply limited to reacting to complaints about breaches of planning control. The Council does not have sufficient resources to monitor every planning permission that is implemented across the District. The team therefore, receives support from Town and Parish Councils, as well as some ad-hoc monitoring of development by planning case officers. However, we need to rely on reports of suspected breaches of planning

conditions by neighbours and other interested parties to be able to identify problems.

Investigation of suspected breaches of planning control is a statutory function. Investigation will determine whether a breach has taken place and also to determine whether enforcement action is necessary. However the Council does not have a duty to take enforcement action.

To carry out work or change the use of land or buildings without first obtaining planning permission is not a criminal offence. It is unauthorised, but not illegal, and in the majority of cases the Council is likely to provide the opportunity to submit an application for retrospective planning permission, in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) and guidance issued by [Government](#). Occasions where the Council is not likely to encourage a retrospective application would be when an unauthorised development is so harmful (for example to highway safety) that it would be highly unlikely to gain permission.

2.5 Expediency

For all investigations where a breach of planning control has been identified, the Council must assess any actual and/or potential harm caused by the breach. This assessment of 'expediency' ensures that the Council fully considers the implications of each breach of planning control before determining the most appropriate course of action. Therefore, the breach of control is not in itself sufficient to merit enforcement action.

National planning policy, namely 'National Planning Policy Framework (NPPF)', states that:

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control."

Newark and Sherwood District Council promotes this approach. Planning enforcement should not be used as a punitive system. Where a breach of planning control is acceptable based on planning merits, it should not become the subject of enforcement action. In short, planning enforcement action will not be taken solely to regularise development that is otherwise acceptable.

An assessment of 'expediency' will be required in all cases where a breach of planning control has been identified. An 'expediency' test involves the Council assessing the planning merits of the unauthorised development and the impact of the Council's enforcement powers, to determine whether action is required to control the unauthorised development or require its cessation/removal. The Council has a statutory duty to assess the expediency of enforcement action to ensure consistency and quality of decision-making. The assessment of expediency is based on a variety of factors.

2.6 Decision Making

All planning enforcement decisions must be made with regard to the interests of the public as a whole. It is not the role of the planning system or planning enforcement to protect the interests of one party against those of another. As such, breaches of planning control are not subject to public consultation. The following factors cannot be taken into account when assessing expediency:

- Breaches of restrictive covenants;
- Private disputes;
- Competition between businesses;
- Damage to property;
- Boundary or other land disputes; or
- Reduction in value of land or property.

Where necessary the views of various partner agencies and statutory consultees such as Nottinghamshire County Council, the Environment Agency, Natural England and Historic England may be sought in order that the Council makes an informed decision. The views of other agencies will be of particular importance where their technical or specialist knowledge is required.

However, harmful unauthorised development should be pursued to ensure it is either made acceptable by the imposition of additional requirements or limitations by way of conditions. If it is not possible to alter development to make it acceptable then action will be considered to require the unauthorised use/development to cease or be removed. Formal action will not be taken solely because development has started without the benefit of planning permission without first examining whether there are sound and valid reasons for doing so. The Council is not automatically required or committed to take action on breaches of planning control. The particular circumstances of every case must always be considered. It is not usual for formal action to be taken against a minor breach of control that causes no real harm. Enforcement action will be taken urgently where it is considered commensurate with the seriousness of the breach of planning control and expedient and in the public interest to do so.

All of the Council's decisions will have regard to the following current statutory guidance and codes of practice:

- [Planning Practice Guidance](#)
- [The Statutory Code of Practice for Regulators](#)
- [The Code for Crown Prosecutors](#)
- [The Human Rights Act 1998](#)
- [National Planning Policy Framework \(NPPF\)](#)
- [Police and Criminal Evidence Act 1984 \(PACE\)](#)

Emerging or replacement statutory guidance and codes of practice will be given regard alongside this plan as appropriate.

The UK planning system has generated a significant amount of case law. When it is derived from the High Court and above, this sets a legal precedent that dictates how the law should be interpreted by decision makers and investigators. Legal precedent is subject to continual change as new cases are put before the Courts, and it is in the best interests of the Council to be well informed on this subject as such changes can significantly enhance or impair the actions of the Council when dealing with breaches of planning control.

Given the high number of applications which are received each year, it is not possible to monitor all developments. Priority will be given to key identified sites which will undergo direct monitoring to ensure the development is being carried out in accordance with the approved plans.

In adopting a proactive enforcement approach, this will assist in a move towards an effective development management service enhancing the traditional reactive approach of enforcing contraventions.

The Council is responsible for the investigation of all breaches of planning control that are 'District matters'. District matters comprise all breaches of planning control, with the exception of mining and mineral extraction, and waste deposit and disposal. These are 'County Matters' that are investigated and enforced by Nottinghamshire County Council. Often District and County matters will overlap, and in these circumstances should enforcement action be required then the most appropriate form of enforcement action will be agreed after consultation with Nottinghamshire County Council, bearing in mind the nature of the breach and enforcement 'tools' available.

