



*Castle House
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Monday, 19 April 2021

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

Members of the Committee:

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

**Councillor Mrs P Rainbow
Councillor Mrs S Saddington
Councillor M Skinner
Councillor T Smith
Councillor K Walker
Councillor Mrs Y Woodhead**

MEETING: Planning Committee

DATE: Tuesday, 27 April 2021 at 2.00 pm

**VENUE: Broadcast from the Civic Suite, Castle House,
Great North Road, Newark NG24 1BY**

**You are hereby requested to attend the above Meeting
for the purpose of transacting the business on the Agenda as overleaf.**

**Attendance at this meeting and public access will be by remote means due to the Covid-19 Pandemic.
Further details to enable remote access will be forwarded to all parties prior to the
commencement of the meeting.**

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

AGENDA

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Remote Meeting Details

This meeting will be held in a remote manner in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be live streamed on the Council's social media platforms to enable access for the Press and Public.

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Part 1 - Items for Decision

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Part 3 - Statistical and Performance Review Items

None

Part 4 - Exempt and Confidential Items

None

16. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY Tuesday, 30 March 2021 at 2.00 pm.

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

Councillor L Brazier, Councillor M Brock, Councillor R Crowe, Councillor Mrs L Dales, Councillor Mrs M Dobson, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor K Walker and Councillor Mrs Y Woodhead

320 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor L Brazier declared a personal interest regarding Agenda Item No. 7 – Land at Main Road, Boughton (21/00257/FUL), as he lived 200 yards from the site.

Councillor M Brock declared personal interests regarding Agenda Item No. 5 – Norwood Park Farm, Norwood Park, Halam Road, Southwell (20/02472/FUL) and Agenda Item No. 8 – 12 Monckton Drive, Southwell (21/00163/FUL), as both items had been considered at Southwell Town Council of which he was a Member.

Councillor Mrs P Rainbow declared a disclosable pecuniary interest regarding Agenda Item No. 8 – 12 Monckton Drive, Southwell (21/00163/FUL), as her husband was the applicant.

321 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting, which would be webcast.

322 MINUTES OF THE MEETING HELD ON 2 MARCH 2021

AGREED that the minutes of the meeting held on 2 March 2021 were approved as a correct record of the meeting, to be signed by the Chairman.

323 NORWOOD PARK FARM, NORWOOD PARK, HALAM ROAD, SOUTHWELL 20/02472/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to site a retort to support an existing firewood business.

This application was presented to the 2 March 2021 Planning Committee. The Committee resolved to approve the application in accordance with Officer Recommendation subject to discussing the addition of a condition to specifically control emissions from the retort with colleagues in Environmental Health. It was concluded that if no agreement could be reached between the Environmental Health

Technical Officer (EHTO), Planning Officer and Local Ward Members the application would be referred back to Committee. The report provided the EHTOs professional opinion, advising that charcoal production was exempt from the Environmental Permitting Regulations 2016 and as such, there was no legal requirement for such a process to quantitatively monitor stack emissions.

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

The Business Manager – Planning Development informed Committee that there was a recommended change to Condition 08, requiring the moisture content to be no more than 15%, as opposed to 20%.

The Chairman informed the Committee that the Local Ward Member had confirmed in writing that he was satisfied with the proposal and was grateful to the Environmental Health Business Unit for their work.

Members considered the application and noted the Environmental Health Officers advice and as the Planning Committee had voted to approve the application with 12 votes For and 1 vote against at the previous meeting, subject to further discussion and advice from the Environment Health Business unit, the vote was taken as follows.

(Having declared a personal interest Councillor M Brock took no part in the debate or vote of this item).

AGREED (with 11 votes For and 2 Votes Against) that full planning permission be approved subject to the conditions and reasons contained within the report, subject to the amendment to condition 08 requiring the moisture content to be no more than 15% (as opposed to 20%).

324 CHESTNUT LODGE, BARNBY ROAD, BALDERTON 21/00027/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of the land for the siting of caravans for residential purposes for two gypsy pitches and hardstanding ancillary to that use, the application was retrospective.

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

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer. The notes to the applicant – 05, was a duplicate of 01 and therefore required deleting. There was also proposed changes to the wording of Condition 10.

Members considered the application and whilst Members supported the gypsy and traveller family, concerns were raised regarding the site being in the open countryside and the NCC Highway Authority objection, as there was no footway or cycle route provision close by and very infrequent bus service.

A Member sought clarification regarding Condition 06 and whether planning permission would fall if the 5.8m of public highway was not provided. The Business Manager – Planning Development confirmed that if a breach occurred an assessment would be undertaken by the Planning Enforcement Team.

The Business Manager – Planning Development further advised the Committee regarding whether the splay should be 5.8m wide as set out within the condition or 4.8m wide as set out within the main report and did not want to include a requirement that was unreasonable or unachievable. It was suggested that if the Committee were minded to approve the application this would be reviewed prior to the decision notice being sent to the applicant.

AGREED (with 11 votes For, 2 votes Against and 1 Abstention) that:

- (a) planning permission be approved subject to the conditions and reasons contained within the report, with the amendment to the notes to the applicant, deleting 05 and the amendment to Condition 10, to remove the wording 'prior to occupation'; and
- (b) the Business Manager – Planning Development review Condition 06, regarding whether the splay should be 5.8m wide or 4.8m wide.

325 LAND AT MAIN ROAD, BOUGHTON 21/00257/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use from a residential garden to create a new pedestrian footpath from Holles Close connected into existing footpath with 1800mm high closeboard timber fence with trellising.

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

A Member commented that the name of the road as indicated in the report as 'Hollies Close' was incorrect, the correct name was 'Holles Close'.

Members considered the application acceptable and commented that this would be beneficial for local people and the 1.8m high fence would alleviate any residents concerns.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained within the report and the amendment to the name 'Holles Close'.

326 12 MONCKTON DRIVE, SOUTHWELL 21/00163/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the creation of a driveway, drop kerb and retaining wall.

Members considered the presentation from the Senior Planning Officer, which

included photographs and plans of the proposed development.

Members considered the application acceptable.

(Having declared a disclosable pecuniary interest Councillor Mrs P Rainbow took no part in the debate or vote and turned off her camera and muted herself in accordance with Council protocol, for the duration of this item. Councillor M Brock having declared a personal interest also took no part in the debate or vote of this item).

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

327 LAND AT LORD HAWKE WAY AND BOWBRIDGE ROAD, NEWARK 21/00091/ADV

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of four hoardings, six flag poles and fifteen airmesh banners fixed to Heras boundary panels, the application was retrospective.

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

Members considered the application and whilst they considered the application acceptable, they were disappointed that the application was retrospective given that the applicant was Arkwood Developments, a company owned by Newark and Sherwood District Council. The Chairman commented that this matter had been raised with the Leader of the Council.

AGREED (with 13 votes For and 1 vote Against) that advertisement consent be approved subject to the conditions contained within the report.

328 PROACTIVE PLANNING ENFORCEMENT AND TEMPORARY STRUCTURES

The Committee considered the report of the Director – Growth & Regeneration which sought Committee approval for the adoption of a policy for under enforcement of temporary structures requested as a result of the Covid – 19 pandemic.

The report had previously been presented to the 3 November 2020 meeting of the Planning Committee and the adoption of a policy for under enforcement of temporary structures requested as a result of the Covid-19 pandemic had been adopted. Since that time the District had been in lockdown due to Covid-19 restrictions. The timescale previously approved, for allowing this under enforcement was due to expire on the 31 March 2021. The report sought to extend the time period until the 31 October to allow for the Government’s slow release of restrictions.

The Chairman suggested that an amendment be made to recommendation (b) to read ‘prior to 31 October 2021’.

AGREED (unanimously) that:

(a) Members agree the approach to under enforcing

breaches of the planning regulations for temporary structures for businesses for a temporary period up until the 31st March 2021; and

- (b) prior to 31 October 2021 Officers will review the requests received or any temporary structure erected without a request to determine whether it is appropriate to allow the structure to remain for a longer period of time.

329 APPEALS LODGED

AGREED that the report be noted.

330 APPEALS DETERMINED

AGREED that the report be noted.

331 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Director of Planning & Regeneration which related to the performance of the Planning Development Business Unit over the three month period October to December 2020. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 was provided. The performance of the Planning Enforcement team was provided as a separate report.

The Chairman on behalf of the Planning Committee congratulated the Business Manager – Planning Development for the work undertaken and asked for the Planning Committee's thanks to be forwarded to the Planning team.

AGREED that the content of the report be noted.

332 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Director of Planning & Regeneration which followed on from the report that was presented to the 3 November 2020 Planning Committee, which highlighted planning enforcement performance during the second quarter of 2020/21. The report related to the third quarter 1 October to the 31 December 2020 and provided an update on cases where formal action had been taken. It also included case studies which showed how the breaches of planning control had been resolved through negotiation.

It was noted that due to periods of national and local lockdowns due to Covid-19, response times for visits and compliance periods for remedial works had been affected. Members also noted that Officers had received more cases than in previous years and achieved positive results despite those challenges. The report presented a snap shot on the general volumes of cases received and dealt with and showed an overview of the enforcement activity compared to previous quarters.

AGREED that the content of the report be noted.

333 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in part 1 of Schedule 12A of the Act.

334 PLANNING APPEAL

The Committee considered the exempt report of the Director of Planning & Growth, which updated the Planning Committee regarding a Planning inquiry.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972.)

Meeting closed at 3.20 pm.

Chairman

PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/01813/FUL	
Proposal:	Erection of a gantry structure, crane to run along the gantry and enclosed frame on existing industrial site (retrospective)	
Location:	International Export Packages Ltd, P A Freight International, Farndon Road, Newark On Trent, NG24 4SP	
Applicant:	PA Freight - Mr Andrew Morris	
Agent:	Mortec - Mr Matthew Tucker	
Registered:	9 October 2020	Target Date: 4 December 2020
Link to Application Document:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QH09D6LBJHX00	

Cllr Girling has requested that the application be called in for determination by Planning Committee due to *“Given the size, height and positioning and prominence I think this has an unacceptable impact which needs to be properly considered with balance By [sic] the planning committee. It also severely effects [sic] residential amenity and in my opinion all of this harm should Not [sic] be outweighed [sic] by the business case of the applicant”*.

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

The freight site is occupied by a diverse range of buildings, comprising warehousing, a Nissan hut, stores, workshops, portacabins and offices as well as a concrete surfaced handling yard for the freight. The buildings are all contained within a secured compound and are partly screened by mature conifer trees and fencing.

Access to the site has been historically taken along an 80 metre private drive from Farndon Road, which is located immediately adjacent to a property known as ‘Camahieu’ (No 153). Access is now achieved off and arm of the A46 roundabout. This access also serves a residential dwelling located to the east of the site called Cranleigh Park, 153a Farndon Road located to the east of the PA Freight site which adjoins the open countryside.

Immediately to the east of the dwellings on Farndon Road is a strip of land (which appears to be a yard used for HGV parking) which separates the PA Freight site from the rear gardens of residential development on Farndon Road. Willow Cottages are located to the north of the site.

Land to the south of the freight site is an agricultural field, which borders the River Devon to the east and Fosse Road to the west.

The buildings at PA Freight (PAF) sit within Newark Urban Area, whilst the adjoining field including existing lorry park area, new lorry park with extant planning permission and accesses located within the open countryside and the Farndon Open Break.

The site lies within flood zone 2 and 3.

Relevant Planning History

11/01300/FULM Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles – permission 07.10.2020

20/00609/S73 Application to vary conditions 1 and 2 attached to planning permission 15/00292/FUL to allow the crane to be retained on site for a further three years and the exterior of the crane to be covered with a green metal façade – withdrawn 09.06.2020

15/00292/FUL Erection of a new gantry crane on an existing industrial site – permission 10.07.2015 subject to conditions that states:

- *The crane hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date the gantry crane hereby approved is installed on site.*

Reason: To reflect the temporary nature of the permission and to ensure that the use remains compatible with the character of the surrounding area and in the interests of residential amenity.

- *The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.*

Reason: In the interests of residential and visual amenity.

- *The use hereby permitted shall not take place outside the following:-
Monday - Saturdays 6am to 8pm
Sundays, Public or Bank Holidays 9am to 4pm*

Reason: In the interests of residential amenity.

- *The applicant shall provide written notification to the Local Planning Authority within 7 days of the gantry crane hereby approved being installed on site.*

Reason: To allow the Local Planning Authority to make provision for monitoring of the development given the temporary nature of the permission.

07/00848/FUL Widening of existing road and provision of turning area and temporary parking area for commercial vehicles (retrospective) – permission 11.08.2007

05/02621/FUL Increase height of warehouse (retrospective) – permission 19.01.2006

03/02978/FULM Proposed new logistics training centre, warehousing and offices together with related car and lorry parks and landscaping – refused 11.08.2004

02/02656/OUT Proposed new offices and lecture theatre and new warehouse facilities – refused 06.02.2003

02/01147/FUL Proposed new access drive to serve adjacent private house – permission 16.09.2002

96/51057/FUL Erect storage shed – permission 24.02.1997

93/51036/FUL Change of use of former gardens to yard – permission 11.11.1993

01901427 Erect new storage shed, oil and general store – permission 12.02.1991

01851130 Replacement storage building – permission 27.01.1986

01881459 Refurbishment and extension to stores and staff facilities – permission 09.01.1989

The Proposal

The application seeks full planning permission for the retrospective erection of a gantry structure and crane housed within enclosed frame. The frame has the appearance of a building.



Enclosed Frame



Gantry structure and crane

The following documents have been submitted with the application:

- Planning Statement
- Site Location Plan
- TSA 20 0758 201 Site Plan Showing Elevation Scene Location
- TSA 20 0758 202 Elevation Scene A-A
- TSA 20 0758 203 Elevation Scene B-B and C-C

Public Advertisement Procedure

This application has been publicised by way of neighbour notification letters to occupiers of 15 individual properties.

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
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 - Landscape Character
NAP1 – Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Consultations

Newark Town Council: Object in line with the Environment Agency due to absence of Flood Risk Assessment.

Farndon Parish Council: No response received.

Environment Agency: Support the proposal subject to the imposition of conditions including a flood management plan.

Highways England: No comments, the development has had no material impact on the safe operation of the Strategic Road Network.

NCC Highways: Raise no objection as access and parking provision will be unaffected and no material impact on the safe operation of the highway.

NSDC Environment Health Officer: There are no known adverse effects from an environmental health point of view from the installation of the crane gantry. We recommend the developer inform local residents of the work and be sensitive to local residents before 8 am and 7 pm during construction regarding noise from the installation of the gantry. The developer should take all precautions to prevent a statutory nuisance from noise.

3 letters of representation have been received from neighbouring properties. Main issues raised include:

- When operating the crane has a high pitched whine which you would not expect in a residential area;

- Gradual ‘creep’ from what was a distribution depot to a full-scale industrial unit;
- Operations run 7 days a week at all hours;
- Noise impacts from clanging of chains and container being dropped loudly has disturbed residential peace and caused dogs to bark. Hammering and banging and beeping from trucks is also an issue;
- Flood lights shine into adjacent homes;
- Change to access has caused issues;
- The large crane bring with it large lorries with engines left running, damage to properties, rubbish, urinating against fences and looking into windows;
- Devaluation of properties;
- Within flood zone 3 (should be refused without FRA), adjacent to open countryside, protected open break and residential area (contrary to these designations);
- Crane should already have been removed;
- Building is an eyesore.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Members will note from the planning history that permission was given for the gantry crane by Planning Committee in July 2015. Condition 1 of that permission required the removal of the crane within 3 years of installation.

“To reflect the temporary nature of the permission and to ensure that the use remains compatible with the character of the surrounding area and in the interests of residential amenity.”

The temporary nature of the permission was at the request of Members of the Planning Committee at that time. Minutes from the meeting state:

“Councillor ...Lloyd...spoke against the application on the following grounds:...five years permission was too long if discussions were taking place regarding relocation; the visual impact would have an adverse impact on the amenity of surrounding residents and the stacking of the containers was not acceptable. There should also be a condition on the hours the crane would operate due to the close proximity to residents; 9am – 4pm was suggested for weekend operation.

Members considered the application and concerns was raised regarding the noise impact on the residents of the adjacent cottages and the loss of light from the leylandi and containers stacked in close proximity to the cottages. It was suggested that there be no hours of operation on Sundays; the leylandi be topped to a reasonable height; and the containers in close proximity to the cottages should not be stacked due to the loss of light to the adjacent residents. It was felt that five year permission was too long given the applicant had given an undertaking to look for new premises. Members re-iterated that the Economic Development Business Unit would provide support to the applicant in securing a more suitable location for the business within the district.”

This application seeks the retention of the crane as well as a frame that was erected shortly after the crane was brought onto site. PA Freight buildings, including the location of this development, are located within Newark Urban Area and the village envelope.

Core Policy 6 of the Core Strategy states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by amongst other things:

‘providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. Providing a range of suitable sites in these location that will enable employment levels to be maintained and increased, by meeting the modern requirement of different business sectors and types.’

The National Planning Policy Framework (NPPF) 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, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Core Strategy is explicit in identifying that the Newark Urban Area is the Sub-Regional Centre for the District which will form the focus for further development and growth over the identified plan period. The Allocations and Development Management DPD identifies the development site as being within the Newark Urban Area where Area Policy NAP 1 is considered to be particularly relevant. NAP 1 states that the District Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district.

Whilst the site is also situated adjacent to land allocated as Open Break, Policy NUA/OB/1 of the Development Management DPD, this policy only applies to development within this land designation. This policy is therefore not applicable. The crane and enclosure is sited within the boundaries of the existing yard, which has an established employment use (occupied by PA Freight since 1996) for use as a freight depot. The site has been in commercial use for a number of years prior to this dating back to the 1930s and earlier as evidenced through historical photographs.

The principle of development on the site is therefore considered to be acceptable subject to the consideration of all other considerations including amenity, flood risk and visual impacts.

Impact on Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the Landscape Character Assessment as being within the Trent Washlands TW PZ 12 'Farndon Village Farmlands'. The landscape condition for this area is assessed as being poor due to detracting features including power lines, commercial buildings, busy roads and road junctions with limited tree cover.

The site and its surroundings have undergone a number of changes since the application was previously considered by virtue of the highway improvements to the A46 as well as the alterations immediately to the south of the main PAF commercial centre (i.e. where the buildings associated with the business are situated) with the provision of the parking and turning area. However, the buildings are seen in the context of the transition from countryside to suburban area alongside the public house Lord Ted to the other side of Farndon Road where they are glimpsed within the wider context. Views into the site can be seen are relatively limited.



The site is laid out with a carpark to the south west with associated office building to the east of this. The yard area with associated buildings extends to the north and west of the main office building. Of particular note is the existing warehouse building on the northern boundary of the site which has a ridge height of approximately 9.2m. The gantry enclosure by comparison is 10 metres high. The site is screened from wider views by the presence of an approximately 20m high Leylandii hedge which marks the northern, eastern and western boundaries to the site. The building can be seen from the south. However, this view is only applicable to those parties utilising the new access road in to the site, it is not a road ordinarily used by the general public. Furthermore, as can be seen from the image below, the building nestles into the backdrop of the site and surrounding landscaping and is thus not prominent and harmful to wider landscape views.



The applicant has detailed that it is not possible to operate the crane without it being protected from the elements, hence the need for the building surrounding the crane. Overall, it is therefore considered the impact of the development is fairly limited and would not result in any adverse impact upon the character of the area in accordance with Core Policies 9, 13 and DM5 of the DPD.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The sheltered elderly housing of Willow Cottages situated to the north of the site are the closest residential properties to the development. Other properties are located further away

including those to the west fronting Farndon Road and the boundary with Cranleigh Park is also located approximately 27 metres to the east. However, the distance to these latter properties is such that they would not be materially affected to the detriment by this development in terms of being overbearing, loss of light impacts.

Number 14 Willow Cottages is the closest residential property to the proposal at approximately 5 metres away. It is considered that whilst the overall height of the crane and enclosure is high, given the orientation of buildings and dense Leylandii hedging which marks the boundary of the site (which is even higher than the crane and enclosure and has been there for some substantial time), this offsets its overall impact.

In relation to noise impacts, PAF handles a variety of packing crates and containers of varying sizes and the crane is used to manage the logistics of maneuvering these containers along with fork lift trucks and telehandlers. There is therefore noise associated with the overall business (excluding the crane) by vehicles moving around the yard as well as background noise of the nearby A46.

Prior to the installation of the current crane, smaller cranes were used to manage containers. Examining the previous Committee Report, it would appear that the use of a smaller crane resulted in a greater number of vehicular movements within the site and thus a likely greater noise impact. This is supported within the current Planning Statement indicating if the crane and gantry was not in use there would be increased noise from needing to use alternative methods.

Since the current crane has been in operation, no complaints have been received by Environmental Health (EH) notwithstanding the notification responses from some residents indicating concerns with noise. The crane is operated by electric motors and notwithstanding the noise generated by these motors is relatively quiet in its operation - the Planning Statement details the crane uses a 'silent' switchgear and generators which is a quiet piece of machinery. It is also noted that EH has not raised any objection to the proposal and in fact appear to consider this to be a proposed development as opposed to retention, further evidencing little the concern regarding noise. When the site was visited in December 2020, it was observed that whilst the noise generated from the crane when in use was audible, this did not appear to be higher than noise levels generated by existing operations.

Subject to conditions in relation to operating hours (as applied to the previous permission), it is not considered that that an unacceptable impact on amenity would result in accordance with the aims of the NPPF and Policy DM5 if the DPD.

Impact on Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is located within Flood Zones 2 and 3 and is therefore a site at risk of flooding (medium - high probability). Accordingly the applicant has submitted a Flood Risk Assessment which has been assessed by the Environment Agency (EA).

The NPPF sets out policy on flood risk stating that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It goes on to say that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. In applying the sequential test I consider that given the proposal is an extension of an existing facility/service it would not be practical or appropriate to site this anywhere else. I therefore consider that to site this elsewhere would be nonsensical and it would not in this instance be appropriate to site this in an area of lower risk of flooding.

As with the previous application, It is also necessary to demonstrate that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The development is classed as 'less vulnerable' in terms of the NPPF and therefore it is not required to have floor levels set above flood levels if that is not possible for operational reasons. Instead the structure can be designed to be floodable. The FRA proposes a water-entry strategy by leaving the roller shutter doors and pedestrian doors open during flood events. The FRA also proposes raising electrics and sensitive equipment to the maximum flood level (the level of the 0.1%AEP event; 12.82mAOD). This water-entry strategy will maintain a level of floodplain storage within the building during flood events. As the site is defended from flooding by flood defences, full level-for-level and volume-for-volume floodplain compensation is not required.

The FRA also proposes a flood management plan to be implemented, which the EA, strongly recommend is provided. They advise that the flood management plan should also include an on-site safe refuge from flooding for occupants of the site, for example during a sudden-onset breach of flood defences. It is noted that the existing offices at the site contain a safe haven at first floor level. No information has been provided within the FRA on safe access and egress routes to the site. However, it is recognised that this is as an established site, safe access and egress is already applicable to the site as it is an existing commercial use with a number of buildings whether or not planning permission for this development is granted. The Environment Agency raised no objection to the application subject to a condition requiring compliance with the submitted FRA. Subject to this condition, the proposal is considered acceptable in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy and Policy DM5 of the DPD.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. Highways England and the Highways Officer raise no objection to the proposal the proposed is considered to comply with the highways requirements of Policy DM5.

Economic Impacts

The application form details the site employs 40 full time. This site, as detailed earlier, is situated within the Urban Centre of Newark where in accordance with Area Policy NAP 1 and Core Policy 6 of the Core Strategy employment shall be promoted. As such in the interests of the economy, the retention of the development would result in a positive economic outcome allowing a local business to continue to operate with optimal infrastructure, to the benefit of the District.

Other Matters

A neighbour notification response has indicated that permitted this development will result in house values falling. However, Members will be aware that this is not a material planning consideration which may be taken into account.

Concern has been raised regarding the retrospective nature of this application and that the crane should have been removed previously. Members will note from the planning history that an application was submitted earlier last year to retain the crane. However, Officers did not consider that this application could be entertained due to the crane enclosure which had not been shown on the original 2015 plans. The applicant submitted this previous application at what they considered was the appropriate time i.e. before condition 1 came into effect in terms of the need for the crane to be removed. The wording of condition 1 refers to 'installed on site' which they considered meant the equivalent of substantially complete. Substantially complete is the term used in relation to when enforcement action may or may not be taken.

Many of the other concerns regarding noise of the development site as a whole for example are not matters that can be considered as part of this application. Again, to repeat, the response from Environmental Health, they have not received any noise complaints regarding the activities that take place on this site.

Conclusion

The crane would continue to be sited within an operational yard and within the existing boundaries of the site. The existing boundary vegetation would continue to screen the crane from views from neighbouring properties and users of Farndon Road. The crane results in no greater noise disturbance level than that which existed on the site prior to its installation and from information provided would appear to be less. The FRA indicates that the development can be appropriately conditioned to ensure that the development does not cause greater flooding risk to the site itself or surroundings. The proposal would also support the local economy. It is therefore recommended that the application is approved, subject to appropriate conditions.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

The development hereby permitted shall be retained in complete accordance with the following plans and documents:

- Planning Statement
- Site Location Plan
- TSA 20 0758 201 Site Plan Showing Elevation Scene Location
- TSA 20 0758 202 Elevation Scene A-A
- TSA 20 0758 203 Elevation Scene B-B and C-C

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

02

The use of the development hereby permitted shall not take place outside the following hours:-

- Monday – Saturdays 6am to 8pm
- Sundays, Public or Bank Holidays 9am to 4pm

Reason: In the interests of residential amenity

03

The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar species and allowed to grow to the size of those replaced.

Reason: In the interests of residential and visual amenity

04

The development shall be continued in accordance with the submitted flood risk assessment (FRA) (Ashfield Solutions Group, 08/02/2021, Ref. 124020-F01) and the following mitigation measures it details:

- All electricals and vulnerable equipment shall be located above 12.82mAOD
- The building shall be operated in such a way that it is 'floodable' during periods of flooding, as detailed in section 3.3 of the FRA

These mitigation measures shall be fully implemented within 3 months of the date of this permission. The mitigation measures detailed above and within the FRA shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to maintain floodplain storage during a breach of defenses or overtopping of flood defenses.

Note to Applicant

01

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

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

02

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

BACKGROUND PAPERS

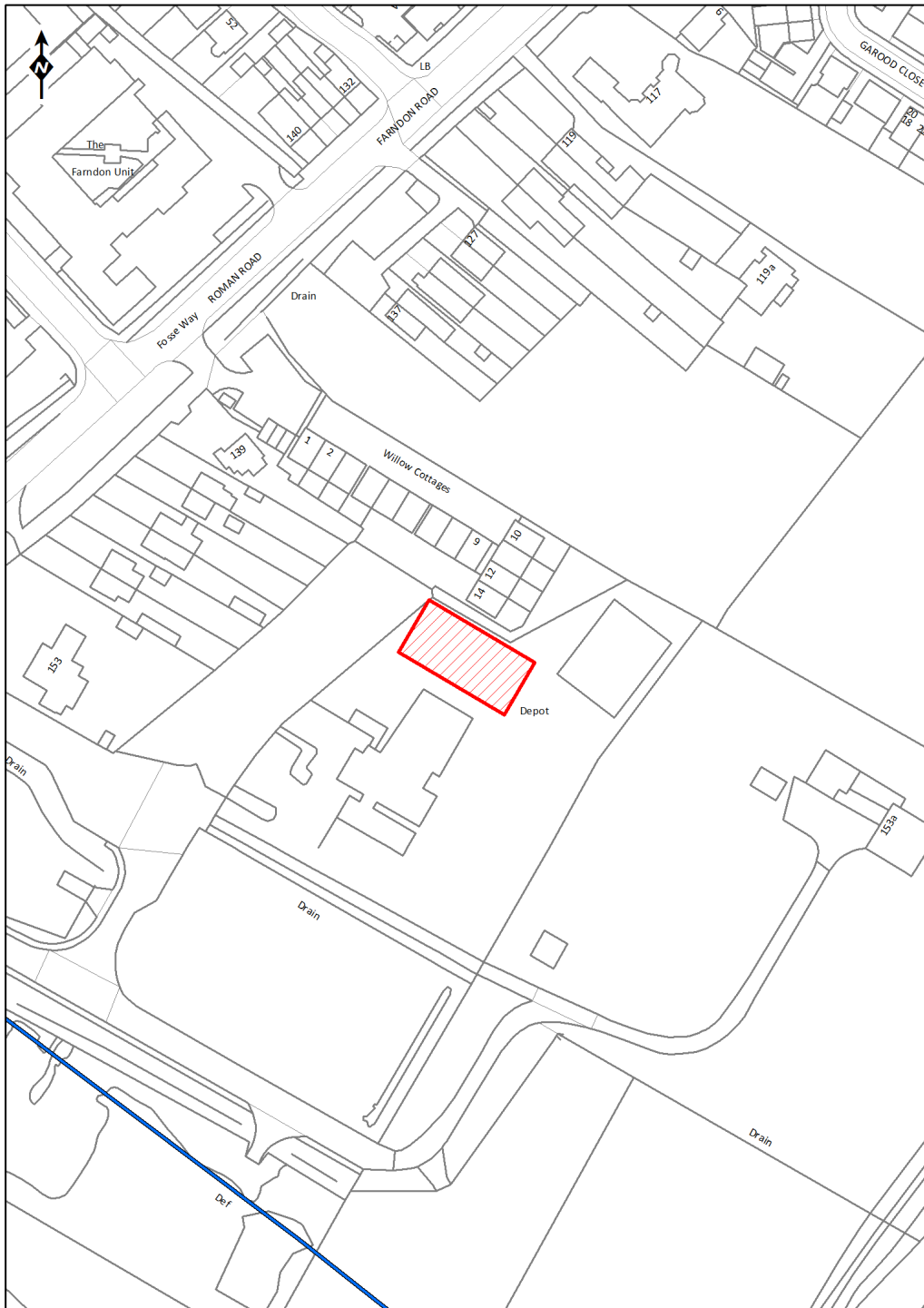
Application case file including:
Committee Report July 2015
Committee Minutes August 2015

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 - 20/01813/FUL



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COMMITTEE REPORT – 27 APRIL 2021

Application No:	21/00379/FULM	
Proposal:	Residential redevelopment of farm complex comprising 5no. new dwellings and the residential conversion of a traditional stone barn (Resubmission of 19/00746/FULM)	
Location:	Bankwood Farm, Oxton Road, Thurgarton	
Applicant:	J & B Cressey and Sons	
Agent:	IBA Planning Ltd – Mr Nick Baseley	
Registered:	16 February 2021	Target Date: 18 May 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Background

Members may re-call that a very similar application at the same site was considered by the Planning Committee at its meeting on 6 August 2019. Contrary to officer recommendation, the Committee determined to grant planning permission for the development. The Background Papers at the end of this report include links to access both the previous Committee Report and Decision Notice for application 19/00746/FULM.

This application is being reported to the Planning Committee as the specifics of the application warrant determination by the Planning Committee at the request of the Business Manager – Planning Development.

The Site

Bankwood Farm is a relatively large parcel of land in the open countryside between the settlements of Thurgarton and Oxton. The site is accessed via a long private driveway track which runs from the Southwell/Oxton Road to the north and connects to Thurgarton to the south. It sits between the two main roads of the A612 to the south and B6386 to the north from which the site is accessed via a 12.5km long private road from the B6386. This private road currently serves Hollybeck Nurseries, a garden centre, situated close to the B6386, as well as a number of isolated farms and dwellings that stretch out along the road, including, Thurgarton Quarters, Bankwood Lodge and Bankwood Farm Cottages. The private road runs through the site and then continues southwards and serves Bankwood Barn, Bankwood Farm Cottages and Dumble House. The road is tarmacked and is predominantly single track in width with a number of speed-restricting bumps along its length.

The surrounding area comprises numerous agricultural buildings as well as other residential premises of both modern and traditional character to the north. Immediately adjacent to the site to the north-west, there are residential dwellings (Bankwood Farm Cottages and Bankwood Lodge) and to the south Bankwood House.

The site is largely flat and surrounded by open countryside with significant long distance views, particularly to the south and south-east. The site is currently occupied by 6 large modern agricultural buildings and 1 traditional stone threshing barn. As the buildings are modern, the layout does not create any traditional crew yard with no intimate U, C or E-shaped grains. The layout is fairly arbitrary arranged either side of the central access that runs through the centre of the site. There are no boundary treatments between the buildings themselves but boundaries in the wider area around surrounding fields are hedges.

The site lies within flood zone 1 of the Environment Agency's flood risk maps.

Relevant Planning History

20/02528/NMA - Application for a non-material amendment to planning permission 19/00746/FULM to amend the red line boundary (omitting a small part of land), Approved 07.04.2021

19/00746/FULM - Residential redevelopment of former farm complex comprising 5no. self-build plots and the residential conversion of a traditional stone barn. Resubmission of 18/00071/FUL, approved 21.08.2019, still extant, development not commenced.

19/00541/CPRIOR - Notification of a Prior Approval for the Proposed Change of use of existing agricultural building to Use Class B1 (Business). Approved 10.05.2019.

18/02033/CPRIOR - Notification for Prior Approval for a proposed Change of Use of 3 Agricultural Buildings to 5 dwellinghouses (Class C3) and for associated operational development. Approved 28.02.2019, development must be **completed within 3 years** – i.e. by 28.02.2022. Prior to the approval of this application, two vehicle passing bays and various right of way signage were installed along the access road to address the concerns of the Highway Authority and Rights of Way Officer.

18/01115/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of 3 Agricultural Buildings to 5 dwellinghouses and for associated operational development, refused 07.08.2018 on the grounds that it failed the qualifying criteria under Class Q of the Town and Country Planning (General Permitted Development) Order 2015.

18/00071/FUL - Residential redevelopment of former farm complex comprising 5 No. self-build plots and the residential conversion of a traditional stone barn – withdrawn.

16/01740/CPRIOR – Notification for Prior Approval for proposed change of use of agricultural buildings to three dwellinghouses Class C3 – Approved 05.12.2016, now lapsed.

08/00527/AGR – Erect grain store – Approved 19.05.2008

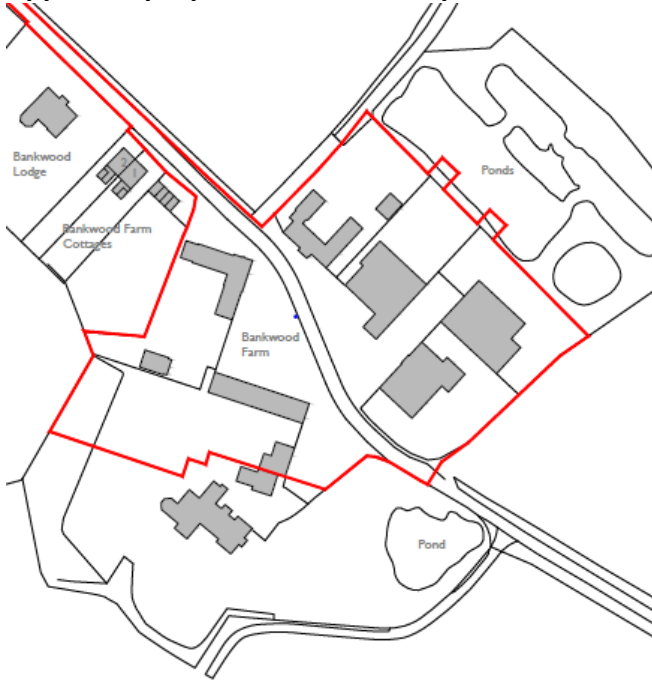
The Proposal

The only two differences between this current submission and the previously approved application relates firstly to an amendment to the description of the proposal. This previously read "Residential redevelopment of former farm complex comprising 5no. self-build plots...." The reference to self-build has now removed from the description. As a result, the whole development can be completed by a single developer, as opposed to being implemented as individual plots by independent people. Secondly, a minor reduction in the red line area of the

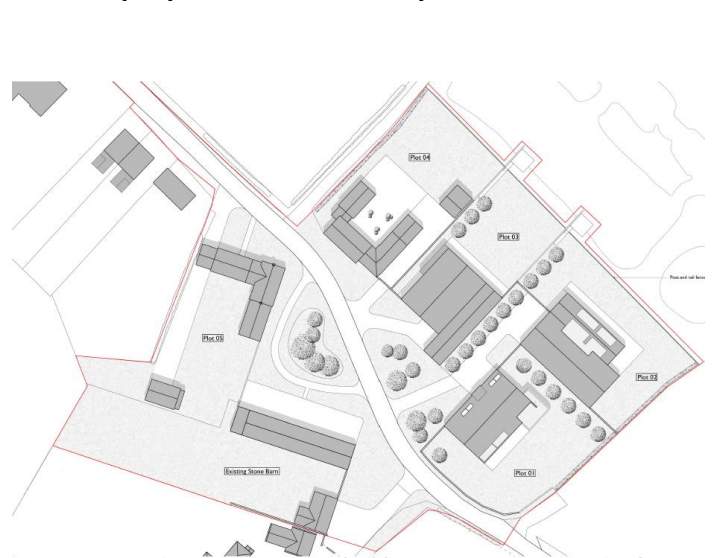
application site by squaring off by a straight line (rather than being stepped) of the southern boundary of the application site, as illustrated on the extracts below. This reflects the NMA approved earlier this month, as included within the planning history above.

This would effectively reduce the rear/side garden area that would serve the converted barn by approx. 500 sq m reducing from approx. 1950 sq m to 1450 sq m.

Approved proposed red line site plan:



Current proposed red line site plan:



In every other aspect, the application is identical to the submission approved under reference 19/00746/FULM.

Planning permission is sought for the demolition of the farm complex and the subsequent erection of five new dwellings (each containing 5 bedrooms) and one conversion of an existing barn to form a dwelling (4-bed).

Four of the proposed dwellings would be positioned on the eastern side of the access road and are set within their own curtilage. Plots one and two would be configured to face the side of plot 3 where they are served by a feeder driveway from the access road which intersects the site. Plots 3 and 4 would front the access road with an intervening space allowing for a garden and driveway.

Plot 5 would be positioned on the western side of the access road between the existing stone threshing barn and the edge of the application site near to Bankwood Cottages to the northwest.

The demolition of the buildings attached to the existing threshing barn would expose the building and would comprise a converted detached dwelling set back from the access road.

Plot 1 - 529.5 sqm

This dwelling would comprise a two storey dual pitched building which measures 23 metres in width by 18.4 metres in depth. The building would project 9 metres in height to the roof ridge and would have front first floor skylights set into the roof plane and large patio doors leading onto rear balconies serving the bedrooms. The ground floor is articulated with large window openings and

an emphasised front design feature that identifies the front door. An integral garage is adjacent to the front door leading onto the driveway which also serves plot two.

Plot 2 - 579 sqm

Plot two comprises a twin dual pitched two storey building measuring 19 metres in width by 26 metres in length. The roof ridge covering the habitable first floor projects 8.2 metres in height and the lower ridge sits 6.4 metres above ground level. The building is configured in a linear arrangement at first floor with three of the bedrooms leading out onto a large north-easterly facing balcony which is partly covered by the lower roof. The garden wraps around the north and south easterly side of the building and would have access to a jetty and the pond to the northeast.

Plot 3 - 568 sqm

Plot three, broadly square in plan, measures 21.6 metres in width by 19 metres (25 metres including the front ground floor garage section). The property would have a twin dual pitched roof (measuring 8.4 metres in height) with the gable end containing the first floor window openings facing the access road and its rear garden. This plot would have access to a separate jetty on the north-eastern pond.

Plot 4 - 415 sqm

This property distinctly changes in design and style where the footprint would be arranged into a 'C' shape covering an area of 21 metres by 17.4 metres. The front of the property would face onto the access road set back by approximately 5 metres from its edge and project approximately 8 metres to the roof ridge. Two rear wings then extend to the rear of variant heights (still lower than front section) would create an enclosed immediate garden which then opens out to continue to the north-easterly boundary.

Set to the rear of the southern wing along the boundary with plot 3 is a detached open frontage garage measuring 5.6 metres in width by 7.2 metres in length. The garage would project 4.65 metres above ground level and is constructed with a pitched roof.

Plot 5 - 322 sqm

Plot 5 is similar to plot 4 in respect of its general design but is arranged into an 'L' shape footprint with the two principle elevations facing a northerly and easterly direction. The principle elevations measure 23 metres and 20.5 metres respectively with the depth measuring 6.5 metres. The property, again has been designed with a pitched roof of variant heights with the highest projecting 8 metres from ground level.

A section of the westerly ground floor section of the property has been designed to allow vehicles to enter the rear garden where the driveway leads to a detached garage at the rear boundary. The garage measures 8.3 metres in width by 6 metres in depth projecting 4.7 metres in height. The garage is constructed with a pitched roof.

Stone barn - 357 sqm

The removal of the existing modern side sections results in a linear form of accommodation based over two floors. All the existing openings would be utilised for light and outlook with a large opening on the northern elevation used for the main access into the building.

One new ground floor window would be inserted into the southern elevation with 12 roof lights inserted into the roof plane.

A new detached garage would be positioned in-between the barn and the southern boundary. The garage would be accessed from the east and measures 9.5 metres in width by 8.85 metres in overall depth. The garage is constructed with a pitched roof and stands 5.5 metres in height to its ridge.

The proposed development can be grouped into three types of construction. Plots one, two and the barn's detached garage comprises more traditional materials using facing brick, tiled roofs, rendered sections and window detailing. Plots three, four and five would represent a modern palette using materials comprising timber and timber cladding interspersed with aluminum framed fenestration, timber louvres and standing seam roofs. The two garages for plots four and five are a timber construction with tiled roof. The fronts of the garages are open sided.

The boundaries to the plots are demarcated by a combination of stone walls and post and rail fencing.

The planning application has been considered against the following plans, documents and specifications:

Location Plan - Drg No. 17/238-100
Existing Site Plan - Drg No.197-D-03 Rev B
Existing Site Photos - Drg No.197-D-01 Rev B
Existing Barn Plans and Elevations - Drg No.17/238-101
Bankwood Farm Evolution - Drg No. 197-D-02

Location and Block Plans - Drg No. 197-D-00 Rev A
Proposed Site Plan - Drg No. 197-D-04 Rev B
Proposed Floorplans - Plot 1 -Drg No. 197-D-05
Proposed Elevations - Plot 1 -Drg No. 197-D-06
Proposed Floorplans - Plot 2 -Drg No. 197-D-07
Proposed Elevations - Plot 2 -Drg No. 197-D-08
Proposed Floorplans - Plot 3 -Drg No. 197-D-09
Proposed Elevations - Plot 3 -Drg No. 197-D-10
Existing Barn – Proposed Plans and Elevations -Drg No. 17/238-102
Existing Barn – Garage Plan and Elevations -Drg No. 17/238-103
Plot 4 Proposed Plans and Elevations -Drg No. 17/238-104 Rev A
Plot 4 Garage Plan and Elevations -Drg No. 17/238-106
Plot 5 Proposed Plans and Elevations -Drg No. 17/238-105
Plot 5 Garage Plan and Elevations -Drg No. 17/238-107
Proposed Site Elevation -Drg No. 197-D-11 Rev B
Proposed Site Section -Drg No. 197-D-12 Rev B

Aerial View - Drg No. 197-D-13
Visualisation 1 - Drg No 197-D-14 Rev B
Visualisation 2 - Drg No. 197-D-15 Rev B
Visualisation 3 - Drg No. 197-D-16 Rev B
Visualisation 4 - Drg No. 197-D-17 Rev B
Visualisation 5 - Drg No. 197-D-18 Rev B

Design and Access Statement - Jan 2018
Flood Risk and Runoff Assessment - Feb 2018
Heritage Statement – Dec 2017
Protected Species Report – Oct 2016
Updated Bat Surveys Report – Feb 2021
Structural Inspection Report – Jan 2018
Schedule of Materials

Public Advertisement Procedure

Occupiers of seventeen 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

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development
Policy 2: Residential Development
Policy 3: Transport Impact of Development
Policy 6: Historic and Natural Environment

Newark and Sherwood Amended Core Strategy DPD (March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing mix, type and density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (July 2013)

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (on-line resource)
- Newark and Sherwood Landscape Character Assessment SPD 2013
- Conversion of Traditional Rural Buildings SPD 2014
- Natural England Guidance Note: European Protected Species and the Planning Process Natural England's Application of the 'Three Tests' to Licence Applications
- The Conservation of Habitats and Species Regulations 2017
- Circular 06/2005: Biodiversity and geological conservation – Statutory obligations and their impact within the planning system
- Nottinghamshire Highway Design Guide adopted January 2021

Consultations

Thurgarton Parish Council - voted unanimously to SUPPORT this application subject to retention of the requirements associated with a para. 55 application and there being no material changes to the design or layout of the proposed development from that supported under 19/00746/FULM without a further application.

Southwell Town Council – Object, they concur with highways and conservation officer comments. The access is inadequate for the development.

NCC, Highways Authority – Object. The site is accessed from a private single-track road from the B6386 to the north. As this single-track road is also a bridleway, the safety of horse riders, cyclists and pedestrians should be a priority on a bridleway. The proposal will increase the level of traffic to become a concern for highway safety, given the narrow carriageway, which is single track in most places, and visibility constraints.

However, if the LPA is minded to approve the application, suitable conditions to minimize the impact of the proposal should be considered with any improvements to the bridleway in the form of passing bays, signage, surfacing, etc., which should be implemented before any works start on site, including demolition and construction phases.”

The Highway Authority have since further clarified that their latest comments are based on the Nottinghamshire Highway Design Guide which was adopted in January 2021 and which forms a new material planning consideration since the determination of the previous application. This limits developments served by private drives to 5 dwellings, and moreover it also now specifies that the private drive shall have no wider movement function. The Highway officer states that as the access road is part of a bridleway, it has a wider movement function and it is against this that the latest concerns are raised. As this is therefore considered a departure from the access requirements, the Highway Authority states that a Quality Audit should be carried out prior to determination of the application, as it would identify any improvements considered necessary. Having said that the Highway Officer then also acknowledges that they are not sure what more could be reasonably provided over and above the two passing bays and signing that was implemented along the access road prior to the 2018 CPrior application being submitted.

NCC, Rights of Way – Object to the proposal.

Thurgarton Public Bridleway No. 1 is along the access roadway. Thurgarton Public Footpath Nos. 4 and 4A also link to the bridleway. It is clear from the proposal that the access for both construction and the general access to the properties once built will be along the private road. The applicant can apply for a Rights of Way Search from Nottinghamshire County Council by contacting row.landsearches@nottscc.gov.uk.

The Rights of Way Team constantly review the impact of development away from the adopted highway and where the private access road or track is shared with a Public Footpath or Bridleway. Intensification of vehicular use coupled with a lack of clarity or understanding about maintenance responsibilities can cause future problems. The route of Thurgarton Bridleway No.1 is a popular one and well used as it links to a wider network of Public Bridleways and Footpaths.

The Rights of Way Team are concerned that this proposal at Bankwood Farm comprising of 6 new dwellings will impact on the safety and enjoyment of Bridleway users due to a significant increase in motorised vehicular use.

Increased vehicle- use at the construction phase, and after by domestic cars and associated deliveries to each property will impact on the safety and enjoyment of bridleway users (pedestrians, equestrians and cyclists). It also sets a precedent for further development leading to yet further intensification of motorised vehicle use of a Public Rights of Way.

The increased vehicle use will also have a detrimental impact on the surface of the bridleway. The construction of the existing roadway may not be to a suitable standard for this increase in motorised vehicle use. There is evidence of surface damage at the Oxton Road end where the surface edge is becoming broken up and damaged by high levels of vehicular use and the narrowness of the surfaced portion of the road.

The responsibilities for maintaining the surface of the private road/Thurgarton Bridleway No.1 are as follows:

- 1) Nottinghamshire County Council as the 'highway authority' is only responsible for ensuring that the route is in a reasonable condition for its use as a bridleway (use on foot, bicycle or horseback)
- 2) Those who have a lawful private right for motorised vehicles to access their properties and or their land are responsible for maintaining the surface of the private road to a suitable standard for their own use and also for repairing any damage to the bridleway surface that is caused by their motor vehicles and other motor vehicles accessing their property (including family and friends, deliveries, service vehicles).

The responsibility to ensure maintenance of the surface to this suitable level lies with the people who have a lawful right to motorised vehicle access. This includes the current residents and would extend to other subsequent owners and to the owners of the proposed new dwellings.

We would request that, if the Local Planning Authority decides to approve this proposal, they must be satisfied that the applicant has been able to demonstrate (either within the application or by means of suitably worded LPA condition) the following:

- how the safety and enjoyment of users of the Public Bridleway will be protected? For example: Any passing places should be suitable and to an acceptable standard for the intensified level of use. The roadway surface treatment and its width should be to a suitable and acceptable standard for its multi-user use. We would request that the Local Planning

Authority seek advice from NCC Highways Development Control particularly with regard to the current suitability of the road surface and width including the design and frequency of passing places, and signage.

- that new owners are made fully aware of their responsibilities with regard to the maintenance and repair of the road surface and that this should be written into their deeds
- that there is a coordinated agreed planned approach in the form of a maintenance agreement for the maintenance and repair of the surface of the road (and that this is written into any new owners deeds).

The Environment Agency - The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site and therefore we have no formal comment to make. However they advise the applicant is referred to the advisory note in relation to foul sewage disposal.

NCC, Lead Local Flood Authority – only respond to major developments. However, advice has been given in relation to surface water and flooding.

Trent Valley Internal Drainage Board - within the Board's catchment but there are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

NSDC, Conservation – No objection, subject to conditions. Of heritage interest on this site now lies only the impressive stone threshing barn, which has itself seen modern extensions on both the front and back. While its original form has been preserved within these extensions they have greatly detracted from its legibility and aesthetic qualities. I therefore welcome a scheme which sees these elements removed and the building effectively restored.

The original context of this structure, which would have once related to a period farmhouse and other historic farm buildings, has been lost. The historic farmhouse has been replaced by a large faux Georgian new build, the farm buildings are all (mostly large) modern concrete and crinkly asbestos sheeted buildings, in addition to two inter-war semi-detached houses at the site.

Generally speaking the proposed conversion of the threshing barn will be an improvement to its appearance and will better reveal its significance.

In term of impact on its setting from the other proposed replacement structures overall I do not think there will be any harm.

NSDC Environmental Health - Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

Natural England – No comments to make, Standing Advice should be used to assess impacts on Protected Species.

Cadent – High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment are in the vicinity of the proposed works.

Requirements:-

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Three letters of representations have been received from third/interested parties which are summarized below:-

- The congestion problem already exists - there is much two-way traffic accessing Hollybeck Nursery to the north – for a 200m stretch there is no possibility to add new passing places, which means this is a permanent bottleneck;
- Access to this site (and application 20/00696/CPRIOR for 4 additional dwellings approved 08.06.2020) require access via a single-track bridleway from Oxton Road, used by a large number of cyclists, pedestrians and equestrian users, which has become increasingly busy over recent years (and even more so through-out the pandemic) with farm buildings being sold off and converted to residential dwellings, leading to over-intensification of building;
- The road has narrow verges, lethal blind corners, inadequate passing places causing conflict between vehicles and other users of the bridleway and it is assumed that the development would result in excess of two cars per household, resulting in a significant rise in traffic;
- Often car drivers drive at great speed;
- The bridleway is already in a state of disrepair and neither of these development includes for any road improvements to be carried out;
- The previous application for Bankwood Farm suggested that the increase in domestic traffic would be balanced by the reduction in agricultural traffic and the farming activities would down. But it seems agricultural traffic will also continue given the relocation of the drying barn under application 20/02462/AGR (which is also within 3km of an airfield), so this reduction will not be realized. As this issue would have been a material consideration in the granting of the previous application, there may be grounds for reassessing the traffic impact of the development;
- The track is also use to access the airfield about 1km further to the south from Bankwood Farm and game bird shooters and there is no access to the Bankwood development or airfield via the Thurgarton end of the bridleway due to an electric farm gate across the road;
- There are currently 8 residential properties that use the bridleway for access. This application and the CPRIOR application already approved would more than double this to 18, a highly significant increase that would compromise the safety of recreational users;

- NCC highway guidance for road geometry on the construction of new residential streets indicates access roads should be a min of 5m wide to provide an environment where people wish to live, work, play and feel safe doing so. The bridleway falls short of this only being 3m wide – it is bizarre that a 125% increase in traffic could be allowed without commensurate enhancement of the road; This should be applied whether the road is to be adopted or unadopted to safeguard public safety;
- Consideration should be given by NCC to adopting the bridleway, in order to secure its long term maintenance;
- These kind of housing developments can generate significant profits for the applicants and it would seem entirely reasonable that some of this should be committed to maintain public safety and facilitating planning gain for the wider community.