PART THREE – ENFORCEMENT CASE PRIORITY SYSTEM

3.1 Prioritisation Overview

It is acknowledged that some alleged breaches need to be given a higher priority than others. Priority will be given to cases where there is the possibility of the greatest harm being caused. Accordingly, the priority performance standards for the delivery of the service have been designed to reflect this.

The following priority system will apply to each case received. On receipt of a complaint, it will be prioritised according to the following categories. The category of each case may change following the initial site visit and depending on the level of harm being caused. The Council also recognises that not all alleged breaches of planning control require an immediate site visit, as such the system of prioritisation reflects the urgency that some form of 'action' is required. This may be a site inspection, however it could also be less 'direct', such as a phone call to a developer/property owner or an initial piece of correspondence.

3.2 What is a high priority case?

High priority cases are cases where there is an immediate and serious risk of harm or irreparable damage resulting from the unauthorised works that might be taking place. We will aim to investigate these cases on the same day that they are reported to the Council. We will then decide what further action to take, if any, within 24 hours. Examples of high priority cases are as follows:

- Demolition in a Conservation Area;
- Destruction of an important hedgerow;
- Hazardous substances;
- Unauthorised works to protected trees; and
- Unauthorised works to listed buildings.

3.3 What is a medium priority case?

Medium priority cases will not normally require immediate action to prevent serious harm. They will include suspected breaches of planning control that would not normally get planning permission because they are contrary to local planning policies and/or have a harmful impact on the amenity of the area. We will aim to start starting investigation within 14 days of receiving a complaint. We will then decide what further action to take, if any, within four weeks of the site visit. Examples of medium priority cases are as follows:

- Unauthorised development that contravenes local planning policy;
- Unauthorised development that significantly impacts on local amenity and public safety;
- Unauthorised development that results in harm to the setting of a listed building.
- Unauthorised development that results in harm to the character of a Conservation Area;

- Unauthorised development in Green Belt;
- Operational building works;
- Unauthorised changes of use;
- Erection of unauthorised advertisements that have a detrimental impact on highway safety or within Newark/ Southwell town centre locations; and
- Breaches of 'conditions precedent' attached to planning permissions

3.4 What is a low priority case?

Low priority cases will be minor breaches of planning control. We will aim to start investigating cases that are likely to be a low priority by visiting the site within four weeks of receiving a complaint. We will then decide what further action to take, if any, within six weeks of the site visit. Examples of low priority cases are as follows:

- Running a small business from a residential property;
- Unauthorised advertisements;
- Unauthorised fences and walls;
- Other breaches of planning conditions
- Unauthorised householder developments; and
- Untidy land and buildings.

3.5 Performance Standards

We will seek to acknowledge all complaints within 5 working days. In most cases this is by the same method through which the complaint was received. Complaints should be received in writing or logged through the Council's website reporting form and provide a minimum level of information in order for the alleged breach to be properly investigated. Where insufficient information has been provided, we will not always be able to investigate.

The timescale for completing an investigation varies depending on the complexity of the case, workloads of officers and the need to regularise the alleged breach of planning control. We will try to notify the complainant at significant points in the investigation. However the statutory process we have to follow means that, quite often, extended periods of time will pass without any apparent progress. For example where the Council has to allow time for a planning application to be prepared and submitted, and then determined, a period of four months may be typical. Serious cases that result in the service of formal notices, a resultant appeal and possible challenges through the courts can, and do, take many years to resolve.

It is important to emphasise that statutory notices can only be issued in relation to confirmed breaches of planning and listed building control. It is not possible to issue Notices where it is suspected that a breach of planning might occur at some point in the future.

PART FOUR - PLANNING ENFORCEMENT INVESTIGATION PROCESS

Following the receipt of the complaint, an investigation will be carried out according to the priority system as set out above, which most often will also necessitate a site visit being undertaken. From the evidence collected during the site inspection, an assessment will be made as to whether there is a breach of planning control and if so, whether planning permission is required for the works.

4.1 Powers of Entry

In all but the most straightforward cases, officers will undertake a site visit to try to establish whether a breach of planning control has taken place. The majority of site visits are made without prior arrangement, and officers are required to identify themselves as enforcement officers as soon as they enter the site.

The Council's planning enforcement officers have powers of entry, for the purpose of investigating alleged breaches of planning control, under the following provisions:

- Town and Country Planning Act 1990 (as amended);
- Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended);
- Planning (Hazardous Substances) Act 1990 (as amended);
- Planning (Hedgerow Regulations) Act 1997;
- Local Government (Miscellaneous Provisions) Act 1976, 1982; and
- Planning (Consequential Provisions) Act 1990 (as amended)

Where site visits are made and no occupier can be found at the time of visit, officers have powers to inspect the land in their absence. Officers do not have powers to force entry into any dwellinghouse. Where appropriate, officers will leave a business card requesting the occupier of the land to contact the Council. If during a site visit officers are refused entry onto land or buildings, the Council has the right to apply to the Magistrates' Court for a warrant to enter the property. This course of action will only be taken in cases where it is considered both necessary and proportionate to the alleged breach under investigation.