Comments of the Business Manager

As Members will be fully aware it is my role as professional officer to provide advice and offer a recommendation of whether to support or resist a scheme, and the reasons for this must be based (S38 of the Planning and Compulsory Purchase Act 2004) on the Development Plan and any other material considerations. This application presents a relatively unusual set of circumstances for a local authority planner when it comes to advising elected Members. This Committee, in acting as the Local Planning Authority has been very clear in granting planning permission for the previously submitted scheme. This decision has not been successfully challenged. Thus, as a matter of fact, the last grant of planning permission currently represents the published and unreversed view that this Council has given. Balanced against this, is the fact that officer professional judgement has not changed. The previous assessment of the scheme (which could not have had regard to the Council's view) remains a matter of fact as set out in the original officer report for 19/00746/FULM.

As a Local Authority planner I am now charged with offering a recommendation which balances the previous professional officer view against the very clear and unchallenged approval of the Council as Local Planning Authority, which is a new and significant material planning consideration.

As a matter of fact the professional officer view has not changed. However the resolution of Members to approve the scheme is now a significant and new material consideration to weigh in the overall planning balance.

Officer comments on the appraisal of the previous application are set out in full within the Committee Report that can be accessed using the link within the Background Papers list at the end of this report and sets out the reasons why the previous application was recommended for refusal.

The comments in italics below therefore repeat the text of the previous report and sets out any change to material considerations since that determination that need to be weighed in the overall planning balance for the determination of this latest re-submission written in bold text.

The Principle of Development

The Council has a 5 year housing land supply and for the purposes of decision making the Development Plan is considered to be up-to-date.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 16 May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of this appraisal.

Spatial Policy 1 of the Core Strategy sets out the Settlement Hierarchy for new development within the District of Newark and Sherwood and identifies settlements that are central to new growth and development. Outside of these settlements, SP1 states that within the rest of the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 Rural Areas.

SP3 states that local housing need will be addressed by focusing housing in sustainable, accessible villages. It goes on, "Development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry."

Given the remoteness of the site it would fail the locational criteria of Spatial Policy 3 in that it is not 'in' a village or settlement and therefore constitutes development in the open countryside. In this regard SP3 directs to the policies set out in Allocations & Development Management DPD, most notably Policy DM8.

Policy DM8 which relates to Development in the Open Countryside states "Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area."

The NPPF also provides an exception criterion to be considered for development in the countryside. Paragraph 79 states:

"...Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The NPPF also sets out a core planning principle that in decision-taking, Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. However, the glossary defines previously developed land as excluding agricultural buildings. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The main issue is to establish whether or not the proposed development is of truly outstanding or innovative design, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas **and** also significantly enhances its immediate setting and be sensitive to the defining characteristics of the local area (emphasis added). This forms the basis of the following assessment. It will be then necessary to assess all other material planning considerations to ascertain if there are any factors of the proposal which would balance the proposed development against the policies set out in the Development Plan and the NPPF.

Is the design truly outstanding or innovative and represent the highest standard in architecture?

In the absence of an independent design review the proposed development has been considered on the basis of the submitted plans and the applicant's Design and Access Statement.

The proposed development would result in the demolition of the cluster of agricultural buildings with a replacement of a residential development that comprises a mixture of modern and traditional buildings to form a nucleus around the retained converted threshing barn. The modern buildings would combine the use of standing seams roofs, zinc cladding and timber cladding in a scale which is not too dissimilar with the existing buildings that are present on the site. The buildings through the arrangement of over sailing roofs, emphasized fascia and soffits, recessed fenestration and material combination do have a good standard of architectural design but do not possess the highest standard of architecture to constitute the scheme being truly outstanding. The applicant's case is silent in articulating how the modern buildings are truly outstanding or innovative. There is also no persuasive evidence to say how their construction is innovative and although suggesting the dwellings will be highly insulated and utilise renewable materials/technologises does not set out the precise methodology.

By contrast Plots 4 and 5 are of a more traditional ilk and whilst occupying large footprints set within generous curtilages they are constructed with conventional materials that could be argued are similar with the vernacular of the surrounding area. Although they represent a good design, it is difficult to consider how the two houses would be truly outstanding or indeed innovative.

The massing and position of the proposed buildings and the way the existing structures have been removed from the threshing barn do improve the setting to the non-designated heritage asset and open up views of the building. There are clear benefits with placing a renewed emphasis on the threshing barn and the way the scheme has been designed to enhance its setting. However, by

their own admission the applicant acknowledges that there have been examples of stone built barns conversion in the area which would conflict with their view that this scheme is particularly innovative.

The applicant's D&A Statement acknowledges the emphasis of DM8 and the NPPF and attempts to set out a case in which to demonstrate how the scheme is outstanding and innovative (rather than the either or option set out in Paragraph 79). Whilst the applicant has instructed architectural practices to develop the scheme and engaged with the Local Planning Authority there are no reasons how the scheme can be considered as truly outstanding or innovative to satisfy DM8 and Paragraph 79 of the NPPF.

Would the design significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area?

Notwithstanding the above the NPPF also requires designs to significantly enhance their immediate setting. The surrounding area is prominently rural and has been appraised by the Newark and Sherwood Landscape Character Assessment. The site falls in Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands'.

The Landscape Character Area (LCA) identifies the area to be gently undulating with rounded topography that allows for medium distance views frequented by wooded skylines. There is a mixture of arable fields with defined headlines leading to being considered as having a high landscape sensitivity and visibility value. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.

The incorporation of brickwork, pan tiles, stone walls and timber cladding would be sympathetic and sensitive to the surroundings. Furthermore plots 4 and 5 are a traditional build which would have traits of the vernacular in the area. There are elements to the scheme, particularly on plots 1 – 3 which add visual interest to the local area, nevertheless this would run contrary to the conserve action recommended by the LCA.

It is noted all the existing buildings would be demolished, however, it is considered the applicant has failed to articulate how the proposed development would significantly enhance the immediate setting. As discussed above there would be an enhancement to the setting of the threshing barn but there remain significant doubts on the significance of the enhancement of the remainder of the site and on the immediate setting and whether or not the full amount of development required by this development is required to enable this enhancement to occur. Indeed, it is considered that the removal of the existing agricultural buildings which are typical to an open countryside location and setting and replacement with 5 new build dwellings, would represent a more incongruous and alien form of development in this location by its very nature (further discussed in the section below).

Whilst the proposed development is similar in height and massing to the existing agricultural buildings which are present on the site, this factor can be given very little weight. Other than the threshing barn, none of the other agricultural buildings proposed for demolition are of any heritage value or considered worthy of retention. As the buildings are not located on previously development land, it follows that their replacement is not considered essential and their replacement with new buildings cannot therefore be considered to enhance the immediate setting

is this respect. The development would radically change the character of the site to one of a more suburban nature and would be harmful to the rural character of the surrounding countryside.

In respect of the landscaping, the applicant advocates that the scheme would not be overly domestic but would preserve the rural feel of the site. Indicative planting has been shown on the plans and exemplified on the visuals within the site, relying on the imposition of planning condition to show the precise details. The scheme is also absent in how the development would integrate with the pond outside of the application, other than indicatively showing a jetty and post and rail fence.

Therefore given the high requirement advocated by DM8 and the NPPF and weight to the LCA the application does not demonstrate how significantly the proposed development would enhance the immediate setting. Furthermore, the development would also represent an alien and incongruous suburban development in this open countryside setting which would be harmful to the visual amenity of the surrounding rural area.

Discussion of the strength of a fallback position

Turning back to the principle policy (DM8) and Paragraph 79 in the NPPF it should be acknowledged that the site is located in the open countryside and as such there is an incredibly high bar of exceptional quality and innovative design to be satisfied to allow planning permission to be granted for residential development.

There are elements of the proposed development which are clearly beneficial and weigh in favour of the scheme and have been set out above. However, they are not at an exceptional level. It is considered the proposed development is not truly outstanding or innovative and does not significantly enhance the immediate setting or is wholly sensitive to the characteristics in the local area.

However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework (NPPF).

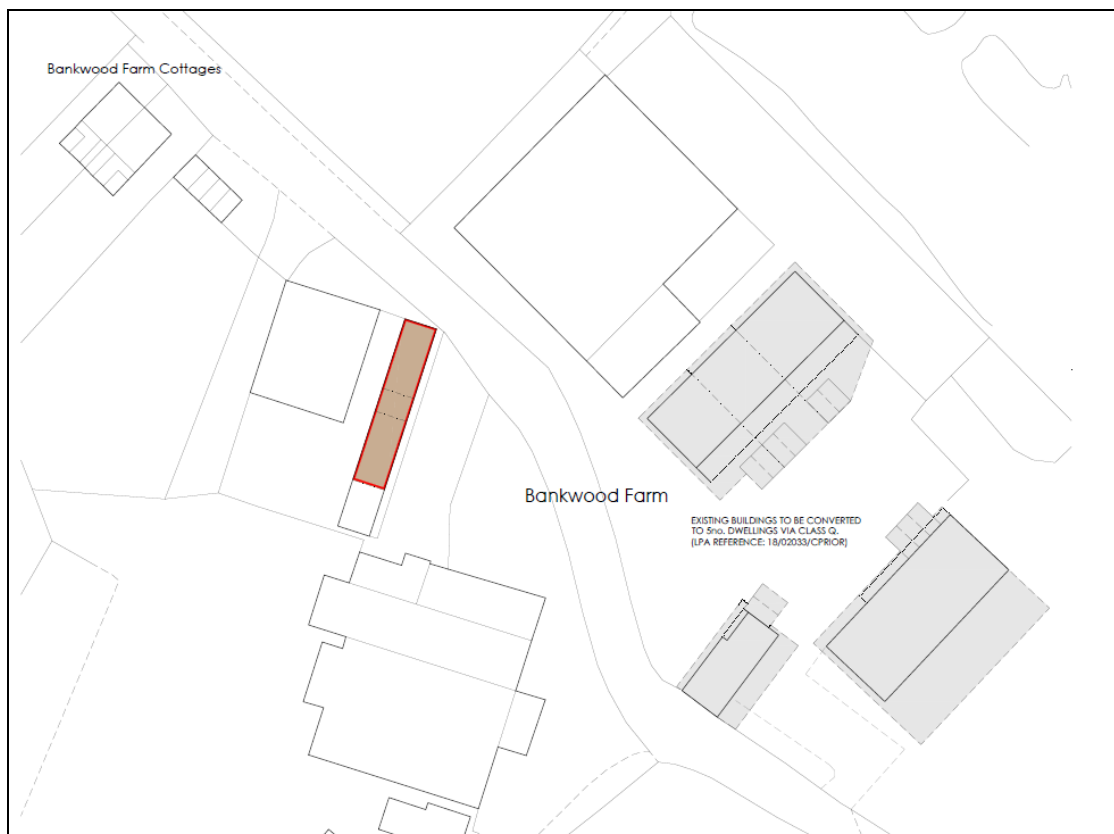
*A material consideration is a judgement made in a judicial review where in *Mansell v Tonbridge And Malling Borough Council -2017 EWCA Civ 1314*, the court dismissed the appeal and thereby did not quash the Council's grant of planning permission, however three issues arose in this appeal. The first two concerned the interpretation of Class Q GPDO rights and the materiality of the fallback position. The Court also considered whether the council incorrectly applied the tilted balance towards sustainable development in paragraph 14 (now 11) of the National Planning Policy Framework, given the Development Plan was up to date.*

Notwithstanding the interpretation of General Permitted Development Order (GPDO) rights the second challenge concerned whether there was a 'real prospect' of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development.

It was held that in determining the materiality of a fallback position the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice.

In other words whether there is a possibility of an alternative development to the proposed development that can be carried out on the application site should planning permission be refused.

Turning back to the planning history there are two decisions under the prior approval route which set out a possible alternative development and could be implemented as permitted development should planning permission be refused. Firstly one of the existing building benefits from conversion to an office (19/00541/CPRIOR) and the second conversion of three of the agricultural buildings to form five dwellings (18/02033/CPRIOR). Figure 1 shows the office conversion in outlined in red with the residential conversion in light grey. The existing buildings would remain in situ including the extensions to the threshing barn (outline can be seen below the office conversion).



For clarification the alternative scheme would comprise:

- *Five dwellings which range between 100 square metres and 330 square metres where the buildings would be refaced with vertical timber cladding on a brick base covered with corrugated roof panels. A curtilage would be closely formed around the buildings with parking located to the front/ rear and side of the buildings.*
- *The office building, owing to the previous use as stables would retain the blockwork appearance with windows formed in the existing openings.*

The site currently comprises an accumulation of varying sized buildings that are synonymous with an isolated farmstead set into the open countryside. Given the undulating landform and the surrounding field pattern the existing farmstead is considered to be appropriate in its setting and a significant contributing factor to the prevailing character of the surrounding area. The fallback position would in this instance reinforce the prevailing character of the area by retaining the height, scale, massing and typical arrangement of agricultural buildings within the open countryside. The visual alterations to the existing buildings in their conversion and formation of modest curtilages would be still read against the backcloth and in the context of the existing farmstead.

In contrast the proposed development would result in the removal of all the buildings that contribute to the farmstead setting and the wider character of the surrounding area. Whilst this would expose the threshing barn, the proposed development would irreversibly alter the character from an agricultural setting to predominantly residential to the detriment of the wider area. The rationalisation of a new residential setting would be further reinforced by the large curtilage area associated with each dwelling, which inevitably, would introduce and encroach domestic paraphernalia into the open countryside significantly above what is currently present around the application site.

Whilst a fallback position exists, this is in a completely different scale and layout to this proposal. This fallback relies on retaining existing building whereas this proposal demolishes these building and erects new; arguably a wholly less sustainable form of development. As such, I do not consider direct comparisons can be drawn and I do not therefore consider there to be a real prospect of a fall back scheme similar to that currently proposed being brought forward. It is therefore considered that the potential for an alternative fall back scheme does not outweigh the harm of inappropriate residential development in the open countryside in this instance.

In determining the 2019 application, Members may have afforded some weight to the fallback position of the 5 dwellings approved through the Class Q Prior Notification process. The Minutes of the meeting provide:

“...

In considering the report Members commented that the current site was a derelict eyesore and that the proposed design was both unique and contemporary, commenting that it was in keeping with the area.

In noting the existing planning permission for 5 smaller units, Members queried whether further development would come forward should the application being considered be refused. Officers confirmed that a submission for prior approval would be required and that strict tests would need to be satisfied.

The Chairman commented that he was also in favour of the proposed design but noted that there were similar situations across the district where farm buildings had fallen into disrepair and whether the approval of this application may set a precedent for the future. Members, however, commented that they believed the design to be sufficiently unique to resist future applications.

Whilst Officers advised that they did not consider the proposal to meet the innovative tests set out in NPPF and DM8, Members took an alternative view in this instance. In addition, they disagreed that the proposal would result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed rather than through potential conversions. Members therefore considered the principle of development to be acceptable and development would therefore meet the 3 tests for an EPS in relation to bats.”

Legislation sets out that the applicant has until February 2022 to fully complete the conversion process of existing buildings (under the CPRIOR) and there may be some doubt now cast on whether there is a realistic possibility of delivering these works within this timeframe. This therefore may reduce the weight that can be afforded to this fallback position in the consideration of this re-submitted application which weighs more moderately against the proposal than previously.

However, as referenced within the minutes, the Council as Local Planning Authority, considered that the current site is a derelict eyesore and that the proposed design is contemporary and sufficiently unique to meet the innovative tests sets out in the NPPF and DM8 and that the proposal would not result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed. This represents a significant positive weight in favour of the proposal that was not able to be accounted for in the balancing exercise of the previous application.

Effect on non-designated heritage asset

In relation to the works and formation of the dwelling in the threshing stone barn the conversion of existing buildings is also covered by Policy DM8 and states that

“...In the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension...”

The threshing barn is considered to be a non-designated heritage asset and a structural report submitted by the applicant sets out the building can be converted without significant re-building. A Heritage Statement has also been submitted and duly assesses the archaeological, architectural, artistic or historic interest of the building and the implications of the proposed development.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

It is considered the proposed conversion of the threshing barn will be an improvement to its appearance and given the removal of the existing structures flanking the original building will better reveal its significance. Given the proximity to the proposed buildings it is considered they would preserve the setting and although they are modern design they would not be harmful to the threshing barn.

The resulting conversion is relatively modest in nature with sympathetic interventions into the building. As such this aspect is acceptable and favourable weight should be applied in respect of the effect on the historic nature of the building.

The same level of favourable weight can be afforded to this aspect of this re-submitted application.

Highway Impact

In respect of the location and sustainability Spatial Policy 7 seeks to encourage and support development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should seek to minimise the need for travel.

It is quite clear the site is in a remote location with a considerable distance to any local service or transport connections. Prior approval has been granted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) for the conversion of six agricultural buildings to form an office and five dwellings. Although the proposed scheme results in six substantial dwellings the amount of traffic would not be too dissimilar to what could occur should the prior approval consents be implemented, in addition to the resultant traffic from the retained buildings.

Spatial Policy 7 of the Core Strategy seeks to secure 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 prior approval application sought to address the highway concerns by installing two passing bays and signage along the access road on land within the applicant's control between Hollybeck Nurseries and the existing farm complex. It has been confirmed these works were completed before issue of the 2018 prior approval.

In terms of the movement within the proposed development there is sufficient space for off road parking of vehicles within each of the respective curtilages. It is considered there is sufficient visibility for vehicles to manoeuvre on and off the central access road without having a harmful effect to other users of the bridleway, such as walkers, cyclists and horse riders.

As such, taking into account the representations and the comments from the Highway Authority it is considered development would not harm the level of highway safety to recommend refusal of the application.

No objections were received from NCC Highway Authority and no comments received at all from NCC Rights of Way in response to the previous application.

This re-submitted application has attracted objections from both these consultees. The Highway Authority were asked to clarify what had changed since the consideration of the last application which had resulted in the change of opinion on highway safety matters, which are set out in the Consultation section above and clearly the adoption of the Highway Design Guide earlier this year represents a material consideration.

The applicant has been approached and given the opportunity to carry out a Quality Audit, but state there would be no point since there are no works proposed and in any event, the passing bays and increased signage are already in situ, having been carried out at the request of the Highway Authority at the time of the Class Q CPrior application for 5 dwellings in 2018 in accordance with their specification. The Rights of Way team designed the signs and supplied the columns on which they are displayed.

It is clear therefore that highway safety requirements already stipulated by the Highway Authority as representing necessary and acceptable mitigation works to allow the introduction of 5 new dwellings at this site using the existing access road has already been implemented along the access road. The FUL planning application submitted in 2019 added one additional dwelling to the site (from 5 to 6) and the Highway Authority raised no objection on highway safety grounds and that permission remains extant.

This application is identical in highway terms to the extant permission (the only difference being who will build the development and the size of a rear garden). Whilst there is full acknowledgement that there is now a new Highway Design Guide in place which is material, it is more than likely that any Quality Audit would identify the passing bays and signage that the applicant has already implemented to mitigate previous highway safety concerns for a quantum of 5 dwellings at the site. It is therefore considered that there appears to be some doubling up of mitigation requirements from Highway Authority (which could only reasonably apply to the 1 additional dwelling), but to a quantum which they have previously not objected to.

Going against the recommended advice of the Highway Authority is not a view that is taken lightly. However in this particular case, not only is there an extant permission for an almost identical scheme, the Highway Authority has indicated there is unlikely to be any works that could be implemented in addition in any case. Whilst the Highway Guidance is noted, it is only guidance, therefore not an absolute policy requirement and all other aspects of this development in terms of impacts upon the highway and right of way remain the same as they were when previously considered. It therefore appears somewhat unjust in this instance to attach weight to this document for concerns that would appear should have been known previously.

Having given all material considerations appropriate weight, it is considered that the objections currently raised by the Highway Authority and Rights of Way are, on balance, outweighed in this particular case. Although this is caveated and this is set out further in the concluding planning balance section below.

One third party comment received referred to application 20/00696/CPRIOR, which relates to agricultural buildings that are located close by and would use the same access road, at Thurgarton Quarters to the north-west of this application site, which was approved 08.06.2020. Following an initial objection from NCC's Highway Authority and Rights of Way Officer, the objections were overcome as this application was subject to, amongst others, conditions:-

"No part of the development hereby permitted shall be occupied until a Give Way signage scheme to alert drivers to the presence of walkers, rider and cyclists using the Public Bridleway is submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be installed prior to the occupation of any of the residential units hereby permitted in accordance with the approved details and retained for the lifetime of the development

No part of the development hereby permitted shall be occupied until details of an ongoing maintenance and repairs strategy for the surface of the Public Bridleway from points A to B as shown on plan ref. Thurgarton Bridleway 20200605 (deposited 05.06.2020) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development...."

The requirements of the first condition have already been met by the applicant in relation to 5 new dwellings on this site, however the second condition, whilst it could have formed a condition on the 2019 permission, was not imposed as it was not seen as necessary at that time by either the Highway Authority or the Rights of Way officer. As such it would be unreasonable to impose such a condition on this re-submission.

Third parties also refer to application 20/02462/AGR. This prior approval notification application was for the erection of an agricultural building for the drying, conditioning and temporary storage of grain to the south-east of this application site which was permitted on 04.01.2021. Third party comments refer to the previously approved application taking into account the reduction in agricultural vehicles as a result of the change to residential use being a material planning consideration in its determination. However, the report to Planning Committee does not give weight to this particular aspect. Instead it does give weight to the fact that the same number of residential units had already been established through the Prior Notification process and as such this level of development and its associated resulting traffic impacts were already extant at the site. As such, I give little weight to this third party suggestion that the consideration of the previously approved application is somehow undermined by agricultural development in the area. The previous application was considered in the light of no objection being raised then by either NCC Highway Authority or NCC Rights of Way to the previous application. Significant weight must now be afforded to the current extant planning permission that current exists on this site for this same development.

Although only a finite benefit, a single developer would likely take less time and create less traffic than a series of individual self builders.

Impact on amenity

CP9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that the amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

Existing neighbouring properties

It is noted that Bankwood House is adjacent to the application site and shares the southern boundary. It is considered the proposed development would not have a significant effect on the level of amenity currently enjoyed. The removal of the southern section of the barn structure would remove the massing immediately on the shared boundary which would be beneficial. Although the removal of the structure would expose the existing barn given the new openings in the southern elevation are at ground floor and within the roof plane a loss of privacy afforded to Bankwood house would be minimised. Together with the intervening degree of separation between the two buildings, any overlooking would be within an acceptable tolerance.

There is a detached garage proposed on the southern boundary, however, this structure has been positioned adjacent to Bankwood House's detached garage. As such an impact has been mitigated by the presence of the neighbouring existing garage on Bankwood House.

Turning to Bankwood Farm Cottages plot 5 has been orientated to offset a direct view of the neighbouring property. Although the windows would have a view of the neighbouring garden there is an adequate separation to avoid a significant loss of privacy. There are no windows proposed in the gable end of the house or the attached garage which would result in a loss of privacy to the neighbouring property. Taking the relationship of the two properties into account it is considered there would not be a significant loss of daylight or sunlight to the neighbouring property.

Future occupiers

The proposed dwellings have been designed and orientated to maintain a good standard of privacy and light into windows. Where side windows are proposed, these are mainly at ground floor and either face onto a blank elevation of a neighbouring property, or where windows are present they lead to non-habitable rooms.

It is noted a first floor balcony (plot one) would face towards plot two. However, there are no windows in the side of plot two which would be affected and it is considered there would not be a loss of privacy to the garden space for plot two given the offset obstructed view.

Keeping with plot two the front elevation would face the side boundary of plot three. Although the first floor front facing opening would not result in a significant loss of privacy there is a balcony which would introduce an untoward vantage point which laterally would overlook the privacy amenity space for plot three. However, this has been treated with louvre cladding to the first floor which prevents an outlook directly over plot three.

The only difference in this regard to the previous application is the reduction in the red line of the application site slightly along the southern boundary. This would effectively reduce the rear/side garden area that would serve the converted barn by approx. 500 sq m reducing from approx. 1950 sq m to 1450 sq m. It is considered that the remaining area is a sufficiently sized rear garden to serve that proposed dwelling and this amendment is acceptable in planning terms.

This material consideration remains largely unchanged therefore in this re-submitted application and therefore remains neutral in the overall planning balance.

Impact on Ecology

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

I am mindful that the NPPF states at paragraph 175 that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally I am aware that paragraph 99 of Government Circular 06/2005 states that:

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

An ecological survey has been submitted to support the application. The report identifies the following:

- Buildings 1,3, 4, 6, 8, 9 and 10 were all assessed as having negligible roosting potential for bats. However, Buildings 2, 5, and 7 were identified as having features that offered potential to support roosting. Further surveys were recommended for these buildings. These surveys conclude that Building 5 has low potential for roosting bats although Buildings 2 and 7 (the threshing barn) were found to contain roost and potentially a small maternal site for the common pipistrelle. An impact EPS licence would be required before any development takes place;*
- A single barn owl was observed entering Building 8, however, the daytime assessment revealed no evidence of barn owl using the site such as urine splashing’s, pellets or nesting. It is therefore considered that the barn owl recorded was opportunely using the site as a day perch and that it is not currently nesting on site.*

Local Planning Authorities are required to consider the likelihood of a license (required if bats are found) being granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of the Habitats Regulations if required, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and*
- ii. There must be “no satisfactory alternative”; and*
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*

In so far as the first test is concerned, the public interest generated by the proposal can be of a social, environmental or economic interest. Although I have found in favour of the proposal in relation to better reveal the heritage significance of the threshing barn (Building 7) the same justification is not relevant to Building 2. Having regard to development plan policies, the development overall would not meet any of the exceptions for new build dwellings within the open countryside and the proposal would result in an adverse impact on the rural setting of the surrounding countryside.

In relation to the second test, I am not aware if the applicants have considered the retention of Building 2 as part of the development and I am not aware whether or not the building has been marketed for alternative uses that does not involve its demolition. As such, I cannot be satisfied that alternative solutions that would result in the protection of the existing bat habitat could not be achieved. The proposed development would thus fail the second test.

With regards to the third test, the appellants have submitted a Protected Species Report which includes a number of mitigation and compensation recommendations. This includes

- *Before works commence on site, all site workers will be inducted by the licensed ecologist on site;*
- *An ecologist will check Buildings 2 and 7 before construction works commence and supervise all critical works such as roof removal etc. Where a bat is found during these works, they will be carefully removed and placed in a translocation roost box;*
- *Prior to any work commencing on site and during the initial construction phase, a temporary roost translocation site containing three Schwegler 2FN bat boxes will be erected on suitable nearby buildings.*

I would therefore conclude in relation to the third test that the proposed development could be implemented in such a way as to ensure no harm would occur to the protected species.

Overall, the proposal fails to meet the derogation tests and I conclude that the proposal would have an adverse effect on ecology and that it would conflict with Core Policy 12, DM5 and DM7, which aim to safeguard protected species. These policies are consistent with paragraph 175 of the Framework and carries significant weight.

An updated bat survey has been submitted with this re-submission which details 3 dusk emergence nocturnal surveys that were carried out on the site in June and July 2020 to assess the presence of roosting bats in Buildings 2, 7 and 8. Common pipistrelle was the most frequently recorded species with the occasional myotis pass. The site confirmed summer/small maternity roosts in Buildings 2 and 7 with bats recorded emerging/re-entering these buildings on all 2016 and 2020 surveys. Foraging was also observed regularly throughout the site. There were no material differences in the manner in which bats were utilising the site between the 2016 and 2020 surveys. As such the mitigation proposals presented in 2016 reports therefore remain appropriate and proportionate. The site will still require a derogation Licence from Natural England to proceed with the works.

There is one other matter that has come to light in relation to the previously approved 2019 application. As Members will be aware, the description of this application referred to “5no. self-build plots.” In seeking to obtain the necessary derogation licence to proceed with the works, it became apparent that legally only one person can apply for such a licence on a site. Clarification was sought on this from Counsel who confirmed this to be the case. This is materially significant because this means that the currently extant 2019 FUL planning permission cannot legally be implemented and as such cannot be considered as a realistic fallback position, based on a legal matter. Again, this aspect is considered again in the overall planning balance set out below.

Officers consider that the proposal still falls short of the first two tests set out above and thus should not benefit from planning permission. However, notwithstanding this and the legal restrictions referred to above, the Council as Local planning Authority, has resolved to grant planning permission, which swings this material consideration from one that weighs against the proposal, to one that weighs in favour of it. It is important to highlight that whilst there was no challenge to the previous decision, due to two of the tests not being met this is a risk if permission is granted.

Flood Risk

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment

Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. However, as has already been mentioned, any scheme should carefully consider the disposal of surface water within any submission. Depending on the size of the development site, a Flood Risk Assessment may be a validation requirement in any event.

The applicant has submitted a report which identifies that there are no other residual risk that will directly affect the site and therefore residential development is suitable for this location. The development would see a reduction in the impermeable area and weighs in favour of the proposal in respect of flood risk. Whilst a SUDS drainage system is suggested given the anticipated underlying ground conditions this may not be the most sustainable course of drainage.

In this instance, given the low level of flood risk the imposition of a planning condition would provide the applicant to explore the drainage options and establish the most appropriate way of managing surface water runoff. It is therefore considered this approach would address Core Policies 9 and 10.

There is no material change to this planning consideration and therefore flood risk remains neutral in the overall planning balance.

Ground conditions

This application includes the construction of a new residential dwelling on a former farmyard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos.

There is clearly the potential for the site to have been contaminated from this former use. In the absence of a desktop study/preliminary risk assessment it is considered expedient in requiring an assessment by planning condition.

There is no material change to this planning consideration and therefore contamination remains neutral in the overall planning balance.

Housing Need

Of particular note, the application does not promote the provision of market housing to suit the specific needs identified in a current Housing Needs Survey (or other subsequent evidence) in accordance with the aims of Policies 1 and 2 of the Neighbourhood Plan. Even if there was a housing need for such dwellings, this would not be the right location for them given the isolated location. The 2015 Housing Needs Survey for Thurgarton identified a market preference for one x 4 bed house, a demand that has since been met by the granting of other schemes 'within' the village.

There is no material change to this planning consideration and therefore housing need remains neutral in the overall planning balance.

Planning Balance and Conclusion

The Local Planning Authority can robustly demonstrate a 5 year supply of housing, and therefore the Development Plan is up to date for the purposes of decision making in terms of the supply of housing.

The application proposes new housing development in the open countryside. The Development Plan and the NPPF seeks to control and avoid new isolated homes in the countryside, unless there are special circumstances. Having assessed the scheme against the Development Plan I have concluded that the scheme does not meet any of the exceptions listed within Policy DM8 as to why development away from the built settlement should be permitted. This is equally the case when assessed against the NPPF, a material consideration, albeit the Development Plan should in any event be the primary decision making tool.

The applicant has purported a case advocating, amongst other factors, that the proposed development is both exceptional and innovative to exceed the expectation set out in DM8 and Paragraph 79 of the NPPF. The key element the applicant appears to rely on is the 'fallback' position of converting the 5 modern barns to dwellings. However it is my view that this should be given little weight given this relies on converting barns whereas this scheme seeks to demolish the buildings; arguably a far less sustainable form of development and in any event the new build dwellings are visually more intrusive in this countryside location.

As set out in this report, the bar of expectation is set extremely high and although there are factors in favour of the development they do not outweigh the conflict with the aforementioned Development Plan Policy DM8 and the NPPF. A comprehensive case has been submitted by the applicant; however, this does not tip the balance in favour of the proposed development. The applicant has failed to advance a true enabling argument or a convincing argument as to why 5 new build dwellings are required and why these are all 'innovative' or 'exceptional' as is required by policy. No case has been advanced that the retention of the non-designated asset/historic barn relies on the new build dwellings in order to be retained.

As a consequence of the scheme not being acceptable in principle, the proposal fails to meet the three tests set out in Regulation 55 of the Habitats Regulations and I conclude that the proposal would have an adverse effect on ecology.

Whilst there are some benefits of the scheme, the harm identified clearly outweighs this and as such it is recommended that planning permission is refused.

As detailed above, it is my role as an officer to offer a recommendation one way or the other. My professional view on the very similar scheme was fully set out as part of the Committee report for 19/00746/FULM. Although marginally different from the previously submitted scheme, my professional opinion is that the scheme remains unacceptable, which is a matter of fact. That said, as officers, statute requires that regard be given to any new material planning considerations. In this case I must now balance this view against the decision made by this Council to approve the application in August 2019 and take into account any other material planning considerations and consequent changes to the overall planning balance, as outlined in this report.

To summarise, the principle policy objection to 5 new dwellings in the open countryside as advanced by officers on the previous application must now be largely tempered by the weight given by the Council to the view that the proposed development represents a unique, innovative design that would improve the visual amenity of the area. In addition, the harm previously identified by officers on biodiversity which previously weighed against, again has to be considered in the light of the Council's decision to grant planning permission which now effectively provides some counter balance for the scheme, noting this does create a risk of judicial challenge. Heritage benefits of converting a traditional stone barn weigh in favour of the scheme, as previously. Matters of residential amenity, flood risk, contamination and housing need remain neutral considerations as previously.

However, other matters that have come to light since the previous approval relate to the recent adoption of the Nottinghamshire Highway Design Guide and the planning history on the site in terms of the highway safety mitigation works that have already been provided, the planning history on the site in terms of realistic fallback positions and notwithstanding the grant of planning permission, the fact that the 2019 permission cannot be legally implemented; all of which will be afforded different weighting in this difficult balancing exercise.

As already indicated in the highway safety section above, whilst the new highway design guide is fully acknowledged as a material consideration, the mitigation requirements likely to be suggested as a result of a Quality Audit have already been implemented on the site and there is a sense of unreasonable doubling up of requirements that have already been considered as acceptable for 5 new dwellings in the past on this site. Due to these site specific aspects, it is therefore considered unreasonable to give full weight to the objections raised by NCC on highway safety in this particular case.

Application 18/02033/CPRIOR for prior approval for a proposed change of use of 3 agricultural buildings to 5 dwellinghouses (Class C3) was approved on 28 February 2019, and is subject to a condition that requires the development to be completed within 3 years – this is by 28 February 2022. Whilst some doubt has been raised in this report as to whether this timescale can be realistically met, it may be possible and as such would be an approval that the applicant can fall back on and implement in any event. However, weight must also be afforded to the views of both the host Parish Council and the Members of the Planning Committee that overwhelmingly concurred that the new-build scheme currently being presented was a considerable improvement in terms of design and appearance over the 2018 conversion scheme.

The resolution of the Council on the previous almost identical scheme considered in 2019 is a material planning consideration the principle of which weighs heavily in favour of this current application, however, regrettably it does not represent a realistic fallback position, as on a legal technicality covered by other legislation to do with the licence requirements for protected species, it cannot actually be implemented. Whilst there is some sympathy for the applicant in relation to this matter, the reality is that this significantly reduces the weight that can be afforded to this consent. If this were not the case, and this application could be built out, then the applicant would have until August 2022 to commence development on the site.

Having set out all the material planning considerations and given reasonable and justifiable weight to each one, including the only significant difference being how many people build the development out, it is concluded that the positive considerations marginally outweigh the negative considerations to enable a recommendation of approval to be offered (subject to the ‘health warning’ regarding protected species, however, this is on the basis that the development must be commenced within the same timescale as that set out within the existing permission, i.e. by August 2022.

RECOMMENDATION

That full planning permission is approved subject to the following conditions and reasons

01

The development hereby permitted shall not begin later than 21 August 2022.

Reason: To reflect the extant planning permission given the circumstances of the planning history on the site.

02

The development hereby granted permission shall be fully implemented in accordance with the following approved plans and specification:

- o Location Plan - Drg No. 17/238-100
- o Location and Block Plans - Drg No. 197-D-00 Rev A
- o Proposed Site Plan - Drg No. 197-D-04 Rev B
- o Proposed Floorplans - Plot 1 -Drg No. 197-D-05
- o Proposed Elevations - Plot 1 -Drg No. 197-D-06
- o Proposed Floorplans - Plot 2 -Drg No. 197-D-07
- o Proposed Elevations - Plot 2 -Drg No. 197-D-08
- o Proposed Floorplans - Plot 3 -Drg No. 197-D-09
- o Proposed Elevations - Plot 3 -Drg No. 197-D-10
- o Existing Barn - Proposed Plans and Elevations -Drg No. 17/238-102
- o Existing Barn - Garage Plan and Elevations -Drg No. 17/238-103
- o Plot 4 Proposed Plans and Elevations -Drg No. 17/238-104 Rev A
- o Plot 4 Garage Plan and Elevations -Drg No. 17/238-106
- o Plot 5 Proposed Plans and Elevations -Drg No. 17/238-105
- o Plot 5 Garage Plan and Elevations -Drg No. 17/238-107
- o Proposed Site Elevation -Drg No. 197-D-11 Rev B
- o Proposed Site Section -Drg No. 197-D-12 Rev B

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

03

Prior to first occupation of any of the dwellings hereby approved, full demolition of all redundant farm buildings including those attached to the retained stone threshing barn shall take place and all debris from those buildings shall be removed from site.

Reason: In granting permission the Council attached great weight to the improvements to the site that would be made through the redevelopment and this condition is considered necessary to ensure that the demolition takes place in a timely manner and that the benefits are realised before the site is inhabited.

04

No above ground works shall take place until a phasing plan for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the duly approved phasing plan.

Reason: To ensure that the development of the site takes place in an appropriate order and within an acceptable timescale to serve each phase as no such details were submitted as part of the application.

05

No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report before any of the buildings hereby approved are first occupied.

Reason - To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors.

06

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, and shall be maintained and managed as such thereafter.

Reason - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.

07

If demolition and or development (whichever is sooner) has not commenced within 3 months of the date of this permission then no demolition and or development shall take place until a further survey has been undertaken to establish whether features/habitats on the site are utilised by any protected species and the results have been submitted to and approved in writing by the Local Planning Authority.

Any further surveys shall take place during the optimum period for the protected species activity. If such a use is established, then no demolition and or development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the demolition and construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the buildings are demolished.

Reason - To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species.

08

Development including demolition that takes place within three months of the date of this decision, shall comply fully with the section 6 (Mitigation and Compensation for bats) of the Protected Species Report by Ramm Sanderson dated October 2016 which accompanied this application.

Reason - In order to afford adequate protection for bats on site at an appropriate point in the development.

09

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting.

Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason - In order to prevent any habitat disturbance to nesting birds.

010

No development above damp proof course shall take place in each phase of development (pursuant to condition 4) until a schedule of all external materials (with samples to be provided upon request) to be used in the development has been submitted to and approved in writing by

the Local Planning Authority. Such details shall include the type, colour and texture of the materials. This schedule of materials shall also be accompanied by a statement that demonstrates how the proposed materials would assist in delivering the design objectives that each plot set out to achieve as embedded within the Design and Access Statement that accompanied the application. The development shall thereafter be implemented and retained in accordance with the approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity and to ensure that the materials reflect those that were depicted within the submission.

011

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

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Copping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimney(s)

Reason: In the interests of visual amenity and given the rural location and given the design which, in part, emulates historic rural buildings.

012

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place within each phase a landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development of that phase is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason - To ensure appropriate landscaping of the site in the interests of visual amenity to enhance the character of the area and to provide biodiversity enhancements.

013

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place within each phase, a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason - In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity.

014

No works in connection to the existing threshing barn shall take place until full details and specifications of any repair work and for any windows and doors (including both new and replacement openings) for the threshing barn conversion has been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the dwelling hereby approved is first occupied.

Reason - To ensure use of appropriate materials which are sympathetic to the character of the building and its surroundings in the interests of visual amenity.

015

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Class G: Chimneys, flues etc on a dwellinghouse.

Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access to a highway.

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

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) and to ensure that proposals are sympathetic to the innovative original design and layout in this sensitive countryside location and threshing barn.

016

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place within each phase details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any buildings within that phase hereby approved are first occupied (or to an alternative timetable to be agreed) and shall be retained as such thereafter.

Reason - To ensure a satisfactory relationship with the character of surrounding buildings and the surrounding area.

017

The northwest first floor glazed opening on the front elevation of plot 2 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is first occupied and thereafter be retained in perpetuity.

Reason - To safeguard plot 3 from lateral overlooking and subsequent loss of privacy to their immediate rear garden space from plot 2.

018

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with the design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained in perpetuity.

Reason - To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that there is inadequate proof that (all or part) of the existing building has been in a lawful use for a continuous period of 6 months within the past three years. As such CIL will be liable unless you can demonstrate otherwise. Based on the TPI at date of the planning permission (327) and TPI at the date of the charging schedule (327) the CIL payment based on 2770.5sq m equates to £277,050.00 for the entire development.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The applicant is advised that the works including the demolition will require a EPSL licence from Natural England given the presence of bat roosts

BACKGROUND PAPERS

Link to access the previous Committee Report for application 19/00746/FULM:

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/E22B510F0A8144486D6C3D13EEF6782A/pdf/19_00746_FULM-OFFICER_REPORT-1009189.pdf

Link to access the Decision Notice for application 19/00746/FULM:

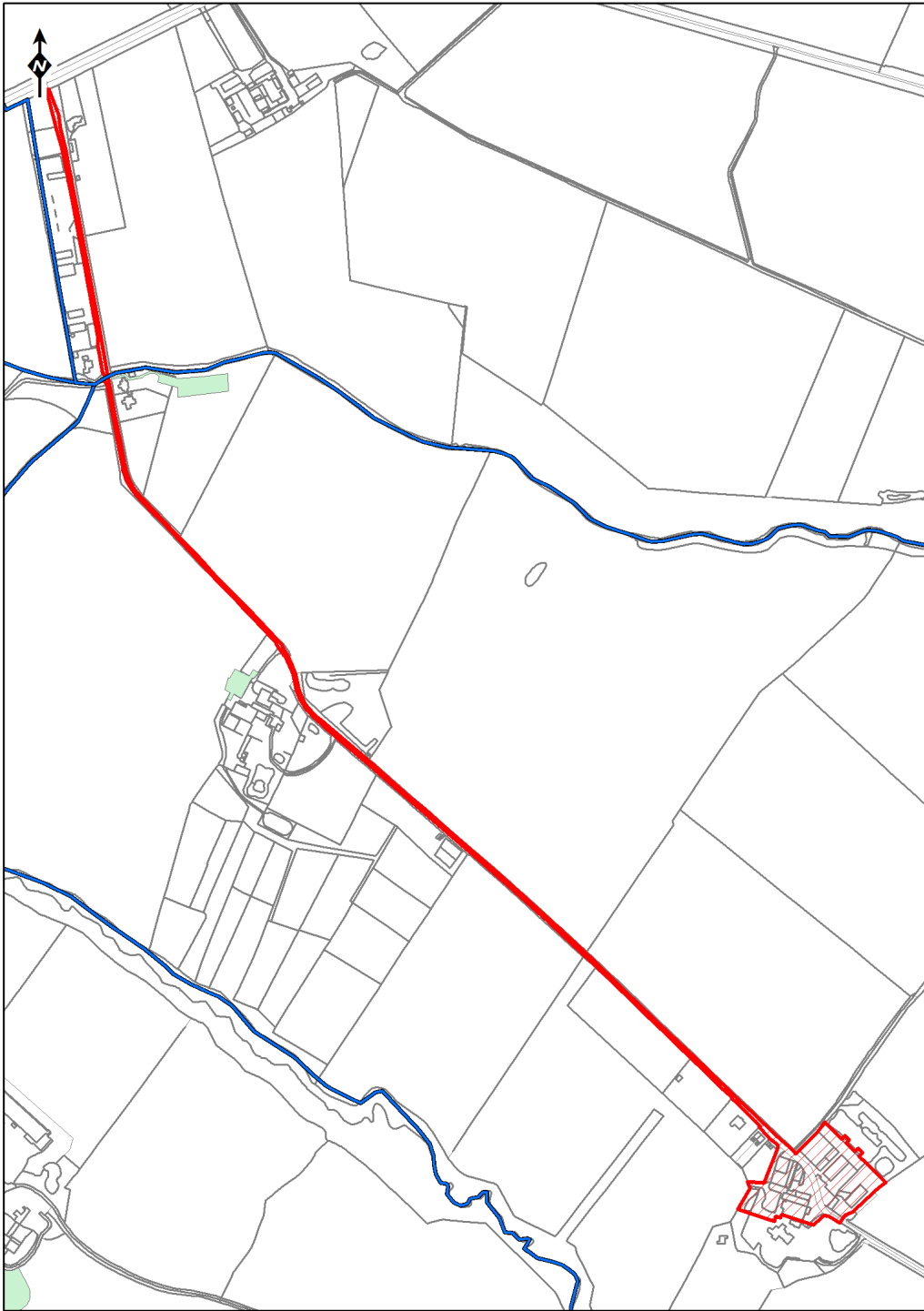
https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/02EF49D7ED51CA49DF138DE7A076651C/pdf/19_00746_FULM-APPROVED-1009190.pdf

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/02394/S73	
Proposal:	Variation of condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent	
Location:	Park View Caravan Park, Tolney Lane, Newark	
Applicant:	Messrs Bower	
Agent:	Murodch Planning Ltd – Dr Angus Murdoch	
Registered:	9 December 2020	Target Date: 3 February 2021
		Extension of time agreed until 28 April 2021
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

This application is being reported to the Planning Committee as the specifics of the application warrant determination by the Planning Committee in line with the Council’s Scheme of Delegation.

The Site

The application site is located on the northern side of Tolney Lane at its eastern end, just beyond the public car park. The site lies within the Newark Urban Area, as defined within the Allocations and Development Management DPD. The site is closely located to the town and its centre. The site is located within Zone 3b on the Environment Agency Flood Maps and as such forms part of the functional floodplain. The site is also located within Newark’s designated Conservation Area.

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

Comprising just under 0.6ha the site includes the former abattoir building, a single storey structure which remains, oriented gable end on and adjacent to Tolney Lane. The site is relatively flat and is in temporary use as a gypsy and traveller caravan site for up to 15 caravans. Access to the site is taken at two points off Tolney Lane, although previously approved plans show one central access point with one secondary access off the Lane serving a single pitch.

The southern boundary is walled, at a height of approx. 1.6m. Palisade fencing forms the rear boundary with trees situated beyond, outside the application site. Other boundaries treatments comprise of vertical timber boarding along the north-east boundary and timber post and rail fencing along the south-west boundary.

Tolney Lane accommodates a large Gypsy and Traveller community providing approx 300 pitches.

Relevant Site History

18/01430/FUL - Change of use of former abattoir site and paddock to gypsy and traveller site – Approved 05.12.2018, subject to a number of conditions including condition 1 which reads:-

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

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

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

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

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

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

risk of flooding would therefore be contrary to the aims of the NPPF and put occupiers of the site and members of the emergency services at unnecessary risk.”

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

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

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

The Proposal

This application seeks a variation to the wording of condition 1 attached to the existing planning permission, which currently allows the use on a temporary basis until 30 November 2021, and to remove this restriction and allow the use to be granted on a permanent basis.

Condition 1 currently reads:-

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

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

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

In support of the application the agent has stated that this site has been in use for gypsy and travellers since 2014 and the current application approved under 18/00430/FUL was approved for a temporary 3 year period. The agent states that the only reason a temporary rather than a permanent permission was granted was because unmet need was still unquantified at that time and therefore flood risk was considered to outweigh that unquantified need.

Since then the 2020 Gypsy and Traveller Accommodation Assessment (GTAA) has been published in June 2020 which discloses a substantial unmet need of some 169 pitches. The need is therefore now quantified and no alternative sites have been identified and no allocations made to meet these considerable needs. The agent concludes that each of these factors attract substantial weight.

In terms of flood risk, since the 2018 permission, the Applicant's agent and flood risk expert were involved in an appeal for a Travellers site that was, like this site located within FZ3b and where mitigation was by way of evacuation (as proposed here since 2014). The Secretary of State granted a permanent, non-personal planning permission. Need in that case was just 21 pitches, unlike the 169 pitches required in Newark.

The agent states that it is now clear that the material consideration have changed significantly since the 2018 approval:-

1. Need was unquantified in 2018; the 2020 GTAA establishes an unmet need of 169 pitches;
2. The 2018 Report indicated that allocations to meet need would be in place by November 2020; currently (2nd December 2020) no such allocations have been made;
3. The position in 2018 was that flood risk outweighed an unquantified need; there is recent authority from the Secretary of State that Traveller sites can be permanently located in FZ3b.

The agent confirms that this is a well run site of long standing and that the officer's report accepts is in a sustainable location. In the 6 years the site has been occupied, residents have become part and parcel of the local community and have demonstrated by their actions that they are good neighbours. Approving the application would resolve the needs of 15 Traveller families on a previously developed site, whilst reducing unmet need and making a meaningful contribution to the 5 year supply.

For all these reasons, the proposals should be supported by the Council, the agent contends.

No Flood Risk Assessment has been provided with this application and it is assumed reliance is therefore on the FRA submitted with the previous 2018 application, which contains no mitigation measures and relies wholly on site evacuation following a Flood Alert warning from the Environment Agency.

The application has been supported by the following:-

- A copy of an appeal decision for Horton Road, Datchet dated 23 January 2020 (link to access attached to Background Papers listed at the end of this report);
- Newark and Sherwood Gypsy and Traveller Accommodation Assessment 2013 - 2028

Departure/Public Advertisement Procedure

No occupiers 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 7 (Sustainable Transport)

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

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

Core Policy 9 (Sustainable Design)

Core Policy 10 (Climate Change)
Core Policy 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 DM5 – Design
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption on Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance
Planning Policy for Traveller Sites (PPTS) – August 2015

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

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

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

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

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

Annex 1 of this policy provides a definition of "gypsies and travellers" which reads:-

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organized group of travelling showpeople or circus people travelling together as such."

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

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

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

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020

Consultations

Newark Town Council – Object as follows:-

1. The site should be appropriately landscaped;
2. There could be a flood risk which could impact significantly on any touring caravans on the site in periods when flooding occurs;
3. This application should not be in conflict with the Allocations and Development Management Options Report for designating Traveller and Gypsy sites in Newark;
4. If permission was to be given for this application, Members of the Town Council Planning Committee would like to see a relevant boundary environmental screening put in place in order to make it less visible from the A46.

The Environment Agency – Object – the proposed use falls within a ‘highly vulnerable’ flood risk vulnerability category that is inappropriate to the Flood Zone in which the application is located (Flood Zone 3b – functional floodplain). Tables 1 and 3 of the PPG make it clear that this type of development is not compatible to this Flood Zone and therefore should ‘not be permitted,’ and is contrary to the NPPF and PPG. The EA therefore object and recommend planning permission is refused.

Given the proposal is contrary to the NPPF and PPG, there is no requirement for an exception test to demonstrate that the development should be permitted, nor is there a requirement for a Flood Risk Assessment to demonstrate that flood risk can be managed appropriately. The NPPF is clear that this development should not be permitted, without exception.