4.2 Gathering Evidence

Whilst on site, officers may ask questions of any occupiers present, and may take measurements and where appropriate photographs. Any information gathered will be used to ascertain whether a breach of planning control has taken place. If a breach has occurred, this information will be used to assess the most appropriate course of action to resolve the matter.

Where a complaint relates to an alleged unauthorised use of land, officers will make a reasonable attempt to determine whether a breach has taken place. In most cases a 'reasonable attempt' will consist of undertaking site visits at days and/or times deemed most suitable for the allegation. This approach ensures that the Council's resources are used efficiently. Where officers can find no evidence of a breach of

planning control the investigation will be closed and no further action taken. Such cases will not be reinvestigated unless the complainant is able to provide more substantive evidence of the alleged breach of planning control.

Officers may also make use of the 'planning contravention notice' if they have reasonable suspicion that a breach of planning control is likely to have occurred. This tool will be used in accordance with [Government guidance and best practice](#).

Officers may use a variety of other methods to determine whether or not a breach of planning control has taken place, including obtaining information from witnesses to an alleged breach, and consultation with the Council's Planning Development Team. The Council may also seek clarification from case law or obtain legal advice where the subject of an investigation is complicated or contentious.

4.3 No Breach of Control

In most cases, the initial site visit/ investigation will reveal that the matter does not constitute a breach of planning control. This can be because the matter does not constitute development or benefits from permitted development rights. In such instances, the case officer will undertake to contact the complainant to explain that the Council is unable to take any action through its planning enforcement powers in line with the performance standards set out in paragraph 3.5.

4.4 Potential Breach of Control

Due to the complex nature of the planning regime, in many cases it is not possible to come to an immediate determination as to whether or not a breach of planning control has occurred. This is particularly relevant in relation to complaints regarding a material change of use. In these cases, it is often necessary to carry out additional observations over a period of time before a determination can be made as to whether there has been a breach of planning control.

In instances such as this, it may be necessary for the investigating officer to contact the complainant to request further information or observations.

4.5 Breach of Control Identified

When it is determined that planning permission is required, we will contact those believed to be responsible and set out the appropriate course of action so that the breach can be resolved.

In many cases a retrospective application will be invited in order to resolve the breach. This is in accordance with national policy and allows for a full formal assessment to be carried out on the development with statutory consultation with consultees and neighbours.

If the Council has not been successful in securing the submission of a valid planning application or remedial actions have not been carried out, a Section 330 or Planning

Contravention Notice (PCN) may be issued. These notices can be used in order to gain additional information to further investigate a breach of planning control and/or to enable the service of a formal notice. The owner will be advised that it is in their best interests to resolve the breach, as any outstanding notice served will appear on any land search which may affect any future sale of the property.

In cases where it is considered that permission is unlikely to be granted, we will ask for the use to cease or the unauthorised development to be removed voluntarily. A suitable period of time is usually given depending on what needs to be done.

Harm can be caused through a number of factors including:

- Adverse impact on visual amenity due to poor design or inappropriate materials;
- Loss of protected trees or damage to listed buildings;
- Adverse impact on residential amenity;
- Noise, nuisance or disturbance from the operation of a business; and
- Untidy land and run down or derelict buildings that result in a poor quality environment.

It is usually considered inappropriate to take formal enforcement action against a trivial or technical breach of planning control which causes no harm to amenity in the locality of the site.

PART FIVE - FORMAL ENFORCEMENT ACTION

Formal enforcement action is only instigated when it is considered expedient and all other avenues to resolve the problem have failed. Any action taken must meet the tests as set out in government guidance and be proportionate to the breach of planning control to which it relates.

Under the adopted scheme of delegation, the decision to take formal enforcement action or to instigate prosecution proceedings, is taken under delegated powers. Enforcement Notices and Notices under Section 215 of the Town and Country Planning Act 1990 (as amended) relating to untidy land may be served by an Authorised Officer and the matter pursued through to prosecution at Magistrates' Court.

5.1 What types of formal enforcement action can the Council take?

There is a range of ways of tackling breaches of planning control available to the Council through formal enforcement action. In each case officers not only have to determine which of the options would be the most effective way of dealing with the breach but also which would be the most proportionate way of securing a resolution.

In these terms, in most medium and in some high priority cases, issuing an enforcement notice will normally be the right approach for officers to take when it appears to them that there has been a breach of planning control and it is expedient to take formal enforcement action when taking into account the provisions of the development plan and any other material considerations (including the guidance in this document).

5.1.1 Enforcement Notices

An enforcement notice should enable every person who receives a copy to know:

- exactly what, in the Local Planning Authority's view, constitutes the breach of planning control; and
- what steps the Local Planning Authority require to be taken, or what activities are required to cease to remedy the breach of planning control.

There is a right of appeal against an enforcement notice, however it is an offence not to comply with an enforcement notice once the period for compliance has lapsed.

Therefore, it is important that the recipient of an enforcement notice takes immediate action to lodge an appeal against the notice if they think there are good grounds to do so or take immediate steps to comply with the notice.