However, they are mindful that this application is not for ‘new’ development as such; the application is to change a temporary permission into a permanent permission. None the less the EA would not recommend the variation of Condition 1 to allow a permanent permission due to the site lying within FZ3b and the flood risk to the occupants of the site.

That being said, the EA state they are aware that NSDC are starting to identify potential options to reduce the flood risk at the Tolney Lane community. Whilst they are supportive of this work, the reality is that it's at a very early stage in the process and there is therefore no 'certainty' over what might come forward. It's the EA's opinion that the planning process should only consider the benefits of schemes which are either currently in situ, or have some degree of certainty over their future delivery.

The EA acknowledges that the Authority may not have an adequate supply of pitches at this time, which may present some difficulty in finding alternative options to accommodate the outstanding need. Ultimately, that is something for the Authority to consider alongside the significant issue of flood risk.

In the event of a flood, all areas surrounding the site will be inundated with water with flood depths of the access routes adjacent to the site are 1.4m ('danger for most' hazard rating, including children, the elderly, the infirm and general public) during a 1 in 100 year plus 20% estimate for climate change and 1.71m ('danger for all' hazard rating, including emergency services) during a 1 in 1000 year event.

The proposal, if approved, will result in residential property being permanently located where the residents will be at a very high hazard from flood risk from flood waters up to between approximately 1m and in excess of 2m deep at various points across the site during a 1% Annual Exceedence Probability (AEP) event, including an allowance for climate change. The current hydraulic model which this information is taken from has not been updated to reflect the new requirements for 30% and 50% climate change allowances to be considered. Therefore the risk to the site during a 1 in 100 year including the increased climate change allowances is likely to have increased.

If this Authority are minded to approve the application contrary to their advice, the EA have requested that written confirmation that the LPA is satisfied the flood risks to the site can be adequately managed should be submitted to the EA.

In addition, the EA have made comments on the appeal decision from Datchet that has been included for consideration by the agent, as follows:-

"Horton Road, Datchet

- The EA's objection was solely a policy objection because of the 'highly vulnerable' development in Flood zone 3.
- The site is in both flood zones 2 and 3, so the applicant planned to raise some of the land to the flood zone 2 height, and put the caravans on the raised areas, with the finished floor levels raised further. This would mean that the caravans are a safe space during periods of flooding.
- The site had an achievable and effective floodplain compensation scheme for the proposed land raising, to replace the lost floodplain storage
- The access road is in Flood Zone 3, there is therefore a warning and evacuation plan to evacuate the caravans in advance of flooding. This is a well-established plan with an on-site warden to manage the evacuation and receive the warnings etc."

Comparison with application 18/01430/FUL at Tolney Lane

Application 18/01430/FUL at Tolney Lane didn't have an accompanying Flood Risk Assessment, so no mitigation measures were proposed. We (the EA) responded with a policy objection for the same reasons as the EA did at the Horton Road site; a policy objection because of the PPG/NPPF. At the Horton Road appeal the Inspector went against this policy and approved the site because of the 'very special circumstances' of the application. As EA consultees we don't have the authority to declare there to be very special circumstances, we apply the PPG/NPPF to our responses as it stands. The weight given to our comments etc. is a planning decision.

With the Horton Road site, the EA had the assurance that there was a very robust evacuation plan, with an on-site warden. The caravans were also high enough to be a safe refuge if for some reason a person wasn't evacuated in time. The appeal documents also state that the required land raising could be effectively mitigated through a floodplain compensation scheme. All of the above meant that the EA could be fairly assured that the occupants were likely to be safe in the event of flooding, and the scheme would not increase flood risk elsewhere.

At this stage we haven't had any of this detail for the Tolney Lane site; we don't know what height the caravans' finished floor levels will be compared to the flood levels, we don't know if there is a safe refuge on site above flood levels, we don't know the details of the warning and evacuation plans for the site and we haven't seen any details of floodplain compensation schemes for any land raising which may be required. We can't therefore say that aside from the policy objection, we know that the occupants of the site will be safe from flooding, nor that flood risk won't be increased elsewhere. Looking at the flood levels in the Tolney Lane area, we suspect they are higher than those at Horton Road, although we don't have any figures for Horton Road to compare.

If the LPA and the applicant want the EA to 'reduce' their objection to a sole policy objection, with no technical objections (as in the Horton Road appeal) we need further details. However it may not be possible to raise floor levels sufficiently, to provide a safe refuge, to provide the required floodplain compensation or to have a sufficiently robust evacuation plan. However if these details can be resolved, then we may be able to object on a sole policy objection, as the EA did with the Horton Road appeal. The LPA or Inspector etc. may then overrule the policy objection on other grounds, with the assurance that there were technical solutions to the flood risk issues."

NSDC, Environmental Health - several requests have been made to get the site owners to submit a caravan site licence which they have failed to do. Is it possible to make it a condition of any permission granted.

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

Comments of the Business Manager

The main considerations in the assessment of this application relates to the significant unmet need and the absence of a 5 year land supply for gypsy and traveller pitches, and flood risk.

Need

The Gypsy and Traveller Accommodation Assessment demonstrates a need for 118 pitches to meet the needs of those who were established to meet the planning definition between 2013-33 (this figure rises to 169 to take account of undetermined households and those who do not meet the definition – but who may require a culturally appropriate form of accommodation). The requirement of 118 pitches forms the basis of the five year land supply test, as required as part of the PPTS. Helpfully the GTAA splits this need across 5 year tranches – with 77 pitches needing to be delivered or available within the first period (2019-24) for a five year supply to be achieved. This reflects a heavy skewing towards that first tranche – due to the need to address unauthorised and temporary development, doubling up (i.e. households lacking their own pitch) and some demographic change within that timespan (i.e. individuals who will be capable of representing a household by the time 2024 is reached).

It was considered that the recent Chestnut Lodge permission near Balderton had the effect of creating an available supply of 1 pitch towards the current five year requirement (as well as having the potential to meet a further pitch required towards the end of the plan period). The Authority however has a considerable shortfall in being able to demonstrate a five year land supply, and a sizeable overall requirement which needs to be addressed. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which should weigh heavily in the favour of the granting of consent where proposals will contribute towards supply.

The new GTAA (with a baseline of February 2019) recorded 15 pitches on the application site, of which 8 were occupied permanently and an additional 7 transit pitches. 7 households were established to meet the planning definition, with a further household being present who did not meet the test. The current and future need for those households meeting the definition consisted of 8 pitches (1 to meet a need falling within the first five year tranche, and 7 to resolve the needs of those currently accommodated on temporary pitches).

Accordingly the granting of permanent consent for this site would allow for the needs identified as part of the GTAA to be met. As outlined above this should weigh heavily in the favour of granting permanent consent, with robust and justifiable reasons needed to depart from that course of action. Officers consider, given the potential risk to people and property, flood risk has the potential to form such a reason.

Flood Risk

Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given particularly vulnerability of caravans. Caravan sites are considered inappropriate in Flood Zone 3 as they are classed by the PPG as highly vulnerable because of the risk to the safety of residents and/or to emergency services which may be required to rescue occupiers. Core Policy 5 requires the completion of a site specific Flood Risk Assessment, applying both the Sequential and Exception Tests, as appropriate, to achieve safety for eventual occupiers. Core Policy 10 states that where the wider Exception Test is not required proposals for new development in flood risk areas will still need to demonstrate how the safety of the development and future occupants from flood risk can be provided for, over the lifetime of the development.

The site occupies a location within the functional flood plain, which also affects the single point of access/egress to the wider area. It is accepted that the granting of permanent pitches would pass the Sequential Test, (which is appropriate to be applied here), as there are no reasonably available sites at lesser risk. The application of the full Exception Test is not appropriate in this case, as the NPPF is clear that this development should not be permitted, without exception. This illustrates the high bar that flood risk represents for highly vulnerable uses in Flood Zone 3b. However, as set out in CP10, demonstration is still required to show the safety of the development and future occupants from flood risk over the lifetime of the development.

No updated Flood Risk Assessment accompanies this application. The applicant is therefore presumably relying on that submitted in support of the 2018 application. This FRA does not address the technical ability of the site itself to be safe for its proposed use and its occupants over its lifetime but instead relies wholly on the ability to evacuate the site on receipt of a Flood Alert warning from the EA prior to a flood event occurring. Notwithstanding the absence of mitigation measures on the site itself, this evacuation process is required as the access and egress route along Tolney Lane is also at high risk of flooding.

In allowing the appeal decision at Green Park on Tolney Lane (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weighed positively including significant unmet need, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. Whilst flood evacuation plans can be put in place to mitigate flood risk to the occupiers of the site, this should be minimized over a finite and temporary period only as the PPG advises that the use of planning conditions indicates that temporary permission may be appropriate where it is expected that the planning circumstances may change by the end of the relevant period. There is at least a realistic prospect of safer, more suitable sites being allocated through the development plan process. There has been little material change to planning considerations since that decision was reached.

The EA is clear and would not recommend the variation of Condition 1 to allow a permanent permission due to the site lying within FZ3b and the flood risk to the occupants of the site.

The applicant has provided details of an appeal decision at Datchet, Berkshire which is suggested as having parallels from a flood risk perspective (the appeal decision can be accessed by clicking on the link listed in the Background Papers list at the end of this report). The Environment Agency has reviewed the decision, and conclude that several significant differences exist and furthermore the existing FRA for the site is wholly inadequate in terms of technical details (height of the caravans' finished floor levels compared to flood levels, or floodplain compensation scheme etc.). As a result their technical objection remains in place. There also appears to be a fundamental difference in terms of scale between the two proposals with the appeal concerning a small-scale isolated site- whereas Park View forms part of a larger collection of sites accommodating some 317 individual pitches, with a single point of access/egress which also lies within the functional floodplain. The modelling shows this access to flood before much of the land accommodating the gypsy and traveller pitches. This therefore presents a far more complicated picture from an emergency planning perspective. No comments have been received from the Council's Emergency Planner.

Flood risk weighs heavily against the proposed permanent use as national policy and guidance states that this highly vulnerable form of development should not be allowed in the functional floodplain and as such it is contrary to policy and puts the occupants and their property at an unacceptable level of risk.

Other Matters

The remaining material planning considerations – heritage, ecology, within the Newark Urban Area, highway safety, residential amenity and visual amenity, remain unchanged from the previously considered application and as such do not require further consideration in this instance. The Gypsy and Traveller status of the occupants of the site have already been established through past applications. For information, the full officer report from the previous 2018 application can be viewed by clicking on the link attached to the Background Papers listed at the end of this report.

Planning Balance and Conclusion

Both the extent of future pitch requirements and level of shortfall towards a five year land supply are acknowledged, as is the fact that these weigh heavily in favour of granting permanent consent.

Crucially the purpose of the temporary consent was to allow the space for the Authority to conclude production of its new GTAA, establishing the level of need, and to formulate a strategy towards site allocation to ensure that those needs can be met. Whilst simultaneously allowing the immediate accommodation needs of the applicant to be met, the temporary consent does not expire until the 30th November, and so there remains a level of time until this is reached. Production of the new GTAA has been concluded, and progress towards a detailed site allocation strategy has been made – to the extent that public consultation is anticipated this summer. It therefore remains appropriate to allow this strategy to reach a more detailed stage of production before any positive decisions over additional permanent pitches at Tolney Lane are made.

However flood risk represents a significant material consideration, and one which is not considered to have the potential to outweigh matters of supply. Particularly given the potential risk to people and property.

The continued policy and technical objection from the Environment Agency, in this regard, is also clear and unambiguous. It is therefore considered that the established need set out in the recent GTAA publication does not in itself tip the balance sufficiently in support of a permanent permission by outweighing the substantial harm and risk to occupants of this type of development being situated within wholly inappropriate locations such as the highest flood risk zone (functional floodplain) of the River Trent.

The temporary consent has over 7 months to run, and there is the prospect of a more detailed site allocation strategy being publically consulted on in the summer.

Accordingly, officers are unable recommend support for the granting of a permanent consent, which is what this application seeks. However, if this application had been submitted for a further temporary period of 2-3 years then officers would likely have supported this to enable land to be allocated and delivered for use.

However, should Members be minded to grant permanent permission then it is recommended that the permission should restrict occupation of 8 of the pitches to those who meet the planning definition of a traveller, and dependents thereof. In order to ensure that the proposal contributes towards the meeting of the needs identified through the GTAA. This would afford greater flexibility over the remaining 7 pitches.

A recommendation of refusal is therefore presented for the permanent use of this gypsy and traveller site.

RECOMMENDATION

That planning permission is refused for the following reason

01

The application use falls within a 'highly vulnerable' flood risk vulnerability category that is inappropriate to the Flood Zone in which the application is located (Flood Zone 3b – functional floodplain). Tables 1 and 3 of the PPG make it clear that this type of development is not compatible to this Flood Zone and therefore should 'not be permitted.'

The purpose of granting temporary consent was to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has seven months to run (up to 30th November 2021) and the Authority is pro-actively pursuing the identification of suitable sites to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area through the Development Plan process.

Whilst the proposal would assist in the supply of pitches position it is not considered that this is sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would therefore be contrary to Core Policy 5 and 10 of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 of the Allocations and Development Management DPD 2013 together with the aims of the NPPF and PPG, which are material planning considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

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.

BACKGROUND PAPERS

Application case file.

Link to Committee Report for application 18/00430/FUL -

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/72EDBB9F2DE47A3326616583B2CC84FC/pdf/18_01430_FUL-COMMITTEE_REPORT-927289.pdf

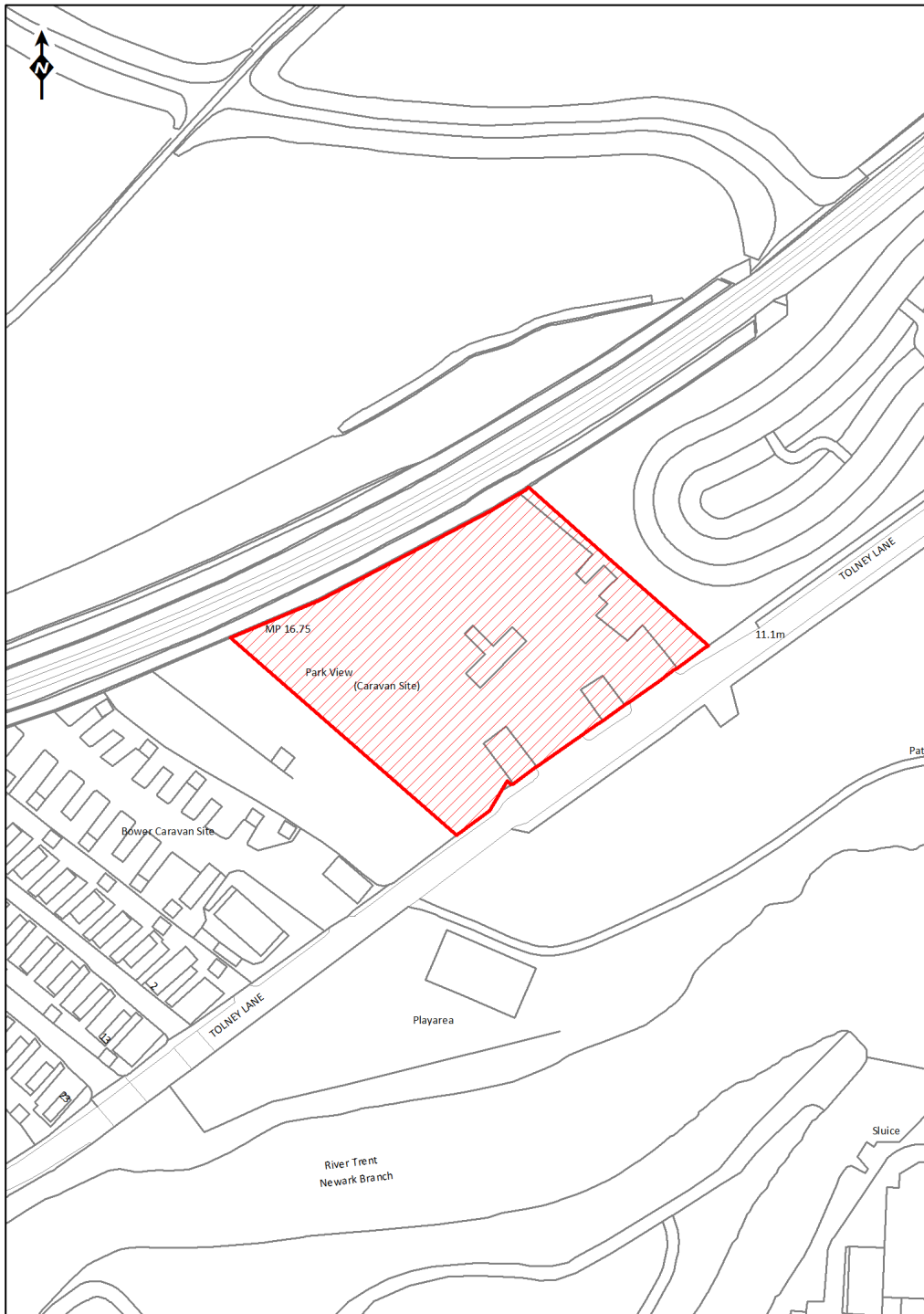
Link to appeal decision from Horton Road, Datchet -

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/D8CD01F4619523DEC8665906D250DE00/pdf/20_02394_S73-APPEAL_DECISION_FOR_HORTON_RD_DATCHET-1146499.pdf

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

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 27 APRIL 2021

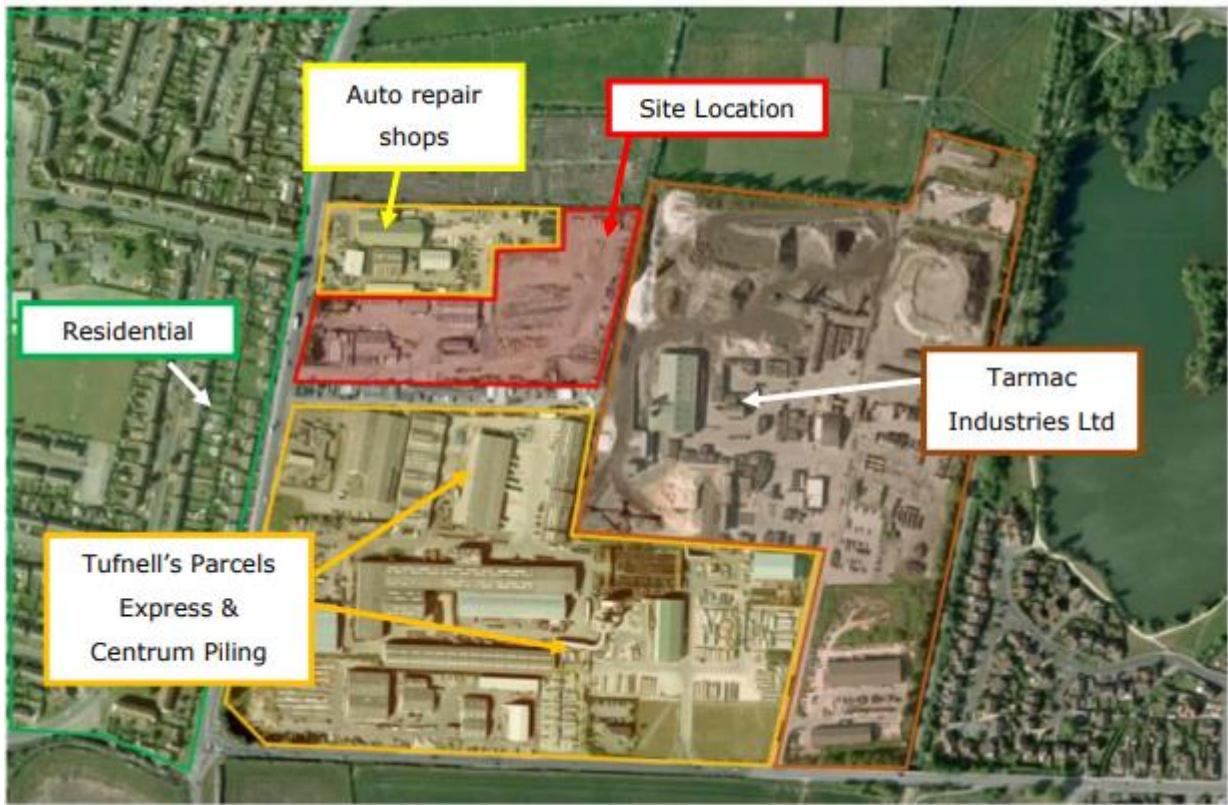
Application No:	20/00580/FULM		
Proposal:	Erection of 87 dwellings		
Location:	293 Bowbridge Road, Newark On Trent NG24 4EQ		
Applicant:	Ms Shona McKinnon – NCHA		
Agent:	Mr Andy Meek - Pelham Architects		
Registered:	21.05.2020	Target Date:	20.08.2020
		Extension of Time Agreed Until 30.04.2021	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8J0J5LBGRT00		

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

The Site

The application site is an L-shaped plot of land approximately 2.5 hectares in extent. The site is to the east of Bowbridge Road within the Newark Urban Area. The site is defined by the Proposals Map in the Allocations and Development Management DPD as being allocated for housing (as discussed in further detail in the appraisal below).

The site as existing is currently vacant having being previously been in an industrial use. The east of the site is overgrown undulating scrubland with a number of large stockpiles present. The stockpiles comprise, at surface, sandy gravel with metal, plastic, timber, glass and ceramic with significant ashy deposits also present. There is an existing vehicular access from Bowbridge Road. The site is surrounded by other industrial uses to the north; east and south with residential development on the opposite side of Bowbridge Road. These uses include Topblock Tarmac immediately to the east of the site who manufacture breeze blocks. There are mature trees along the western boundary with Bowbridge Road and a hedgerow along the eastern boundary. The following site context analysis is taken directly from the originally submitted noise report:



The site is within Flood Zone 1 according to the Environment Agency maps. Parts of the site towards the southern boundary are at low or medium risk of surface water flooding.

Relevant Planning History

The site is subject to the following planning history:

11/01814/FULM - Erection of 64 bed care home on redundant former commercial site with internal access road (Resubmission of 11/01074/FULM).

This application affects only part of the site fronting Bowbridge Road. The application was refused in March 2012 for the following reason:

01

The proposed development would result in the siting of sensitive residential care home development adjacent to existing general industrial uses, which produce high levels of noise and dust. In the opinion of the Local Planning Authority, the proposed residential care home use would be incompatible with existing uses in the area and create an unsatisfactory standard of residential amenity for future occupiers of the proposed development. The proposal is therefore contrary to Policy ECH5 of the Newark and Sherwood Local Plan and the guidance contained within PPG 24.

The application was however subsequently allowed on appeal by decision dated 11th December 2012. The permission has now lapsed without being implemented.

11/01074/FULM - Erection of 64 bed care home on redundant former commercial site with internal access road.

This application also affects only part of the site fronting Bowbridge Road. The application was refused in November 2011 for the following reasons:

01

The proposed development would result in the siting of sensitive residential care home development adjacent to existing general industrial uses, which produce high levels of noise and dust. In the opinion of the Local Planning Authority, the proposed residential care home use would be incompatible with existing uses in the area and create an unsatisfactory standard of residential amenity for future occupiers of the proposed development. The proposal is therefore contrary to Policies H21 and ECH5 of the Newark and Sherwood Local Plan and the guidance contained within PPG 24.

02

Insufficient information has been provided in order for the Local Planning Authority to assess the impact of the proposal in terms of highway safety.

08/00781/OUTM - Erection of a 60 bed nursing home. 6 assisted living units and 74 residential units following the demolition of the existing buildings.

This application related to the whole site and was refused for the following reasons by decision dated 15th October 2008.

01

The proposed development would result in the siting of sensitive residential development adjacent to existing general industrial uses, which produce high levels of noise and dust. In the opinion of the Local Planning Authority, the proposed residential use would be incompatible with existing uses in the area and create an unsatisfactory standard of residential amenity for future occupiers of the proposed development. The proposal is therefore contrary to Policies H21 and ECH5 of the Newark and Sherwood Local Plan and the guidance contained within PPG 24.

02

In the opinion of the Local Planning Authority, the site is too restricted in size to accommodate the proposed development in a satisfactory manner by virtue of the inadequate highway and landscaping provision. The proposal therefore represents an over-development of the site and contrary to Policies H12 and H21 of the Newark and Sherwood Local Plan.

The Proposal

The current application, which has been changed on several occasions during its lifetime, now seeks full planning permission for a total of 87 affordable homes (the original application was for 98) broken down into the following housing mix:

Housing Type	No. of Bedrooms	No. of Units	Notes
Flat	1	18	6 units would be supported living
Bungalow	1	6	
Bungalow	2	2	
Two Storey House	1	4	
Two Storey House	2	32	
Two Storey House	3	24	

Two Storey House	8	1	This unit would be supported living
	TOTAL	87	

The development would be rented and managed by Nottingham Community Housing Association.

The majority of the site would be accessed by a broadly central access road from Bowbridge Road at the western boundary of the development but there would also be an additional secondary access to serve the plots at the south western corner of the site. An area of on-site open space is proposed to the north of the access road. The application has been considered on the basis of the following plans and documents which includes various revised documents received during the life of the application:

- Location Plan – SK 100 dated 20/02/20;
- Proposed Site Plan – 2670 / P102 M;
- Type 1A – 1 Bed Bungalow – 2670/P 200 D;
- Type 2 – 2 Bed Bungalow – 2670/P 201D;
- Type 5A - 2B+3B Terrace Row – 2587/P 225;
- Type 6 – 2B4P House – 2670/P 206D;
- Type 6A – 2B4P House – 2670/P 234;
- Type 7 – 3B5P House – 2670/P 207D;
- Type 7A – 3B5P House – 2670/P 227B;
- Type 8 – 2B/4P House – 2670/P 228;
- Type 8A – 2B/4P Semi– 2670/P 229A;
- Type 9 – 2670/P 210C;
- Type 11 – 1B Flats Care Block – 2670/P 212G;
- Type 12 – 1B/2P – 2670/P231A;
- Type 13 – 1B Flats – 2670/P 232A;
- Type 14 &14A – 1B Flates – 2670/P 233;
- Boundaries and Hard Landscape – 2670/ P300 C;
- Boundary Enclosures – 2670/P301;
- Street Scene – View 1 – 2670/P103 C;
- Timber Shed – 2670/P 302;
- Plot Schedule – received 26th January 2021;
- Topographical Survey – 36400_T Rev. 0;
- Acoustic Impact Assessment by Enviroconsult reference 205/NCHA;
- Acoustic Impact Assessment follow up letter by Environconsult dated 10th February 2021 (associated proposed mitigation submitted separately on plan reference ‘Plan 102 M Layout – Acoustic Mitigation’ received 25th March 2021);
- Acoustic Mitigation Requirements outlined by letter dated 9th April 2021 by Environconsult;
- Air Quality Assessment by Phlorum Ltd – 9677.S dated May 2020;
- Arboricultural Method Statement – Revision A –) Retained Trees Shown on Proposed Layout with Protective Measures Indicated – AMS TPP Rev A dated 21.01.21;
- Arboricultural Method Statement for Trees on Land at Bowbridge Road by T Archment issued 21st January 2021 Rev. A;
- Arboricultural Impact Assessment for Trees on Land at Bowbridge Road by T Archment issued 21st January 2021 Rev A;
- Arboricultural Impact Assessment - Tree Protection Plan (TPP Rev A) Retained Trees Shown on Proposed Layout with Protective Measures Indicated – AIA TPP Rev. A dated 21.01.21;
- Arboricultural Method Statement Existing Trees Shown on Existing Layout – AMS EXL Rev. A

dated 29.05.20;

- Design & Access Statement – 2670 D-03 dated 12.01.2021;
- Flood Risk Assessment & Drainage Strategy by bsp consulting – 20-0140 - BBRR-BSP-ZZ-XX-RP-C-0001-P05_Flood_Risk_Assessment dated 23rd December 2020;
- Framework Travel Plan by hsp consulting – C3191 – dated January 2021;
- Historic Environment Desk-Based Assessment – 037/2020;
- Hsp consulting Technical Note dated 5th March 2021;
- Interim Report on the Results of an Archeological Trial Trench Evaluation prepared by J.Reeves, report no. 081/2020;
- Light Intrusion Assessment by Strenger dated December 2020;
- Light Monitoring Location Plan – SK-01 dated Dec 20;
- Measured 'Light Intrusion' – SK-02 dated Dec 20;
- Phase I Geo-Environmental Assessment Report – C3191 – Bowbridge Road, Newark dated February 2020;
- Phase II Geo-Environmental Assessment Report – C3191 – Bowbridge Road, Newark dated February 2020;
- Preliminary Ecological Appraisal by absolute ecology Updated June 2020;
- S106 Draft Head of Terms;
- Transport Assessment (and associated appendices) by hsp consulting – C3191 – dated January 2021;
- Viability Assessment dated 5th January 2021;
- Viability Report for NCHA by rg + p Limited dated February 2021.

Departure/Public Advertisement Procedure

Occupiers of 28 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.

Additional rounds of consultation have been undertaken in respect to the revised plans received throughout the life of the application.

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 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

NAP1 - Newark Urban Area

Allocations & Development Management DPD

Policy NUA/Ho/7 – Newark Urban Area – Bowbridge Road Policy Area

Policy NUA/Ho/8 – Newark Urban Area – Housing Site 8

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM2 – Development on Allocated Sites

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM10 – Pollution and Hazardous Substances

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Developer Contributions and Planning Obligations SPD
- Draft Residential Parking Standards & Design Guide SPD

Consultations

Newark Town Council (*received 28th January 2021*) – It was AGREED to sustain the Committee’s original Objections with some revisions as follows:

- i) Traffic is a major issue on Bowbridge Road with the major development on Middlebeck underway and the Arkwood development having now been given planning permission.

It is believed that this application must be considered in the context of the cumulative impact of all these developments and it is not appropriate to consider this application in isolation.

Therefore, it considers that the highway impacts are so detrimental that the site shouldn’t be used for residential purposes.

- ii) The site itself is also unsuitable for residential development given its location being surrounded by industrial units, which would result in unacceptable noise and air pollution from the adjacent industrial premises. The residents would have no enjoyment of amenity of fresh air.
- iii) It is an over intensive development for the size of the site.

The Town Council does however; support the Tree Officer’s recommendations.

NSDC Environmental Health (contaminated land) (*received 26th May 2020*)–

Following intrusive sampling, elevated levels of several soil contaminants are identified (PAH, TPH, lead and zinc). As a result of this the consultant recommends capping of rear gardens with 1000mm and front gardens with 600mm of certified clean material.

In addition to the above, elevated ground gas levels (amber 2) has been identified and appropriate remedial measures are proposed for incorporation within building foundations.

I can generally concur with the findings of the reports and would therefore recommend the use of parts C and D of the phased contamination condition.

NSDC Environmental Health (noise) (*received 12th February 2021*) –

- If approved it should be in accordance with the enhanced noise mitigation measures to properties in the South-east corner of the site which has been produced by Pelham Architects REF: 2670/SK 500 D and the amended recommendations made within the noise report to mitigate against noise nuisance;
- This would ensure the noise levels within the properties could be maintained to below WHO guidelines and reduce the potential for noise nuisance;
- A condition or legal agreement should be in place to maintain the acoustic fence;
- The site is surrounded on three sides by commercial enterprises some of which operate 24 hours a day – occupiers may be subject to sudden short duration noise event;
- A construction method statement should be conditioned;

Original comments requesting further surveys for noise and lighting.

NSDC Environmental Health (dust) (*received 27th May 2020*) - The proposed development is within 1 km of several industrial process sites from which Environmental Health have recorded incidence of dust and noise complaints from existing residential properties near to Bowbridge Road the site of the proposed development. However, there have been no recent substantiated complaints regarding deterioration of air quality in the area. Therefore an Environmental Impact Assessment for this proposed development is not required.

Environmental Health have no objections to this proposal. Environmental Health recommend the developer implements measures to reduce dust and control traffic at the site of construction during development of the site.

NSDC Parks and Amenities Officer – (*received 12th June 2020 – no comments received on revised plans*):

As a development of 98 properties this scheme will need to make provision for public open space in the form of provision for children and young people (18m²/dwelling), amenity green space (14.4m²/dwelling) and natural and semi-natural green space.

The proposed site plan shows a green area of what is presumably public open space however this is not labelled at all and no details are given of its size or layout. I estimate that the area is less than 1,200m² and there would thus appear to be a significant deficit in POS provision.

Given the size of this development I believe an on-site Local Equipped Area for Play is required together with the requisite buffer zones from adjacent houses. The amenity green space should also be provided on site.

NSDC Community Arts Manager – (received 12th April 2021):

Community Facilities contribution in line with the current Supplementary Planning Document - Developer Contributions. Further information received stating that the contribution should be towards the replacement of the fitness kit at the Newark Sports and Fitness Centre.

NSDC Strategic Housing – Support.

NSDC Tree Consultant – (received 12th January 2021):

Latest comments no objection subject to conditions.

Original comments raised issue with the proposed layout and impact on existing trees.

NSDC Archeological Advisor – (received 22nd January 2021):

Further archaeological trenching and resulting mitigation work can be undertaken as a condition of consent if granted.

NCC Highways Authority – (received 8th April 2021):

Further information has been submitted in response to outstanding queries in the form of a Transport Technical Note, dated 5th March 2021 and a revised site layout, Drawing Number 2670/P102 M.

Reservations about the size of the refuse vehicle used for the tracking but as there appears to be some scope for additional movement within the turning heads, this is accepted in this instance.

All other concerns have also been addressed.

The applicant should note that commuted sums may be applicable for the parking laybys which are over and above that normally required for the safe functioning of the highway.

Reference to bus stop contribution.

No objections subject to conditions.

Original comments sought revisions which as above have now been addressed.

NCC Highways Authority (Travel Plan) – (received 16th February 2021):

The comments made in June 2020 have all been addressed with this iteration of the Travel Plan and therefore recommend it be approved.

Original comments sought revisions which have now been addressed.

NCC Planning Policy – (received 22nd January 2021):

The SE corner of the development borders the boundary of a permitted waste transfer station. Although currently inactive, extant permission remains for the site so it is possible for waste operations to recommence. If it were to do so, it is likely the facility could add to the environmental impacts detectable to on the proposed development.

The site layout now results in a loss of private open space and a lack of habitable windows for residents in the proposed apartment block on the southern boundary of the site as part of the proposed mitigation measures outlined within the Acoustic Impact Assessment. The County Council would defer to the District's own Environmental Health Officer in terms of the final noise assessment but would highlight the wider Nottinghamshire Health and Wellbeing Strategy adopted in 2018 which aims to improve the health and wellbeing of the people of Nottinghamshire.

Requested Planning Obligations:

- £15,500 for bus stop infrastructure;
- None for education;
- £3,064 for Libraries

NCC Flood – (received 22nd January 2021):

No objection subject to condition.

Original comments raised an objection due to insufficient surface water drainage information.

Trent Valley Internal Drainage Board (received 29th July 2020):

The site is just outside of the Trent Valley Internal Drainage Board district and catchment. There are no Board maintained watercourses in close proximity to the site.

Severn Trent Water - No comments received.

NHS Nottingham and Nottinghamshire CCG – (received 12th January 2021):

Contribution request of £80,040 towards Balderton Survey; Fountain Medical Centre and Lombard Medical Centre.

Cadent Gas – No comments received.

Representations have been received from 1 local residents/interested parties which can be summarised as follows:

- The development is in close proximity to Tarmac's established concrete products manufacturing site and is likely to adversely impact the business through introducing a sensitive neighbouring use;
- The business employs 24 people and operates between 05:30 and 22:30 Monday to Friday and Saturday mornings;

- No Environmental Assessment was requested in support of the application which is surprising given the proximity of the development to existing uses such as the Tarmac site;
- The development is contrary to paragraph 204 3) of the NPPF;

Comments of the Business Manager

Principle of Development

The site is within the Newark Urban Area which is recognized by the Spatial Strategy as the focus for further development within the District. Moreover, the site is part of site allocations Policy NUA/Ho/7 and NUA/Ho/8.

Policy NUA/Ho/7 encourages proposals that seek to redevelop vacant brownfield sites. Albeit such redevelopment should seek to ensure that the impact of neighbouring uses is fully taken into account. This is mirrored by the site specific allocation NUA/Ho/8 which also requires appropriate archeological works to be undertaken with any application submissions. There is also a suggestion that the development would be expected at the later stages of the plan period in order for existing environmental issues to be resolved and the Southern Link Road to be constructed. These matters will be discussed in further detail in the relevant sections below.

The policy allocation expects around 66 dwellings to come forward however this was written at a time when the aforementioned application for a nursing home development was extant (and would occupy part of the site). The site allocations were not intended to be a ceiling for development and in the context of the previous permission no longer being extant, the increase to 87 units is not considered fatal in principle.

This is caveated on the basis that the application would still need to meet the remainder of the Development Plan which is assessed in detail below.

Housing Mix, Type and Density

The application form refers to a site area of approximately 2.5 hectares which on the basis of 87 units would represent a density of approximately 35 dwellings per hectare thereby exceeding the aspirations of Core Policy 3 which seek for densities of no lower than 30 dwellings per hectare.

The Council's evidence base on Housing Need has evolved during the life of the application. In 2020, the Council undertook a Housing Needs Assessment comprising a household survey based upon a random sample of 13,266 households and also a review of relevant secondary data as well as obtaining views and information from a wide range of stakeholders.

The 2020 data shows that, for the Newark Sub-Area, the main overall size requirement is for three bedroom houses (30.7%) followed by four or more bedroom houses (25.5%) and then 1 to 2 bedroom houses (19.5%).

However, it is material that the current application has been submitted as a wholly affordable scheme and therefore it is reasonable to assess the application purely against the needs requirements for the social sector. The units intended for supported living have been discounted since these are a different housing offer that would not necessarily have been reflected by the housing needs survey.

Housing Type	No. of Bedrooms	No. of Units	% of 80 units (i.e. discounting 7 supported living units)
Flat	1	12	15
Bungalow	1	6	7.5
Bungalow	2	2	2.5
Two Storey House	1 to 2	36	45
Two Storey House	3	24	30
Two Storey House	4	0	0
	TOTAL	80	100

The latest survey data does not divide overall percentage mix into market and affordable but does provide a breakdown of the number of affordable homes needed per annum. Other than a lack of 4 bed units, the proposal would provide a meaningful variety of house types and sizes. The lack of four bed units and corresponding majority of 1 to 2 bed units is not considered fatal to the scheme given that there is often a tendency for national house builders to rely on larger products.

It is relevant to note that the applicant is Nottingham Community Housing Association who would rent and manage the site. There is therefore a case to be made that their demands are known and the development seeks to respond to this accordingly.

The scheme proposes a varied mix of flats; bungalows and two storey dwellings such that the overall housing mix and type is considered acceptable.

The revised scheme includes revised house types which in some cases have increased the internal floor area in comparison to the original scheme. Whilst the vast majority of the house types are still below the national standards to some degree, the flat units on the other hand would in most cases far exceed the standards some by as much 20.4%.

Impact on Character and Design

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The site is situated within a mixed use area which comprises industrial uses; leisure uses; and residential development. At present there is no existing residential urban grain immediately adjacent to the site which the site would be expected to align or take reference from. However, it is notable that the surrounding area is likely to change over the plan period with a recently granted residential scheme to the north adjacent to the existing Gladstone House and Leisure Centre.

The proposal has changed significantly during its lifetime. The original proposal was for 98 units. This was then revised to 95 units before the scheme now for consideration for 87 units.

The proposed development is predominately designed around a central spine road from Bowbridge Road creating a strong linear arrangement. There is some departure from this towards the Bowbridge Road frontage but on the whole the scheme would very much read as linear blocks of development perpendicular to one another.

In the assessment of the original scheme, Officers raised concern that this would create a somewhat cramped and bland urban grain albeit acknowledging that the shape of the site in some respects dictates the proposed layout.

On the original scheme, the dominance along the main access road into the site would have been the 'Type 5' terraced blocks of 4 dwellings (a house type no longer proposed). Specifically on the southern side of the main access road, there would have been a total of 6 blocks amounting to 20 dwellings of exactly the same design in a row. The impact of this would be exacerbated by the similarity in the design even for different house types.

The government has produced a National Design Guide which is intended partly to assist in assessing the quality of planning applications. There is an expectation for well-designed places to have recognisable streets or memorable features or groupings of buildings to create a sense of place. The proposal as originally submitted would have failed to achieve this by creating a bland and monotonous street scene.

These concerns have been taken on board during the life of the application in revising the scheme. The southern side of the main access road has now been punctuated by a variety of different house types including bungalows and two storey dwellings breaking up the monotonous building line. The exact colours / manufacturers of bricks / render would still need to be secured by condition.

Overall, the 14 different house types now proposed would allow the site to be visually attractive albeit readily interpreted as a modern housing development in its own right.

The revised plans have moved the area of proposed open space from the eastern boundary at the back of the site to the north and western boundary to the north of the proposed spine road. This creates an attractive green area at the entrance of the site and along the majority of the spine road but leaves little in the way of other meaningful areas of green space elsewhere within the site. The majority of the dwellings would be served by cul-de-sac road arrangements dominated by areas of hardstanding. There are some areas of indicative tree planting and grassed areas shown between car parking spaces and entrances (for example plots 82 – 87) but there are other areas where frontages would feature only modest shrub planting in front of the dwellings (for example plots 68 – 81 and on the southern side of the main spine road).

However, this has to be balanced against all design factors and one clear benefit of the revised scheme is that the majority of parking spaces are to the side of the dwellings and thereby would be less dominating in the street scene at least allowing the small shrub areas to be visible. Where parking spaces are provided in front of dwellings, they are generally well spaced and interspersed with landscaping.

The revised plans are considered to be a vast improvement in comparison to the original scheme and the omission of units has created more space for landscaping in between car parking which will improve the visual appearance of the street scene (subject to details which could be agreed through a landscaping condition). On the basis of the revised plans, the proposal is now considered to meet the design aspirations of Core Policy 9 and Policy DM5.

Impact on Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties.

As stated above, there are no residential properties immediately surrounding the site (the closest being on the opposite side of Bowbridge Road at a distance of over 35m between built form). There are therefore no concerns in respect to the imposition of overbearing or overlooking of existing residents.

In terms of the amenity provision for the proposed occupiers, there is a varied approach acknowledging that some of the units are intended as supported living accommodation with an element of care. These units, rather than being served by individual areas of private amenity, would be served by a shared amenity area to the rear of the plots of over 300m² (there would also be soft landscaping forward of the principle elevations fronting Bowbridge Road). This approach is not disputed in principle and the area to the rear would still allow privacy for those plots being bounded a brick wall. Plots 37 – 42 (1 bed flats) would also have shared amenity areas for each pair of flats.

The remainder of the plots would be served by garden areas of varying size. Some garden areas are extremely modest. Plot 8 for example has a rear garden of just 38m² which includes a shed and patio leaving around 16m² of grass. There are also cases where two flats would share a modest grassed area of just 28m². Nevertheless it is acknowledged that these examples are for the smaller 1 bed units and that overall garden sizes would be commensurate to the size of the dwellings. Most of the plots have proposed garden sheds and the level of detail on the plans shows that the plot sizes would be capable of bin storage and rotary driers. Taking these factors into account, it is not considered reasonable to resist the application solely on the case of modest garden sizes for some plots, particularly given the area of open space included within the development which would offer some respite for residents if required.

In terms of separation distances between the plots, Officers did raise concern with some of the distances on the original plans. These distances have been reviewed by the latest revisions and now show minimum side to rear distances of 12m and back to back distances of at least 21m which is considered acceptable.

The only exception to the above would be between the Type 13 1 bedroom flat units and the side gables of two storey houses. This affects Plots 14 – 17 and 30 – 31. The distance from the rear elevation (which includes kitchen windows) would be under 7m to the two storey side gable of the adjacent plots. However, the internal configuration of the flats is such that the kitchen would be part of an open plan living area which would also be served by a large window on the front elevation and two smaller secondary windows on the side elevation. The bedroom windows for the flats would be on the side elevation facing towards the highway. In the case of Plots 14/15 and 16/17 the distance between the bedroom windows would be around 13m but given that these face towards the highway in any case, this isn't necessarily considered to be a harmful amenity relationship (i.e. one would expect a certain degree of lesser privacy when a window faces onto a public highway).

Noise Impacts

As is implied by the planning history section above and indeed the wording of the site specific policy allocation, perhaps the biggest constraint to residential development within the site is the presence of the nearby industrial uses. It may be that these uses cease to operate in the future but this cannot be guaranteed and the current submission must be assessed against the existing site circumstances.

Paragraph 180 of the NPPF outlines that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. The 'Agent of Change' principle which has been introduced at paragraph 182 of the NPPF. This paragraph states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

The latest revised plans represent a significant change from the originally submitted plans. Not only has the number of proposed units been reduced by 11 units, the area of open space has also moved away from its originally proposed location at the east of the site. It is understood that the crux of these amendments have stemmed from the noise report by Environconsult submitted during the life of the application (replacing the originally submitted document).

Existing Acoustic Environment

The report acknowledges the industrial context of the surrounding area with noise sources including automotive repair shops, the sound of engines revving, metal grindings and the use of air-powered tools, various crashes and bangs as well as general hum of extraction fan noise can also be expected during normal working hours. To the west of the site, the noise is dominated by road traffic and vehicle movements along Bowbridge Road (as well as commercial activity from the adjacent garages).

The noise survey employed measuring equipment at various locations throughout the site. Monitoring was carried out as part of a screening assessment in March 2020 with more detailed assessments in September 2020. Points 5 and 6 showed exceedances of the relevant criteria so an additional 7th measuring point was therefore introduced and long term monitoring undertaken for key locations.

The modelling results for the existing (undeveloped) site show that the majority of the site is subject to noise levels <50dB daytime and <45dB nighttime (albeit at the higher end) but that some max events are above the maximum 60dB indicating a higher risk. The worst location affected by industrial noise was in the south east corner of the site. The noise map contours for the undeveloped site are included at Appendix 4 of the noise report. The assessments indicate that the industrial noise will likely be audible at all locations across the site, periodically.

Proposed Noise Environment

Guidelines (BS8233:2014) states that noise levels inside habitable rooms should not exceed the the following:

Activity	Location	07:00 to 23:00 hours	23:00 to 07:00
Resting Dining Room Sleeping (daytime resting)	Living Room	35 dBA LAeq,16hour	
	Dining Room/Area	40 dBA LAeq,16hour	
	Bedroom	35 dBA LAeq,16hour	30 dBA LAeq,8hour

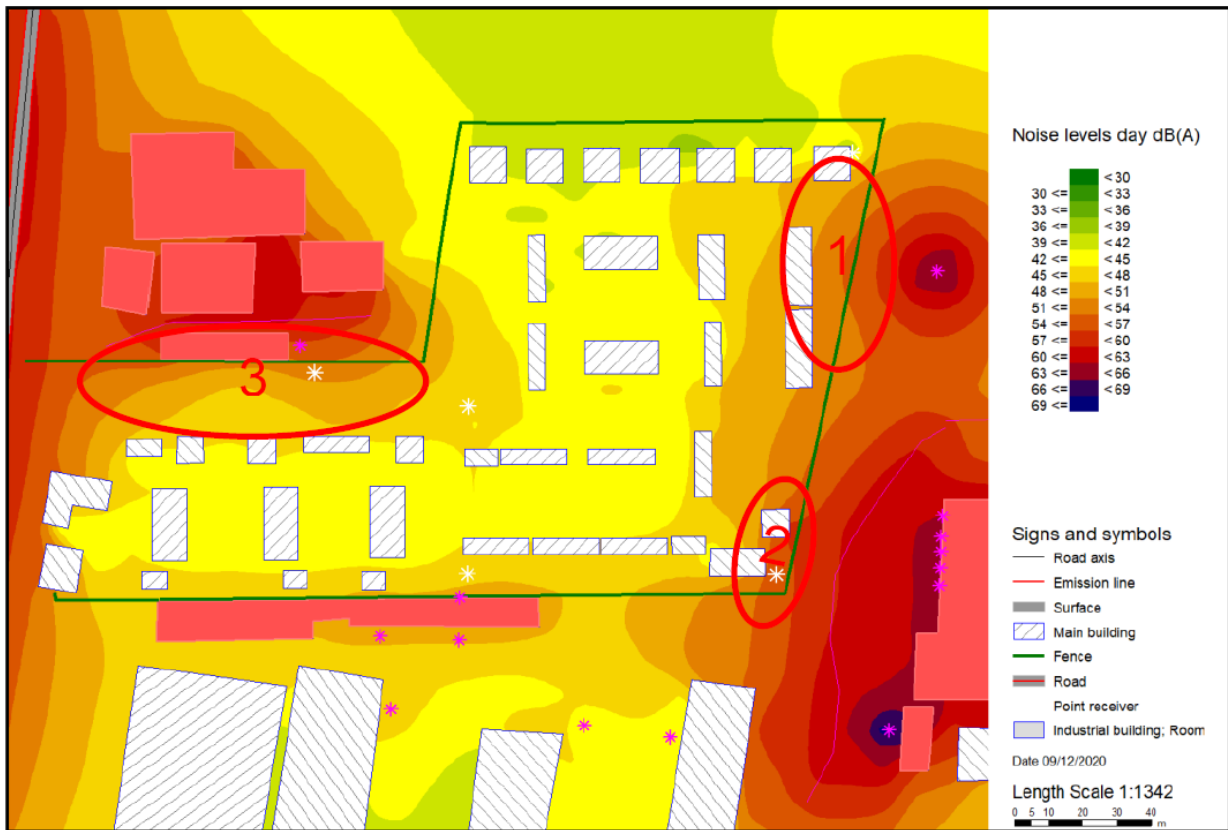
The guidelines go on to acknowledge that if relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation.

The plans now submitted for consideration are based on the initial screening observations for the sources noted above as well as the original comments from Environmental Health Officers. One specific design intervention is the inclusion of the apartment blocks within the south eastern corner of the site which feature only modest secondary windows facing towards the site boundaries.

Two types of glazing are required to meet the WHO criteria, standard glazing and enhanced glazing. Enhanced glazing would include passive ventilation systems. Crucially the internal WHO standards for night time noise are not complied with if windows are open.

External noise levels are suggested to not exceed 50 decibels of ambient sound level with noisier urban environments given an upper guideline value of 55 decibels.

The submitted noise assessment includes a modelled noise map to show the predicted noise levels at the receptor locations. The majority of the amenity areas for the site are below predicted ambient sound levels of 50 decibels (i.e. are yellow, green and light brown):



However, the map indicates three areas of specific concern. Firstly the bungalows along the eastern edge of the site (roughly plots 82 to 87). An acoustic fence is proposed along this boundary but the report acknowledges that there may still be an exceedance of permitted maximum World Health Organisation (WHO) levels. Area 2, in the south east corner would affect the shared amenity space for the apartment blocks (roughly plots 37 to 42). The report considers that given this is not private amenity space it would not breach WHO guidelines but from a planning perspective it is clear that the use of the shared amenity space would be compromised by noise impacts. As too would the area of open space along the northern boundary of the site (area 3 on the map above).

The proposal has been subject to extensive discussions with colleagues in Environmental Health. The latest comments still point the decision maker to the likelihood that even with noise mitigation measures, occupiers may be subject to sudden short duration noise events caused by the industrial / commercial activities which surround the site.