5.1.2 Stop Notices

A stop notice can prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in a related enforcement notice, ahead of the deadline for compliance in that enforcement notice. Therefore, a stop notice

might be issued alongside an enforcement notice because it is important to prevent a development from continuing before the enforcement notice comes into effect.

There are very strict limitations on the use of a stop notice so it is unlikely officers will consider issuing a stop notice unless there are very serious risks of irreparable harm from on-going development. For example, a stop notice may be considered where an unauthorised development involves the demolition of an unlisted building in a designated Conservation Area and an agreement to stop demolition with immediate effect has not been reached.

5.1.3 Temporary Stop Notices

A temporary stop notice requires that an activity which is a breach of planning control should stop immediately. A temporary stop notice must state the date the temporary stop notice has been served, the activity that has to cease, and that any person contravening it may be prosecuted for an offence.

The Council does not need to have served an enforcement notice before it issues a temporary stop notice and officers may consider issuing a temporary stop notices in some high and medium priority cases when it is essential to take immediate action to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area.

A temporary stop notice expires after 28 days, so officers will consider what further action is required within this period if an alternative way of dealing with the breach which would overcome the objections to it in an environmentally and legally acceptable way cannot be agreed with the recipient of the temporary stop notice.

5.1.4 Breach of Condition Notice

A breach of condition notice is mainly intended as an alternative to an enforcement notice for remedying a breach of condition. Officers will consider issuing a breach of condition in addition to an enforcement notice, as an alternative to a stop notice, where officers consider it is expedient to stop the breach of conditions quickly and before any appeal against the enforcement notice is determined.

A breach of condition notice is therefore most likely to be used in some high or medium priority cases when immediate action is required to stop a continuing breach of conditions in the interests of safeguarding amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. There is no right of appeal to the Planning Inspectorate against a breach of condition notice.

5.1.5 Injunction

The Council can apply for an injunction whether or not it has exercised, or proposes to exercise, any of their other powers to enforce planning control. However, starting proceedings for an injunction is one of the most serious types of enforcement action that the Council can take because if a person fails to comply with an injunction (once

it has been granted) they may be committed to prison for contempt of court. Additionally, once an injunction has been granted, it cannot be discharged except where there has been a significant change of circumstances since the order was made.

Therefore, officers will only consider applying for an injunction if there have been persistent breaches of planning control such as failure to comply with the requirements of an enforcement notice over a long period and/or other enforcement options have been, or would be, ineffective in the event of a serious breach of planning control that would cause substantial and/or immediate harm to the local area.

5.1.6 Prosecution

When officers are dealing with high priority cases, many of the breaches of planning control may constitute a criminal offence subject to prosecution including unauthorised works to protected trees, removal of important hedgerows and unauthorised works to listed buildings.

Officers will take further legal advice in these cases with a view to pursuing a prosecution in the event of a serious breach of planning control that has resulted in substantial harm to the local area. It is therefore important that a person that is contacted by officers about a high priority case makes every effort to stop any unauthorised works or activities on site immediately.

Officers will also take further legal advice with a view to pursuing a prosecution in the event of non-compliance with the requirements of an enforcement notice, breach of conditions notice, stop notice, temporary stop notice, listed building enforcement notice, community protection notice or a section 215 notice.

5.1.7 Listed Building Enforcement Notice

Although broadly similar, there are a number of important differences between planning enforcement notices and listed building enforcement notices including the fact that there are no time-limits for issuing listed building enforcement notices.

Officers will consider issuing a listed building enforcement notice in medium and high priority cases where works have been carried out without the necessary listed building consent, or a condition attached to that consent has not been complied when such works materially detract from the historic or architectural significance of the building and there is no agreement to put those works right in any other way.

5.1.8 Community Protection Notices

Officers have the power to issue a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014 and these Notices can be used to tackle a wide range of issues including:

- untidy land / buildings;

- unauthorised use of land; and
- unauthorised buildings / structures.

Where any of the above problems are causing ongoing detrimental effects to the living conditions of the local community, a Community Protection Notice can contain reasonable requirements:

- to stop doing specified things;
- to do specified things; or,
- to take reasonable steps to achieve specified results.

Officers will consider issuing a Community Protection Notice if an earlier written warning that a Notice may be issued has been ignored and may be used as an alternative to a section 215 Notice.

5.1.9 Section 215 Notices (Requiring proper maintenance of land)

Section 215 of the 1990 Act provides the Council with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears to officers that the public amenity of part of the District is being adversely affected by the condition of neighbouring land and buildings, they may consider serving a section 215 notice on the owner requiring that the situation be remedied.

These notices will set out the steps that need to be taken, and the time within which they must be carried out. The Council also have powers under s219 of the 1990 Act to undertake the clean-up works itself and to recover the costs from the landowner.

5.1.10 Other default powers

The Council can prosecute for a failure to comply with an enforcement notice but it can also consider using its default powers under s.178 of the 1990 Act to enter enforcement notice land and carry out the requirements of the notice itself.

It is an offence to willfully obstruct anyone who is exercising those powers on the Council's behalf and Council can recover from the person who is then the owner of the land any expenses reasonably incurred by them in undertaking this work.