It is clear that without significant levels of mitigation, the site would not be appropriate for residential occupation on the basis of the noise impacts of surrounding uses. The reliance on enhanced glazing creates compromises for future occupiers restricting the ability for windows to be opened (the windows are capable of being opened in order to comply with purge ventilation requirements and fire regulations). This is a matter which came up during the Highfields appeal decision (planning reference 14/01964/FULM) where the Inspector stated the following:

“It is, however, the maximum predicted internal noise levels which are of concern. Although, with the windows closed and trickle vents open, the maximum predicted internal noise level would comply with the most stringent guidance given in BS 8233:2014, this would be exceeded when the windows of these properties are opened to allow for ‘purge’ or summertime ventilation. Although the Noise Impact Assessment considers that this would be acceptable as the sports facilities are a requirement of the scheme and would be in place when future residents occupy the most exposed

plots, it is apparent that these future occupiers would be likely to experience significant noise and disturbance within their homes, particularly during the summer months when the facilities would be likely to be used for a longer period and when residents would be more likely to open their windows.

I conclude, therefore, that the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels."

The current application is clearly materially different in that the noise sources are from industry rather than the use of a multi-use games area but nevertheless the appeal decision is a material planning consideration, the content of which has been shared with the applicant.

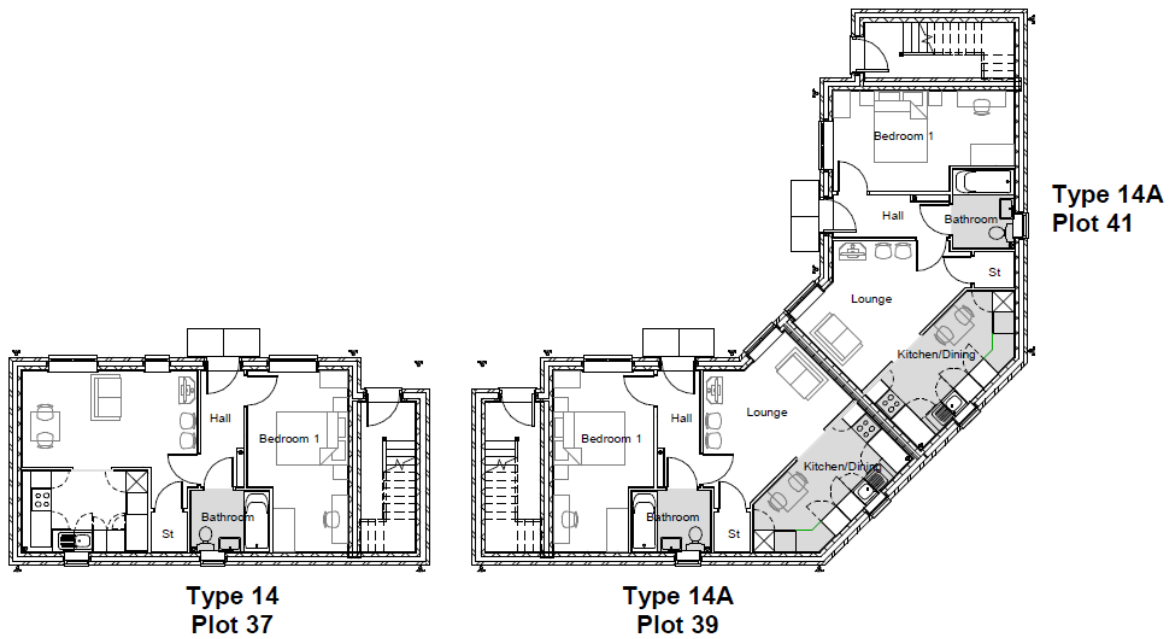
The applicant's noise consultant has responded with a detailed site layout plan showing the noise mitigation requirements for the plots. The explanatory text is useful in terms of understanding how many plots would be affected overall:

"Dwellings marked in amber are Plots 13, 37, 38, 85, 86, 87. These dwellings are exposed to incident sound levels just above the green 45 dB threshold, plot 13 is 47 dB at night, plots 85 – 87 45 dB at night (literally just on the limit). Plot 37 is exposed to 49 dB and is more significantly effected and should be treated as red (see below). These slight increases result can be mitigated by glazing with acoustically treated passive ventilation systems that will reduce transmitted noise by >29 dB and as such achieve compliance with internal WHO levels This will substantively be the same as standard glazing with normal passive ventilation, that achieves the same outcome as plots 82 – 84 that already meet the criteria and could have a window open without issue. In practice none of the properties will be significantly impact at night.

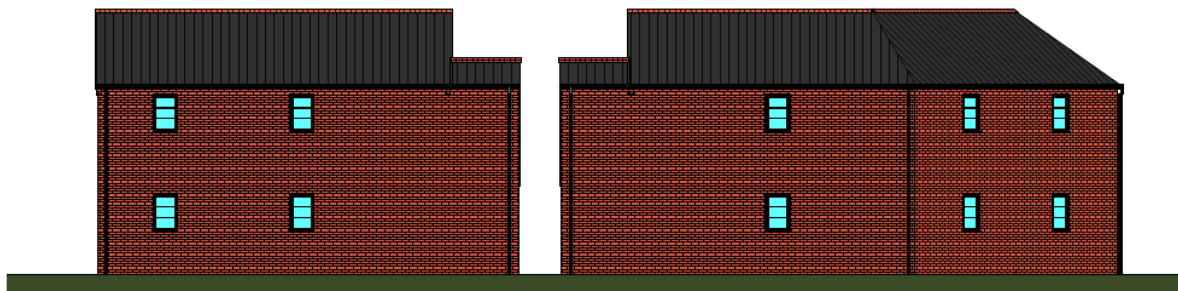
Plot 13 is affected by road traffic noise at night. Glazing as specified in the report with passive acoustic trickle ventilation will be suitable for use at plot 13, though it is likely that the blank gable end facing the road will have no windows and the other affect façade facing the industrial source will be less affected because of orientation.

Plots 1 – 7, and 37 – 42 are exposed to levels of noise and impact noise requiring higher levels of noise mitigation and are marked red. As agreed with the EHO a higher level of glazing specification was required, >38 dB sound reduction, and mechanical ventilation systems were preferred to passive acoustic ventilation, however, either method used would be effective."

Of the 17 plots affected, it is worthy of note that 8 of those (i.e. Plots 1 – 7) require additional noise mitigation due to traffic noises along Bowbridge Road. There are already numerous residential dwellings along Bowbridge Road (many presumably without any noise mitigation measures installed due to the age of the properties). Plots 13, 85, 86 and 87 are, as above at the cusp of the acceptability limit. The worst affected area of the site, in the south east corner has been subject to specific design interventions in the latest revisions to the plans. These plots are 1 bed flats which have been specifically orientated such that the windows facing towards the site boundary would be small secondary windows to kitchens; hallways or bathrooms:



Ground Floor Plan
1:100



Rear Elevation
1:100

BS8233:2014 offers guidance specifying that where development is considered necessary or desirable, internal target levels may be relaxed by up to 5 decibels. It is acknowledged that the site has been allocated for residential development and therefore the development proposed can reasonably be considered as desirable. However, the policy allocation was clear that the development was envisaged to come forwards towards the end of the plan period (when the industrial environment surrounding the site *may* have changed although this can or could not be guaranteed) and therefore the development of the site is not *necessary* to meet the five year housing land supply.

Notwithstanding the above, the applicant has made significant interventions to ensure that matters of noise are factored into the overall design of the scheme and it is difficult to see what more could be done to ensure the site is suitable for residential development. The compromises and mitigation requirements will need to be carefully considered in the overall planning balance below.

Impact of Lighting

Another factor to residential amenity is the impact of light sources noting the mixed use nature of the area which includes the YMCA Community and Activity Village to the north of the site. This includes sporting facilities lit by floodlights. The revised application has been accompanied by a 'Light Intrusion Assessment' by Strenger. A survey of the site was undertaken in December 2020 with measurements taken during the hours of darkness with a specific focus on the floodlighting of the YMCA facility. The measured levels of light intrusion have been assessed and the report details that the outcome would be that the levels of light intrusion would be acceptable against the relevant environmental criterion. Reference is however made to the potential for plots along the western boundary facing Bowbridge Road to experience exceedances due to the floodlighting attached to Richford Motor Services. Nevertheless, the measured potential exceedances are very minor and the implementation of mitigation measures, such as suitable planting to the area of open space along the northern boundary would mitigate against such potential adverse lighting impacts. This has been accepted by colleagues in Environmental Health.

Impact on Landscape including Trees

Given the brownfield nature of the site, there is little in the way of existing tree specimens other than those along the western boundary shared with Bowbridge Road. The submitted site plan shows areas of landscaping throughout the site with the Design and Access Statement confirming an expectation to provide detailed landscaping plans through a later approval of details of condition request.

The original application was accompanied by an Arboricultural Method Statement. The document outlined that the development would necessitate the removal of various trees (10 in total) as well as the removal of groups of trees and facilitative pruning to 6 other tree specimens. The trees marked for removal comprised 1 Category A Tree (T22 - Deodar), 2 Category B trees and the rest were Category C or U.

T22 is at the Bowbridge Road frontage to the site and is estimated as being around 12.5 tall. Other than stating that the 'tree is in conflict with the proposed design and will need to be removed to facilitate the development', there was no meaningful justification for why such a high Category Tree should be removed. In addition to this, the original comments of the Council's appointed Tree Officer raised significant concern that the majority of the trees to be retained had not had their existing and potential rooting areas / canopy spread fully evaluated leading to a proposed layout which will increased pressure on tree health.

Impact on trees has been considered in the revised plans now for consideration including through the submission of an updated Arboricultural Impact Assessment. It is now confirmed that the development would require the removal of 3 trees and various groups but notably the Grade A T22 would now be retained along the site frontage. The revised layout takes better overall account of existing specimens along the site frontage. The revised comments of the Tree Officer now raise no objections subject to protection measures being secured by condition.

Impact on Land Contamination

As is detailed above, the policy allocation makes specific reference to the neighbouring land uses which could potentially create environmental problems which would affect the residential development of the site.

On this basis, the application has been accompanied by a Phase I Geo-Environmental Desk Study and Phase II Geo-Environmental Assessment. These documents have been appraised by colleagues in Environmental Health with the following comments offered:

“Following intrusive sampling, elevated levels of several soil contaminants are identified (PAH, TPH, lead and zinc). As a result of this the consultant recommends capping of rear gardens with 1000mm and front gardens with 600mm of certified clean material.

In addition to the above, elevated ground gas levels (amber 2) has been identified and appropriate remedial measures are proposed for incorporation within building foundations.

I can generally concur with the findings of the reports and would therefore recommend the use of parts C and D of the phased contamination condition.”

The identification of contaminative materials is perhaps to be expected given the previous site uses. However, the applicant has appropriately demonstrated that suitable mitigation could be put in place to ensure the site would still be suitable for residential use. Therefore subject to the condition suggested by Environmental Health, there is no objection to the proposal in respect to contaminated land issues.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The site is served by an existing vehicular access from Bowbridge Road which is intended to be used to serve the majority of the 87 dwellings proposed. The exception being Plots 1-7 which would be served by a separate access further southwards along Bowbridge Road. The access would however be subject to minor amendments to ensure it meets appropriate geometric characteristics.

The Transport Assessment has been updated through the latest suite of revisions received in January 2021. An additional Transport Technical Note has also been provided dated 5th March 2020.

The report acknowledges the existing site circumstances including by reference to other committed developments in the area. Notably the Assessment refers to the Middlebeck application for which the Southern Link Road (SLR) is associated. The SLR is specifically referenced in the policy allocation for this site with an expectation that the development of the site will be post SLR construction.

To determine the traffic generation of the proposed housing development and sheltered accommodation / supported living units, the TRICS database has been utilised to inform the assessment, selecting surveyed sites that were similar in terms of location, accessibility and parking characteristics. The Transport Assessment estimates that the proposal will lead to an additional 367 two way trips per day with 37 two way vehicle trips in the traditional am network peak (between 8 and 9am) and 38 two way trips in the pm peak (between 5 and 6pm).

In acknowledgement of the original comments of NCC Highways, the latest document includes junction capacity assessments at both the site access junction off Bowbridge Road and also the Bowbridge Road / Hawton Lane / Bowbridge Lane signalised junction. For the latter, the data relates to the data collected in support of the Flowserve application. The reports concludes that the assessments confirm the proposal will have a negligible impact on the operations of the junctions which would operate well within capacity in all assessed scenarios.

NCC Highways provided detailed comments on the original submission raising a number of concerns which the latest documents seek to address. As per the latest comments of the Highways Authority these have now largely been resolved. There is reference to reservations regarding the size of the refuse vehicle used for the tracking but given that there is scope for additional movement within the turning head no further information is required in this instance.

The conditions suggested include requirements for a bus stop upgrade in front of the site but as below, this would need to be included in any associated legal agreement and therefore it would not be necessary to impose this specific condition.

The Council is currently in the process of adopting a Residential Parking Standards and Design Guide SPD with consultation on the final draft now finished. It is notable that the current application has been pending for some time such that the evolution of the SPD has taken place concurrently with the application's consideration but clearly any decision made on the application must now be taken on account of all material planning considerations.

Parking is provided within / close to each plot with the exception of the sheltered accommodation whereby a shared parking provision is proposed to cater for the full time equivalent staff. Numerically the level of off street parking provision for the dwellings is considered appropriate (one bed units have one space each, two and three bed units would have two) such that there should not be adverse impacts to on street parking. The proposed sheds would provide cycle storage for individual plots with additional cycle parking being proposed for the apartments. The Design and Access Statement confirms that car charging points will be provided in curtilage parking bays (exact details could be secured by condition).

The SPD encourages that parking spaces should be a minimum of 3m by 5.5m with an additional 0.3m if bounded by a wall or fence etc. Where more than two parking spaces are provided side by side, spaces should be a minimum of 2.4m by 5.5m.

The standard size of the parking spaces presented for the scheme is 2.4m x 5.5m (and with a couple of exceptions these are not in rows of more than two spaces). Where spaces are bounded by a property line or a fence or hedge they are 0.5m wider. For the avoidance of doubt, the scheme as presented does not meet the requirements of the latest SPD document. This has been raised as an issue with the agent during the life of the application (albeit due to the evolution of the document towards the later stages). In response, the agent has directed attention to the wording of the SPD which in the context of the dimensions listed above includes the wording "*(or relevant measurements at the time of submission as advised by the Highway's Authority)*".

The application has been pending for some time due to ongoing discussions with the applicant and Officers in order to overcome concerns (including in relation to noise and overall design matters as already referenced). It is notable that a number of the parking spaces shown have some elements of low maintenance planting / shrubs adjacent such that it may in reality be possible to achieve slightly wider spaces for some plots. However, to insist on such would require a wholesale re-

consideration of the plans and as a consequence would potentially reduce the level of green landscape within the site which would have a negative character impact. In the absence of an objection from NCC Highways and in acknowledgement that the SPD acknowledges site specific measurements may be agreed, it is not considered reasonable to be overly prescriptive to the dimensions of parking spaces within the SPD in this case.

Impact on Heritage including Archeology

The site is outside of the designated Conservation Area and there are no designated assets within the site itself. The policy allocation does however make reference to a need for further archeological works prior to any development within the site. The application has been supported by a Historic Environment Desk Based Assessment. It is acknowledged that the site was in agricultural use and ploughed since the medieval or potentially Roman period which could have truncated archaeological deposits. The later commercial development would also have impacted sub-surface remains and may have further disturbed deposits. Nevertheless, the desk study reports that there is still potential for archeological remains and therefore further archeological evaluation of the site may be required.

A further interim report for trenching at the site has been submitted. This shows no evidence of the civil war defenses were observed. The Archeological Advisor has now confirmed that the remaining trenching and any further mitigation work (if required) can be controlled by condition if permission were to be forthcoming.

Impact on Flood Risk and Drainage

The application site is within Flood Zone 1 in its entirety albeit a small proportion of the south of the site is at a low risk of surface water flooding. The application has been supported by a Flood Risk Assessment and Drainage Strategy. The report makes a number of recommendations to reduce flood risk and promote a sustainable and practicable drainage strategy which includes discharge into existing Severn Trent Water sewers and surface water attenuation storage.

NCC Flood Team as the Lead Local Flood Authority have been consulted. As detailed, they originally raised an objection on the basis that the drainage methods proposed were not considered sustainable. The applicant has submitted a revised FRA on the basis of these comments and additional comments have been received from NCC Flood accepting the proposals subject to a condition to secure a detailed drainage scheme.

Impact on Ecology

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

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

The application was validated on the basis of a Preliminary Ecological Appraisal awaiting the submission of the desk study. The updated report was subsequently received on 3rd June 2020.

The site features a number of varying habitats which could have ecological potential including scrub; scattered trees and semi-improved grassland.

In terms of bats, there are no buildings on site and the trees were assessed as being of negligible value for roosting bats such that the site as a whole offers low-moderate bat foraging opportunities. Nevertheless particular consideration of proposed lighting is recommended. Other recommendations made include the installation of bat boxes.

For birds, the existing habitats are identified as having nesting potential and therefore site clearance is recommended outside of bird breeding season unless a specific nesting bird check is carried out by a competent surveyor. An updated badger check is also recommended prior to site clearance as well as the completion of a Precautionary Working Method Statement for Reptiles.

All of the suggested mitigation measures could reasonably be secured by condition such that the ecological value does not represent a constraint to the development of the site and the proposal would comply with Core Policy 12 and Policy DM7.

Developer Contributions

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

Affordable Housing

The District Council sets a threshold of 30% on site affordable housing delivery. This proposal would far exceed that requirement by providing a solely affordable scheme operated by NCHA. The affordable provision is not within the description of the development but it is nevertheless possible for the LPA to secure that the dwellings remain affordable for their lifetime *if* determinative weight is to be attached to their delivery.

Notwithstanding the above, an additional 87 units would clearly put pressure on other local services. The 100% affordable provision does not automatically outweigh the need for the scheme to potentially provide contributions in other aspects as outlined below.

Community Facilities

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity.

The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. This would amount to circa £120,414.09 for a scheme of this size. Further clarification as to where the monies would be spent has been requested during the life of the application. It has been confirmed that there is an intention to replace the fitness kit at the Newark Sports and Fitness Centre in approximately 2 year's time which would cost in the region of £600k. The contribution going towards this project is considered a reasonable request given the proximity of the site to the Leisure Centre facilities.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. NCC as the education authority have assessed the capacity of the existing primary schools to facilitate the demand from the development. It is concluded that the existing primary schools could accommodate the development and therefore no education contribution is requested.

Open Space

As a development of 87 dwellings this application would need to make provision for public open space. The layout demonstrates an area of 2,335m² to the north west of the site. The application submission was not clear whether this area is envisaged to include play equipment for children and young people which has since been clarified. It has been suggested that the area would include on-site equipment such as mini tunnels; cross beams and balance beams but that the exact detail could be agreed at a later date.

As a numerical calculation the level of onsite open space would fall short of the aspirations of the SPD which amount to provision for children and young people at 18m² per dwelling (therefore a requirement of 1,566m²), amenity green space at 14.4m² per dwelling (therefore a requirement of 1,252.8m²), and natural and semi natural green space. However, it is notable that a significant proportion of the units (over 30%) are 1 bed units thus less likely to provide family homes. It would therefore be reasonable to accept a lesser area of open space for children and young people. If the one bed units were discounted from the children and young people contribution, then the level of onsite open space would meet the requirements of the SPD in area.

Health

The Developer Contributions SPD details that, for a scheme of this size, a contribution to the health authority should be made. This has been requested to the sum of £80,040 by NHS Nottingham and Nottinghamshire CCG. The monies are envisaged to be spent towards facilities at Balderton Surgery and Fountain and Lombard Medical Centres.

Libraries

The SPD details that library contributions can be attributed towards the costs of building / extending a library building or the costs of providing additional stock for existing facilities. NCC have commented on the need for the development to contribute towards library provisions, they have requested a contribution of £3,064 towards stock at Newark Library.

Transport

The County Council have made a site specific request for a planning obligation of £15,500 for bus stop infrastructure. This would be used to provide improvements to the bus stop denoted as NS0006 Bailey Road and would include the installation of real time bus stop pole & display including associated electrical connections, a polycarbonate bus shelter, solar lighting and raised boarding kerbs.

Viability Case

The original application was accompanied by a Section 106 document which essentially outlined an intention to submit a viability case as part of the development. This has been prompted for submission by Officers and received with the suite of revised plans in January 2021.

Using the Homes England Development Appraisal Tool, the viability assessment identified a deficit of £566,277 at completion in 2023 based on total scheme costs of £14,184,893. It is presented that, even with an intention of securing a Homes England Social Housing Grant, the scheme cannot support any additional financial contributions.

The National Planning Policy Framework states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Officers have commissioned (at the expense of the applicant) an independent viability expert to critically appraise the applicant's submission.

The initial response received disputed the land value figure as well as construction costs ultimately concluding that there would still be a positive viability margin even after the required developer contributions were made:

"The principal reasons for the differing position of the applicant NCHA are the price paid for the land which exceeds the Council's benchmark land value by £460,000 and the applicant's projected construction costs which exceed BCIS based projections by £1.8Million."

The applicant has submitted an additional report by rg+p Limited dated February 2021 which takes into account the initial independent response (giving evidence of various abnormal costs) but still identifies a deficit of circa £1.4million. The Council's independent assessor has provided a follow up response albeit the conclusion is the same – the LPA's advisor has confirmed that the scheme would be viable with the requested £219,401 worth of developer contributions. Again as is shown by the headline figures in the table below, the principle difference between the parties relates to land value:

	Applicants Costings (£)	LPA Consultant Review (£)	Difference (£)
Land Value	2,610,000	1,902,465	707,435
Construction Costs	8,980,840	8,602,736	378,104
Abnormal Costs	744,963	550,000	194,963
Professional Fees	1,256,276	850,942	405,344
Finance Costs	467,503	0	467,503

The applicant provided no evidence of 'finance costs' (for example interest and fees incurred from a bank or other external funding institution). The £467,503 allowance seemed to be an 'internal accounting' allowance for the way funds are distributed within the Housing Association organisation and were therefore disallowed. In the same way a developer profit allowance was discounted to only 2% to allow for the HA's staff/management costs.

The applicant has outlined their latest position by email dated 25th March 2021:

“There is a significant and pressing need for affordable housing in the District due to less than 2/5 of the affordable housing requirement being delivered annually. NCHA need to respond to this, as does the district council. NCHA therefore have no choice but to agree to pay the requested s106 costs in the interests of, we hope, moving the scheme to a swift and positive determination to help boost the supply of affordable homes and supported living accommodation as soon as possible, rather than delay this for a further 12+ months.

However, if the planning application is refused necessitating an appeal, NCHA will challenge the viability evidence because at that point the scheme would unfortunately have been delayed through matters outside of their control and it would be appropriate to ensure an acceptable level of profit is restored as supported by national policy and practice guidance.”

The acceptance of the payment of contributions through a Section 106 (albeit reluctantly) is welcomed. However, the stance of the applicant is unusual in that it could be perceived that the agreement to payment now (rather than at a later date if permission were refused and there were to be an appeal scenario) is in effect the applicant ‘buying a planning permission.’ To clarify, the applicant has confirmed that they agree the requests for contributions are appropriately justified. It is the ability of the scheme to pay for the entirety of those costs whilst maintaining an appropriate (5%) profit for the applicant that is in disagreement. The applicant is essentially agreeing to take a lower profit to provide a policy compliant scheme in the interest of swiftly delivering the affordable house needs. However, if the scheme is refused and delayed by an appeal process then further costs (site holding and appeal) would be incurred which would further affect the scheme’s viability. The applicant is therefore reserving their position to fully test the viability evidence at appeal in the event that the application is refused.

Notwithstanding the above it is material to note that the scheme as presented to Members would be policy compliant in respect to contributions.

Other Matters

The site layout plan demonstrates that the units would be served by sheds. Elevation details of these have been provided during the life of the application as has clarification of boundaries and hard landscaping which are considered acceptable and show that bins will be stored behind the sheds in the most part, away from the street scene.

Overall Balance and Conclusion

The proposal relates to the residential development of an allocated site within the Newark Urban Area. Although the quantum of development exceeds that originally envisaged by the policy allocation, as is detailed by the above appraisal, this is not considered fatal in principle.

One of the biggest constraints to the development of the site (as acknowledged by the policy allocation) is the previous industrial land uses which have clearly affected the quality of the land. Moreover, the site is surrounded by other industrial land uses which have the potential to adversely affect the amenity of any proposed occupiers. The above discussion outlines that a number of plots would require mitigating features in order to ensure a satisfactory levels of noise. Even with mitigation, there is an ongoing potential for incidental noise intrusion from neighbouring land uses.

However, the above must be balanced against the benefits of the scheme which include the delivery of a wholly affordable scheme operated by NCHA. Moreover, the applicant has accepted developer contributions to be made towards community facilities; health; libraries and transport as well as providing a meaningful area of on site open space. Officers consider that the proposal is therefore policy compliant in respect to contributions.

Of the compromises identified, none are deemed worthy of a refusal in their own right. Officers have carefully considered whether a 'compounded' reason for refusal would be appropriate but the case is not considered to be strong enough to resist planning permission and defend at appeal. The site is allocated for residential development and the applicant has worked with Officers to now present a scheme which responds to the site constraints and in doing so will bring forward the residential delivery of the site whilst addressing an identified need for affordable housing provision in the District.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and the sealing of an associated Section 106 agreement to secure contributions towards:

- **Community Facilities** (Upgrade of facilities at Newark Sports and Fitness Centre) - £120,414.09;
- **Health** (Balderton Surgery; Fountain and Lombard Medical Centre) - £80,040;
- **Transport** (bus stop improvements for NS0006 Bailey Road) - £15,500;
- **Libraries** (stock at Newark Library) - £3,064;
- **Open Space** (specification and maintenance of on site provisions);
- **Affordable housing** (retention of minimum 30% for the lifetime of the development).
- **A Travel Plan** in accordance with Section 10 "Monitoring" of the Framework Travel Plan by hsp consulting – C3191 – dated January 2021

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:

- Proposed Site Plan – 2670 / P102 M;
- Type 1A – 1 Bed Bungalow – 2670/P 200 D;
- Type 2 – 2 Bed Bungalow – 2670/P 201D;
- Type 5A - 2B+3B Terrace Row – 2587/P 225;
- Type 6 – 2B4P House – 2670/P 206D;
- Type 6A – 2B4P House – 2670/P 234;
- Type 7 – 3B5P House – 2670/P 207D;

- Type 7A – 3B5P House – 2670/P 227B;
- Type 8 – 2B/4P House – 2670/P 228;
- Type 8A – 2B/4P Semi– 2670/P 229A;
- Type 9 – 2670/P 210C;
- Type 11 – 1B Flats Care Block – 2670/P 212G;
- Type 12 – 1B/2P – 2670/P231A;
- Type 13 – 1B Flats – 2670/P 232A;
- Type 14 &14A – 1B Flates – 2670/P 233;
- Boundaries and Hard Landscape – 2670/ P300 C;
- Boundary Enclosures – 2670/P301;
- Timber Shed – 2670/P 302;

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

No development hereby permitted shall be occupied until 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 have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of visual amenity.