Officers will only consider using these default powers when all other methods to persuade the owner or occupier of land to carry out any steps required by an enforcement notice have failed

5.1.11 Advertisements and fly-posting

Where signs, adverts or fly-posting are unauthorised and are damaging the character and appearance of the local area, officers will normally serve advance written notice to anyone who can be identified as the person responsible, that:

- in the Council's opinion the advert or sign is displayed illegally;

- the Council intends to remove it after the expiry of a period specified in the notice; and
- may include the issuing of fixed penalty notices or a prosecution. We may also recharge our costs for removing any posters from any party gaining benefit from the advert.

Officers can then remove the sign or adverts 2 clear days after the notice was served.

However, the Council need not give any notice to remove fly-posters where a placard or poster does not give the address of the person displaying it and officers do not know that address and are unable to ascertain the relevant address after making reasonable enquiries.

Our aim, in line with the Council's Community Plan is to keep the local highways clear of litter, street furniture clean and property free of graffiti, a view shared by the Council, residents and all who use our services. In addition, the businesses involved are gaining an unfair advantage over law abiding businesses by not paying for advertising space.

The planning department will not usually deal with complaints about any structures, advertisements, A-boards or any other operations, such as cars sales for example, that have taken place on land within the boundaries of a highway, which will normally include grass verges, footpaths and pavements and other highway infrastructure like barriers, lampposts and bridges, as well as the road itself.

Concerns regarding structures or advertisements on a County Road can be reported to Nottinghamshire County Council at enquiries@nottscc.gov.uk, or by telephoning 0300 500 8080. For issues taking place on the strategic road network such as the A1 or the A46, Highways England can be contacted at 0300 123 5000 or by emailing info@highwaysengland.co.uk.

Charitable/community events

Although the organisers of some charitable or community events choose to advertise on the public highway, this is contrary to the Highways Act 1980. Adverts on the public highway, be they on lamp columns, traffic signs or signals, trees or pedestrian barriers, highway verges, can pose a danger to both pedestrians and motorists, and they also make an area look untidy and create an eyesore.

However, we will not generally take any action to remove charitable 'fly posting' or prosecute the organisers. A charitable event may be for religious, educational, cultural, political, social or recreational purposes. Any event must be for purely charitable purposes and cannot be for any commercial purpose. We require that organisers observe the following conditions:

- Adverts should only be affixed to lamp columns, and not to traffic signs, traffic signals, trees or pedestrian barriers. They should not be on telegraph poles, bus stops or utilities boxes.

- Adverts should not be placed within 5m of a traffic junction.
- The method of affixing the advert must not damage the lamp column in any way.
- Adverts should not be affixed earlier than seven days before the event, and removed within 24 hours after then event.
- All fixings must be removed when the advert is removed.
- Thought should be given to the size, design and number of adverts. Large banners will not be acceptable. Typically no more than A4 in size and a minimal number sited local to the event.
- The adverts should state the name of the charity that is benefiting from the event. Also include charity registration number where available.
- Please note that we may remove and confiscate any adverts that do not observe these conditions, or pose a danger, are offensive, or too numerous.
- The event must be purely for charitable reasons and not have a commercial element or be solely commercial.

Advertising any local event should be undertaken in a variety of methods including social media and local publications and not rely on the public posting of such events.

5.2 Appeal against an Enforcement Notice

There is a right to appeal to the Planning Inspectorate (who act on behalf of the Secretary of State) against an Enforcement Notice. If an appeal is lodged, the Notice does not come into effect and the requirements to comply with the Notice are suspended until the outcome of the appeal is decided.

If the appeal is allowed, no further action can be taken. If the appeal is dismissed, the requirements of the Enforcement Notice come into effect from the date of the decision letter from the Planning Inspectorate. The Inspector has the ability to vary an Enforcement Notice provided that he or she is satisfied that it does not cause injustice to either party.

Failure to comply with an Enforcement Notice constitutes a criminal offence and the Council may instigate prosecution proceedings against the parties concerned in the Magistrates' Court. Accordingly, formal enforcement action is in many cases, not straightforward and can be a lengthy and time consuming process.

5.3 Other forms of Enforcement Action

The Council can also carry out other formal enforcement proceedings including:

- Service of a Breach of Condition Notice where development has taken place without compliance with a condition(s) of a planning permission;
- Service of a notice requiring the proper maintenance of land or building;
- Prosecution in connection with unauthorised advertisements;
- Prosecution for unauthorised works to a listed building;
- Prosecution for unauthorised works to a protected tree; and
- Completion of a Section 106 Planning Obligation.

5.4 Immunity from Enforcement Action

When investigating breaches of planning control, officers must identify whether or not a breach is immune from enforcement action. Where a breach of planning control continues undetected and therefore without any intervention by way of formal enforcement action it will become lawful by the passage of time. In such circumstances the breach becomes immune from enforcement action, which means the Council is unable to remove or mitigate the development.

Immunity timescales are as follows:

- Four years where the breach consists of the carrying out of building, mining, engineering or other operations without planning permission.
- Four years for a change of use of any building to use as a single dwelling house.
- Ten years in any other case.

However, deliberate concealment of a breach of planning control in order to gain immunity from enforcement action does not necessarily benefit from the statutory immunity timescales. New powers inserted into the Town and Country Planning Act 1990 (as amended) by the Localism Act 2011 allow the Council to apply to the Magistrates' Court for a Planning Enforcement Order, where a deliberate concealment of a breach of planning control becomes evident. Where such a breach of planning control is discovered, consideration will be given to the expediency and anticipated success of using such powers. The application can be made at any time within six months of the date on which there was sufficient evidence to justify the application.

5.5 What types of complaints cannot be dealt with by planning enforcement?

Before reporting a suspected breach of planning control, it is important to check that the matter is for the Council's Planning Department to deal with so we can avoid any unnecessary work or delay in taking the most appropriate action. The most common issues that are incorrectly reported to the Council's Planning Enforcement Team are listed below.

5.5.1 Approved development or works

In some cases, we receive reports of suspected breaches of planning control about development or works that have been granted planning permission. We publish details of most planning applications on the Council's website including details of approved plans, planning conditions and planning obligations.

If it is found that works or a development has already got consent and is being carried out in accordance with the permission, then we will not take planning enforcement action. However, a complaint can still be made to the Council's Complaints Department about the way we dealt with an application for planning permission but not about the decision itself.

5.5.2 Boundary disputes

The planning department cannot deal with boundary disputes. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter. We may be able to provide extracts from plans or details of application site boundaries on request but these details will also normally be available on the Council's website.

5.5.3 Damage to private property

Similar to the above, the planning department cannot deal with reports about damage to private property. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or the matter may need to be reported to the police.

5.5.4 Dangerous Structures

The Planning Department cannot deal with reports of dangerous structures, which should be reported to East Midlands Building Control Partnership who can be contacted on 0333 003 8132 or by email at info@eastmidlandsbc.com.

5.5.5 Empty Properties

The Planning Department cannot deal with empty properties, which should normally be reported to the Council's Empty Property Officer by telephoning 01636 650000

5.5.6 Fly-tipping

The planning department cannot deal with reports of fly-tipping, which should be reported to the Council's Environmental Health Department by telephoning 01636 650000 or by emailing Environmental.Health@nsdc.info.

5.5.7 Highways Land

The planning department will generally not deal with complaints about any structures or any other operations that have taken place on land within the boundaries of a highway, which will normally include grass verges, footpaths and pavements and other highway infrastructure like barriers, lampposts and bridges, as well as the road itself.

Complaints about activities taking place on highways land that is connected to the local road network should be reported to the Highways Department at Nottinghamshire County Council (VIA East Midlands) by telephoning 0115 8042100. Complaints about activities taking place on highways land connected to the strategic road network should be reported to Highways England by telephoning 0300 123 5000.

5.5.8 Invasive non-native plants and harmful weeds

Unless a breach of a planning condition has been identified, complaints about non-native invasive species or harmful weeds cannot be dealt with by the Planning Department and should be reported to the Environment Agency and more information can be found on their website at www.gov.uk/government/organisations/environment-agency

5.5.9 Light Pollution

Unless a breach of a planning control has been identified, complaints about light pollution cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01636 650000 or by emailing Environmental.Health@nsdc.info

5.5.10 Noise Nuisance

Unless a breach of a planning control has been identified, complaints about noise nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01636 650000 or by emailing Environmental.Health@nsdc.info

5.5.11 Odour Nuisance

Unless a breach of a planning control has been identified, complaints about odour nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01636 650000 or by emailing Environmental.Health@nsdc.info

5.5.12 Parking Restrictions & On-Street Parking

The Council's Civil Enforcement Officers (CEO) or Nottinghamshire County Council Civil Parking Enforcement (CPE) are responsible for the enforcement of parking restrictions in Nottinghamshire. CEOs have replaced traditional traffic wardens and enforce a range of restrictions. Further information can be found on the Council's website via <https://www.newark-sherwooddc.gov.uk/parkingfines/> or Nottingham County Council's website via the following link - https://www.derbyshire.gov.uk/transport_roads/roads_traffic/parking/parking_enforcement/default.asp or can be reported to Newark & Sherwood District Council on 01636 650000 or Nottinghamshire County Council on 00345 5201357. For police related offences, please call 101 or 999 in an emergency.

5.5.13 Quarry Sites and Active Mineral Extraction

All issues relating to quarrying or mineral extraction should be discussed with Nottinghamshire County Council who can be contacted by telephone at 0300 500 8080 or by emailing enquiries@nottscc.gov.uk

5.5.14 Trespass

Reports about private individuals trespassing cannot be dealt with by the planning department and these types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or reporting the matter to the police.

5.5.15 Vermin

The planning department cannot deal with reports of vermin or other types of infestation, which should be reported to the Council's Environmental Health Department by telephoning the Council's Environmental Health Department by telephoning 01636 650000 or by emailing Environmental.Health@nsdc.info

5.5.16 Waste sites

Any complaints about the operation of a waste transfer site including public amenity waste disposal sites and scrapyards should be directed to Nottinghamshire County Council who can be contacted by telephone at 0300 500 8080 or by emailing enquiries@nottscc.gov.uk

PART SIX - REPORTING A BREACH OF PLANNING CONTROL

6.1 Reporting

The majority of investigations into breaches of planning control result from complaints from members of the public and local councillors. The assistance of the public is therefore important to the success of an effective enforcement function.

Complaints can be made in person via our Customer Service Centre, in writing or by email at planning.enforcement@neward-sherwooddc.gov.uk

Any information provided by members of the public is treated in confidence unless it is necessary to disclose this information at an appeal or in court when it may be made public. In such cases, the individual's consent will be sought prior to this information being made public. Such occasions are rare and involvement is on a voluntary basis.

Given that the complainant's details are entirely confidential, we do not usually investigate anonymous complaints. If complainants feel uncomfortable in providing their contact details they are advised to contact a ward councillor or Parish/ Town Council to make the complaint on their behalf. In this scenario an officer will be able to advise on the best course of action and provide an update of the outcome of the enforcement investigation.

PART SEVEN - MANAGEMENT SYSTEMS

7.1 Equalities and Human Rights

Equality issues have been considered when drawing up this policy. The application of this Enforcement Policy will be objective and equality will be achieved by ensuring decisions are not influenced by a person's age, disability, race, religion or belief, sex, sexual orientation, gender re-assignment, marriage and civil partnership, pregnancy or maternity status. Officers will comply with the Human Rights Act and only depart from those requirements in exceptional circumstances. Officers will ensure that all enforcement action is justified, auditable, proportionate, authorised, and necessary having regard to the circumstances of the individual case.

7.2 How will human rights be taken into account in planning enforcement?

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action should be taken, officers, where relevant, will have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

When considering commencing formal enforcement action, officers must be satisfied that there has been a breach of planning control and that the activity which amounts to the breach must be stopped within the time limits set for compliance or by action to be taken through the courts in the wider public interest. In compliance with Article 6 of the Human Rights Act 1998, a recipient of a formal enforcement notice will also have the right of appeal or the right to a fair trial in the event of non-compliance with a formal enforcement notice or on receipt of a summons.

7.3 Data Protection

The Council needs to hold and process personal information so that it may properly perform its statutory functions. The Data Protection Act 2018 requires that the Council looks after personal information it holds, keep only what is needed and dispose of it in accordance with the Council's Data Retention Schedule. The Council may share personal information held where legislation allows and will have information sharing protocols in place where required. Prior to sharing information, the Council will consider the proposed use of the information, the secure transfer of information and measures that are in place to keep the information secure once it has left the Council's control. For further details please see the Council's Data Privacy Policy - <https://www.newark-sherwooddc.gov.uk/yourcouncil/privacy/>.

7.4 Officer Conduct

In addition to the principles set out in this Policy, officers will always present themselves professionally and courteously. Officers will introduce themselves and in what capacity they are acting. However there may be occasions when officers legitimately delay identifying themselves until a later stage of an investigation, particularly where they are engaged in authorised covert operations. Officers will carry and show their identify card or authorisation as appropriate.

7.5 The Regulators Compliance Code

The Council has been required by the Legislative and Regulatory Reform Act 2006 (“the Act”) to have regard to the Regulators Code when developing this policy and the operational procedures sitting beneath it, taking into consideration the six core objectives. In so far as it relates to the enforcement sanctions, this enforcement policy is compliant with the Code in that it aims to promote efficient and effective approaches to regulatory inspection and enforcement.

7.6 Contact Details

You may contact a member of the Enforcement Team in several ways:

- **Email:** planning.enforcement@newark-sherwooddc.gov.uk
- **Phone:** 01636 650000; 01636 655801; 01636 655391
- **In person:** Our Customer Services Centre is open between 09:00am until 17:00pm Monday to Friday
- **By Submitting the online form**
<http://www.newark.sherwood.gov.uk/planningenforcement/reportbreachofplanning/>
- **In writing:** Planning Enforcement Team, Newark and Sherwood District Council, Castle House, Great North Road, Newark, NG24 1BY

7.7 Implementation and Monitoring

7.7.1 Who will be responsible for implementing the Local Enforcement Plan?

The Director – Growth and Regeneration, the Business Manager – Planning Development and the Senior Enforcement Officer will be responsible for implementing the plan and ensuring the guidelines in this document are followed by officers.

The Director – Growth and Regeneration, the Business Manager – Planning Development and the Senior Enforcement Officer will assist, where appropriate, with deciding what action should be taken when an investigation into a suspected breach of planning control has been completed.

The Council's solicitors will be consulted before any legal action is commenced and the Council's solicitors will assist with any legal proceedings including instructing a QC to represent the Council in any court proceedings.

The Enforcement Officer(s) will normally be expected to prepare a statement of case and/or represent the Council at an informal hearing or public inquiry in the event of an appeal to the Planning Inspectorate where an enforcement notice has been served in particularly complex or high profile enforcement cases.

The Business Manager – Planning Development and/or the Senior Enforcement Officer will assist the Enforcement Officer or Planning Officers, where appropriate, to prepare a statement of case in other more straightforward cases.

7.8 How will District Councilors be involved?

Ward Councilors will normally be informed before officers take formal action in respects of any suspected breach of planning control in their local area where the case is sensitive or contentious.

On a quarterly basis, District Councilors will also receive a report of actions taken on breaches of planning control, together with updates regarding any appeals and further legal action taken.

7.9 What service standards will be monitored?

- The nature of planning enforcement means that it is not possible to target a timescale in which to close a case. For example, if an enforcement notice is served, officers have no control over how long the Planning Inspectorate will take to deal with any subsequent appeal against that enforcement notice and cannot guarantee the outcome of that appeal
- It is also not possible for officers to meaningfully control how many complaints the Planning Department receive about suspected breaches of planning control or how many breaches occur within the District at any particular time, although it is hoped this document will help reduce both.
- However, as previously highlighted, this document sets out the service standards that officers consider are specific, measurable, achievable and realistic. We will monitor our performance against these standards and publish the results on a half-yearly basis. These results will be assessed to see whether this Plan is working or needs to be reviewed. Achieving a culture of compliance would be one key measure of whether the Plan has been successful.
- The Planning Enforcement Plan will also be reviewed if there are any substantial changes to relevant legislation, national policy or national guidance or within three years after publication depending on whichever is the sooner.

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PLANNING COMMITTEE
03 March 2020

Appeals Lodged

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

RECOMMENDATION

That the report be noted.

Background papers

Application Case Files.

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

Lisa Hughes
Business Manager – Planning Development

APPENDIX A**Appeals Lodged (received between 20 January and 17 February 2020)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/20/3244627	19/01771/FULM	Land Off Lower Kirklington Road Southwell Nottinghamshire	Proposed Residential Development for 80 Dwellings (Re-submission 18/01363/FULM)	Hearing	Refusal of a planning application
APP/B3030/W/19/3239526	19/01230/FUL	Sawmills Farm Rufford Lane Ollerton NG22 9DG	Replacement 3 bedroomed, single storey dwelling (Resubmission of 19/00701/FUL)	Written Representation	Refusal of a planning application
APP/B3030/W/19/3243679	19/00782/FUL	Ashleigh Great North Road South Muskham Newark On Trent Nottinghamshire NG23 6EA	Proposed erection of 3 dwellings	Written Representation	Refusal of a planning application
APP/B3030/D/19/3243929	19/01515/FUL	34 Eakring Road Bilsthorpe NG22 8PY	Householder application for single storey front and side extension, canopy to entrance door and bay window (part retrospective)	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/20/3245496	19/01800/FUL	Rose Cottage Main Street Morton NG25 0UT	Householder application for proposed orangery	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/20/3245713	19/01666/FUL	10 Manor Close Bleasby Nottinghamshire NG14 7GE	Householder application for proposed ground floor side extensions	Fast Track Appeal	Refusal of a planning application

PLANNING COMMITTEE**3 MARCH 2020****Appendix B: Appeals Determined (between 20 January and 17 February 2020)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
19/01097/FULM	Kilvington Newark On Trent Nottinghamshire NG13 9PD	Application for removal of condition 21 attached to planning permission 14/02023/FULM which relates to the restriction of a person/s from staying on site for more than 6 weeks per year.	Delegated Officer	Not Applicable	Appeal Allowed	23 January 2020
19/01012/FUL	Shetlands Old Chapel Lane Elston NG23 5NY	Householder application for external rendering	Delegated Officer	Not Applicable	Appeal Allowed	29 January 2020
18/01891/FUL	Land Adjacent Tu Pare Low Street Elston Nottinghamshire	Erection of one affordable dwelling	Planning Committee	Not Applicable	Appeal Dismissed	20 January 2020
19/00343/FUL	Land Off Holme Lane Winthorpe Nottinghamshire	Erection of Single Detached Dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	7 February 2020
19/00768/FUL	Land To The Rear Of 15 Cheyne Drive Bilsthorpe Nottinghamshire NG22 8SB	Erection of a dormer bungalow with existing access and driveway from Archers Drive, and erection of a new boundary wall	Planning Committee	Not Applicable	Appeal Dismissed	31 January 2020
19/01139/FUL	Poachers Cottage 2 Barrel Hill Road Sutton On Trent Nottinghamshire NG23 6PR	Householder application for two storey front extension	Delegated Officer	Not Applicable	Appeal Dismissed	3 February 2020
19/01118/FUL	Land Adjacent 8 Harrisons Way Newark On Trent Nottinghamshire	One bedroomed bungalow	Planning Committee	Varied	Appeal Dismissed	29 January 2020

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
19/00231/FUL	Elston Lodge Farm Lodge Lane Elston Newark On Trent Nottinghamshire NG23 5PG	Change of use of the site to Tractor/Mower machinery repair commercial use, erection of storage building in connection with the commercial use of the site and formation of new vehicular access from Fosse Road plus retrospective permission for the installation of hard surfacing.	Delegated Officer	Not Applicable	Appeal Dismissed	4 February 2020

RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

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

Lisa Hughes

Business Manager – Planning Development