05

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 Local 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.

Reasons: In the interests of visual amenity.

06

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

07

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved BSP Consulting Flood Risk Assessment (FRA) and Drainage Strategy ref BBRR-BSP-ZZ-XX-RP-C-0001-P05_Flood_Risk_Assessment, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

09

The boundary treatments for each plot as shown on plan references Boundaries and Hard Landscape – 2670/ P300 C and Boundary Enclosures – 2670/P301 shall be implemented in full prior to the occupation of each relevant plot. The approved boundary treatments shall be retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity.

10

The remediation scheme included in documents Phase I Geo-Environmental Assessment Report – C3191 – Bowbridge Road, Newark dated February 2020 and Phase II Geo-Environmental Assessment Report – C3191 – Bowbridge Road, Newark dated February 2020 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing to the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

Prior to the commencement of any development above slab level, an ecological walkover survey shall be undertaken by a qualified ecologist and an updated report outlining species present with mitigation measures where necessary shall be submitted to and approved in writing by the Local Planning Authority. The survey should specifically ascertain whether there is any additional evidence of badger usage on the site. The development shall thereafter be carried out in accordance with the approved details and mitigation measures set out.

Reason: To protect any ecological potential within the site.

12

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the requirements of the Preliminary Ecological Appraisal by absolute ecology Updated June 2020, specifically;

- Precautionary Working Method Statement (PWMS) is incorporated during site clearance to minimise any negative impacts on local reptiles (paragraph 5.5) and hedgehogs (paragraph 5.8);
- Incorporation of bat boxes, details of which should be submitted to and approved in writing by the Local Planning Authority and installed as agreed prior to occupation;

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

13

Prior to first occupation details of any external lighting to be used in the development shall be 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 and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of biodiversity specifically bats.

14

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 Local 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 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 the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
- h. Details of timing for 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.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

15

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 the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas,
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

16

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

17

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

18

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

19

Prior to the occupation of any plot hereby approved, in curtilage charging points for electrical vehicles shall be installed for each of the plots and thereafter retained for the lifetime of the development.

Reason: To promote the use of electric vehicles.

20

No dwelling forming part of this development hereby approved shall be occupied until its associated driveway, parking and/or turning area is surfaced in a hard, bound material (not loose gravel) for a minimum of 8 metres behind the highway boundary for shared driveways and 5 metres for single driveways, with suitable drainage to prevent the egress of surface water onto the highway. The surfaced driveway, parking or turning area shall then be maintained such for the life of the development.

Reason: To reduce the possibility of deleterious material (loose stones etc) and surface water egressing onto the public highway to the detriment of road safety

21

No part of the development hereby approved shall be occupied until its associated access on to Bowbridge Road, as shown on drawing reference Proposed Site Plan – 2670 / P102 M has been provided in full.

Reason: In the interests of general highway and pedestrian safety

22

The noise mitigation measures outlined by letter dated 9th April 2021 by Environconsult shall be implemented in full prior to the occupation of any plot hereby approved. The measures shall thereafter be retained for the lifetime of the development.

Reason: In order to provide a satisfactory means of amenity for the proposed occupiers.

Notes to Applicant

01

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

02

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

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

03

Section 38 Agreement (Highways Act 1980)

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

04

Section 278 Agreement (Highways Act 1980)

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

Contact the Highway Authority via hdc.north@nottscc.gov.uk

BACKGROUND PAPERS

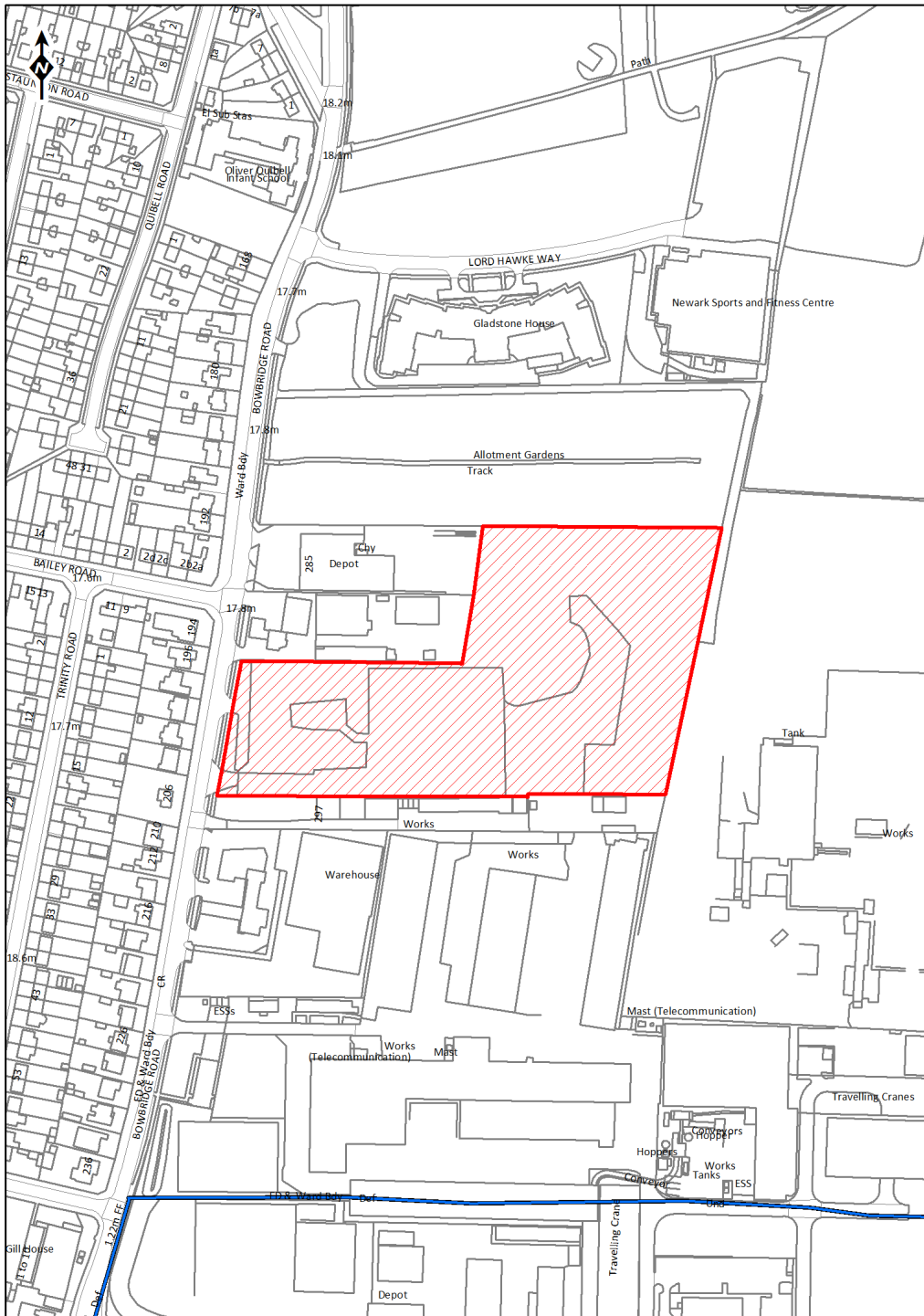
Application case file.

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

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 - 20/00580/FULM



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PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/02508/FULM		
Proposal:	Replacing existing racing surface material, with associated works to sub surface arrangement (using existing drainage system).		
Location:	Southwell Racecourse, Station Road, Rolleston, NG25 0TS		
Applicant:	Arena Racing (Southwell) Limited		
Agent:	Moorside Planning - Mr Matthew Pardoe		
Registered:	22.12.2020	Target Date:	23.03.2021
		Extension agreed to:	30.04.2021
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLP5VKLBL1E00		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the application is a major planning application and the Officer recommendation is contrary to the response received from the Parish Council.

The Site

Southwell Racecourse is a horse-racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the south and north respectively and the town of Southwell to the west. The wider site area equates to 64 hectares in area. The River Greet runs to the north of the site and is linked to various surrounding dykes, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within Flood Zones 2 and 3 of the Environment Agency's flood maps. The Site Location Plan is restricted to just the course of the racetrack (which is c. 42,000m²) within which is a biological Local Wildlife Site. A public right of way runs along the western and northern boundaries of the racecourse site. The wider site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton. One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site.

Relevant Planning History

19/01824/S73M - Application to vary conditions 4 and 5 attached to planning permission 17/01268/FULM to exclude the six lights serving the circulation areas that replaces the lights previously in place – Permitted 06.02.2020

17/01268/FULM - Erection of directional lighting [55 columns] – Permitted 07.11.2017

15/01292/FULM - Flood alleviation scheme – Permitted 13.06.2016

In addition to this, there are approximately 60 planning applications associated with the site, most of which relate to the erection of new buildings or extensions of existing buildings within the site

and the variation of conditions to allow Sunday racing to take place under temporary permissions between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

The Proposal

The application seeks full planning permission for the replacement of the existing fibersand racing surface at the Southwell Racecourse with a modern-day equivalent known as Tapeta-12.

Tapeta-12 is a microfiber-reinforced material with a binder comprising a blend of silica sand, wax and fibres. The works include a revision to the sub-surface arrangement, replacing the existing impermeable membrane with a porous macadam (which is the technical term for crushed aggregate) layer and a replacement of the racing surface. The application advances that the associate drainage system will remain unchanged. The location and overall appearance of the track would not be altered as part of this proposal and ground levels are not proposed to be increased.

The sub-surface arrangement would comprise a 185mm Tapeta layer on top of a 65 mm thickness of 20mm porous base course macadam (which is the technical term for crushed aggregate) which would be on top of a 150 mm layer of compacted 40 mm clean rectangular washed stone over a 300mm layer of hard limestone or granite (40mm) to dust. Below these layers are lateral drains set into the ground.

The area of the racing surface is 42,000m². It is anticipated that bringing in this new surface and aggregate layer and removing the existing fibre sand from site would amount to approx. 2,000 HGV movements over a 10-12 week construction period. Upon request, the applicant has submitted a HGV Travel plan which shows HGVs would enter via Occupation Lane (avoiding the level crossing) and exit down Racecourse Road. The wider Travel Plan shows vehicles accessing the site from the A1 at the Winthorpe junction, along the A46 to the cattle market roundabout, along the A617 through Kelham and Averham, along the A612 through Upton to Easthorpe, and then along Fiskerton Road through Brinkley to Occupation Lane. A signage scheme has also been put forward showing temporary signage at 6 points along Racecourse Rd/Occupation Lane to direct HGVs and warn pedestrians of construction traffic. It is anticipated that deliveries will take place between the hours of 8:30 and 16:30 six days per week.

Documents Assessed as part of this Application

Plans:

- Site Location Red Line Plan – deposited 23.12.2020
- All Weather Track Plan – deposited 23.12.2020
- Replacement Racing Surface Plan – deposited 23.12.2020
- Drainage Layout Sheets 1-3 – Ref. 101D, 102D and 103C
- Amended Travel Plan – deposited 09.04.2021
- HGV Signage Plan – deposited 09.04.2021
- Proposed Tapeta Surface Detail Section – Ref. 2005890/003 deposited 10.03.2021
- HGV Temporary Signage Details – deposited 09.04.2021

Reports/Letters:

- Flood Risk Assessment (FRA) – dated February 2021 by Ardent

- FRA and drainage Strategy Addendum and Appendices A & B (permeability testing) – dated February 2021 by Ardent
- Cover Email to Amended FRA – 02.03.2021
- Tapeta 12 Surface Description – 02.03.2021
- Tapeta Newcastle Testing Summary and Data
- Environmental & Toxicity Testing Summary Letter - dated 28.02.2021 by Jenkins Environmental
- Chemical Testing and Bioassay of Tapeta - dated March 2020 by Jenkins Environmental
- Cover Email to Ecological and Testing Data – 04.03.2021
- Ecological Appraisal File Note – dated 02.03.2021 by BJ Collins

Public Advertisement Procedure

Occupiers of 13 neighbours have been individually notified by letter, a site notice has been displayed close to the site and an advert has been placed in the local press. Re-consultation has also been undertaken throughout the lifetime of this application.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

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 2014

Landscape Character Assessment SPD 2013

Consultation Responses

Rolleston Parish Council – Object – Concerns raised:

- Construction traffic routing and highways safety concerns
- Potential increase in flooding and water run-off
- Pollution risks/leaching of chemicals into watercourses and farmland
- Inadequate supporting documents – FRA, cross section plans, number of lorry movements

- Concerns that past flood mitigation works have failed
- Lack of comments from LLFA, EA and TVIDB
- Works will result in more race meetings during the year which would need planning permission
- The travel plan does not include any provision for the removal of the existing surface material from the site

Southwell Town Council – Object – Concerns raised:

- Ecology impacts – Polyethylene is toxic to the environment and could leach into watercourses

15.03.21

- Flooding and Flood Risk - The latest information shows that the Tapeta12 compound is 6 times less porous than the current surface and therefore there is going to be much greater surface water runoff than at present. The Water Act of 2012 specifically prohibits any increase in surface water runoff which creates a worse flood risk downstream than existed prior to any planned changes.
- There is insufficient information on the composition of Tapeta12 to ascertain whether it would be toxic or harmful to the environment.
- The plan to use Fiskerton Rd as a return route for HGV traffic is completely unacceptable. Southwell as a town has a 7.5 ton limitation, and the junction of Fiskerton Rd and Easthorpe is already a point of significant congestion in normal circumstances so with the increase in traffic caused by this plan, the levels of congestion would become unacceptable. A few parked vehicles should not be a bar to using the Racecourse Rd for inbound and outbound traffic.

Fiskerton-cum-Morton Parish Council – Object - Concerns raised:

- Increased flood risk as a result of the proposal
- There is no independent analysis of the composition of the materials being used for the replacement of the track materials and their impact on the environment.
- Concerns over the plan to remove the existing surface from the site

Averham, Kelham & Staythorpe Parish Council – Object – Concerns raised:

- Increased flood risk as a result of the proposal
- Increased traffic movements and implications for surrounding villages
- Amenity implications through noise, dust, disturbance etc.

North Muskham Parish Council and South Muskham & Little Carlton Parish Council – Support –
No comments on the application regarding the replacement of the racing surface material, however support the amended travel plan and are pleased to note that the concerns of the Parish Council have been taken into account.

Initial concerns raised:

- Increased traffic movements and implications for surrounding villages - 2,000 30T HGVs will be travelling through Little Carlton and South Muskham to access the A1 at North Muskham. The condition of the B6325 is poor and this will only compound the problem with the surface.

Upton Parish Council – Object – Concerns raised:

- Disappointed that there was no formal consultation as the village will be directly affected by vehicle routing and noise pollution
- Highways safety risks - Vehicle Movements on the road will potentially cause serious issues both from increased vehicle emission pollution, noise pollution, traffic congestion – parts of Main Street are sufficiently narrow that two lorries cannot pass simultaneously.

- Road and footpath surfaces will be damaged as a result of the increased traffic flow
- A restriction should be imposed on the times when vehicles are able to operate and travel to the Race Course – suggested Monday to Friday 7.00am to 5.00pm only and no access at weekends
- An assurance should be given that the road and footpath condition will be inspected and necessary repairs undertaken when the works are completed.
- The Village regularly suffers with noise pollution on Race Days with the Loudspeaker system audible throughout the village. To prevent unacceptable noise pollution construction works should be restricted to the hours set out above.
- Concerns noted with regards potential leeching of the make-up material into the environment and watercourses
- Regarding the potential impact these further works will have on the natural drainage in the area and associated impact on further flooding.

The Environment Agency – Support – The Flood Risk Assessment states that the permeability of the surface will be equivalent to that of the existing surface. The drainage arrangements will also remain as existing. The FRA also states that the proposals do not change the flood defences already approved at the racecourse, the relationship with the River Greet, or the run-off regime of the track. The proposed works therefore have no wider implications for the site, properties adjoining it, or downstream receptors. However, as the site is in the functional floodplain, the ground surface must not be raised by the works above existing levels - this is to maintain the current level of floodplain storage on site.

31.03.2021 – Support – No objection raised by various specialist team responses:

- Flood Risk Team: no objection subject to ground surface levels not being raised as a result of the works.
- Biodiversity and Geomorphology Team: the risk of pollution from the new surface material is low. Based on the testing data the use of a wax coating will further reduce any pollution risk.
- Land and Water Team: the proposed material may be superior in terms of hydrocarbon/micro-plastic leaching (than the existing fibre sand) as it doesn't contain polypropylene. The material is to be laid down in the same track bed as the old Fibre sand with a porous layer of macadam and stones beneath. These layers are effective at ensuring material does not wash away into the under track drainage. Additionally the track drainage passes through catch pits before discharge to the watercourse which will assist in retaining any larger particles that may escape. Water sampling data of the surface water runoff from a track in Newcastle that uses a similar Tapeta surface and drainage system shows no significant discharge of suspended solids or dissolved hydrocarbons. Overall the risk of pollution arising from the new track material is low and potentially an improvement on the old material currently in situ.
- Groundwater and Contaminated Land Team: We are now satisfied with the proposed use of Tapeta 12 at Southwell racecourse. However, we would like to request that some environmental monitoring is carried out (surface water sampling) to ensure that there is no ongoing risk to the environment as a further safeguarding measure.
- Fisheries Team: The risk to fish is low. However, due to the sensitive nature of the works we would recommend installing a physical temporary barrier to stop any material being washed or blown into the stream (e.g. installing a temporary silt fence barrier that is trenched into the ground to provide lateral resistance). In addition, there should be a method of safe delivery and storage of the dedicated materials to prevent ingress back into the river (e.g. Secure with geotextiles). It is recommended that a watching brief is put in place to ensure site workers are briefed to be constantly visual for any signs of potential ecological impacts arising from the

works. As a minimum, we would suggest checking the working area every hour for signs of spills, pollution and during all operations regarded as high risk of potential harm to the environment. We would also like the applicant to ensure there is a Spill kit available on site.”

Following discussions the EA have confirmed that the recommendation for environmental monitoring from the Groundwater and Contaminated Land Team is an advisory note to the applicant.

NCC Lead Local Flood Authority – No comments to make. General standing advice given.

Trent Valley Internal Drainage Board – No objection - General standing advice given.

Network Rail – Support - No objection in principle to the development subject to a condition requiring the agreement of a suitable Construction Management Plan with Network Rail to ensure that potentially damaging construction traffic is restricted over the railway crossings or if they must be routed over the crossings, that sufficient protections are in place to ensure that the track and crossing deck etc. is not damaged.

23.3.21 - Support - No objection in principle to the development, based on the revised travel plan submitted by the developer we are able to withdraw our previous request for a planning condition in relation to HGV traffic on the basis that the developer liaise with our Asset Protection Team (assetprotectioneastern@networkrail.co.uk) should there be any further revisions to the haulage routes for the development. The developer should remain mindful of traffic parked along Occupation Lane and give consideration to putting appropriate measures in place (for example parking restrictions or signage providing a contact telephone number) should damage occur to any parked vehicles caused by HGV traffic.

NCC Highways Authority – Support – The Construction Management Plan and Signage Proposal submitted are acceptable. Due to concerns about the potential damage to the narrow lanes leading to this site a condition is required to ascertain the existing condition of the surface so the Highways Authority can later secure an undertaking to put right any defects which occur as a result of the works. In the absence of any certainty of how, when and how much fibre sand material will be leaving the site a condition is also required to ensure we have the means of enforcement and opportunity to ensure the relevant safe guards (including signage and condition surveys etc) are in place. A condition should be imposed to secure a formal plan for the disposal of the material prior to exportation from site. An informative note is also required to agree temporary signage for the A617 at Averham with the Highways Authority. Overall no objection subject to conditions.

NCC Rights of Way – Support - Subject to agreeing a suitable Construction Management Plan and clarification that the footpath crossing within the site will remain as existing.

Ramblers Association – Object – Concerns Raised:

- Lack of information about how the crossing point with Southwell Footpath 3 is to be managed for walkers. It appears this is being raised by 0.4m.
- Concerns about the potential ecological implications from contamination risks of the new surface material
- A condition should be imposed to prevent the raising of the race track to ensure the existing footpath crossing is maintained as existing.

- Safety reports have been submitted in review of the Tapeta12 material, however it is not clear that these have been independently assessed or not.

Nottinghamshire Wildlife Trust – No comments received.

Nottingham Piscatorial Society – Concerns raised:

- The river Greet flows very close to this project and could be adversely affected by any material that finds its way into the watercourse, which ultimately flows into the River Trent.
- Members that fish in the river would like to see it and the habitat it supports protected.
- More information regarding the potential harmful effects that the suggested track surfacing material would have, should be made available and the EA should be consulted further on this.

Comments have been received from 35 interested parties that can be summarised as follows:

Flood Risk

- When this work is to be carried out the existing impermeable membrane will be removed and replaced with a macadam surface which will allow penetration of any substance into the subsoil and watercourse
- The site has been subject to an improved drainage system where surface water and other drainage is channelled directly into surrounding ditches, watercourses, streams and rivers – this application will increase water run off rates into receiving watercourses and result in increased flooding
- The replacement surfacing will raise the racetrack out of the ground significantly
- The comments from NCC and the EA do not ask for evidence that the drainage of the new surface is comparable with the old one
- The whole area is in the flood zone
- The improved drainage works undertaken have proven inadequate to protect adjacent landowners. Drainage has been an ongoing problem here.
- Since the improved drainage works were undertaken, adjacent properties have been a substantial increase in water flowing through overflow ditches
- The current all-weather track is sand based, and will absorb a degree of water. The composition of the proposed track (gel and wax) is going to exacerbate a pooling of water of which the current surface accounts for
- The Flood Risk Assessment submitted is inadequate
- No decision should be made until a proper, thorough, professional flood risk assessment is made by the Environment Agency, the Flood Management Team at NCC, and the Trent Valley internal drainage board.
- Roads leading from the village towards Fiskerton and Staythorpe are regularly closed due to flooding and there is a danger that any further flooding on Station Road, the one remaining route out of the village, could result in the village being cut-off.
- The comments from the Environment Agency are incorrect and based upon wrong assumptions and misinformation.

Highways Safety

- The proposed routing includes access via Occupation Lane – this is a single track road unsuitable for HGV use
- HGV traffic will pose a highways safety risk to road users
- The private roadway serving the site (Racecourse Road) would be the best and most obvious route for construction traffic

- Either route used traffic will have to travel through small villages which is unacceptable and a highways safety risk
- The amount of surfacing to be brought to and removed from the site will result in excessive HGV loads using the highway network and routing through small villages which is unsafe
- The roads are not suitable for this amount of traffic as they are all in poor quality
- HGVs should not be allowed to wait or park on surrounding roads as they are too narrow
- Occupation lane has a heavy footfall of pedestrians, cyclists, horse riders etc and it is not a wide road, using it for HGV should be seen as hazardous
- We have no confidence in the Racecourse managing vehicle movements along the proposed route, as they have demonstrably failed to prevent horsebox traffic routinely using roads through Rolleston on race days
- Bridges under the roads are already in disrepair and could collapse with additional HGV movements
- The riding centre on Occupation Lane move horses along the road daily and any HGV movements could pose a severe safety risk

Ecology Impact

- This proposal will result in polyethylene and other chemicals leaching into the water systems resulting in serious and direct consequences on the local and eventually national aquatic environment
- Nothing in the application details how plastic material will be contained adequately within the site
- The environmental and ecological damage which would result from the material being washed into any watercourse would be catastrophic. One of the reasons that the racecourse are considering changing the surface is because the current surface had to be replaced after being washed away in previous floods and is consequently uninsurable.
- Great Crested Newts will be in great danger from this new material
- The pollutants from the new surface could have catastrophic effects on farmland and crop harvesting
- Water from the site must be filtered before it discharges into watercourses to prevent pollution
- If works are undertaken in summertime they will be during the Great Crested Newt (GCN) breeding season
- Prior to any works being undertaken a GCN survey should be carried out.

Other

- Neither NSDC nor NCC have the expertise required to make a professional judgment of this application
- All of the submitted documents need to be independently assessed
- The works are not necessary for any economic reason for the owners of the site, as is recognised within the racing press, the present system, if maintained properly, gives a proper and adequate surface to race upon, as shown by the popularity of and continued success of the site.
- Assumptions regarding the disposal of the old racecourse surfacing
- Whilst understanding the desire of the racecourse to be more financially viable this planning application should be deferred until further information is given on the surface rates of drainage, chemicals escaping into water courses and removal and transporting of materials
- The website states that Tapeta is a sand and rubber fibre mixture which is covered in wax and is installed on top of a porous ashfelt membrane, which is not as stated in the application. The

Council needs to check if it is as permeable as the existing fibrous sand, and also the effect of what appears to be the raising of the track from its present level.

- Concerns that an inadequate amount of neighbour notification letters were sent
- The proposed surface is not environmentally friendly
- The only benefit of this proposal is the slight increased protection of the horses and jockeys from a Tapeta surface compared to fibre sand with reduced kick back and an easier to run on surface putting less strain on the horse and therefore less injuries.
- The Racecourse's sole intention at a later date is to apply for increased numbers of race meetings to counter balance their investment on a new Tapeta track. This surface allows for racing to take place almost continually due to the product being capable of operating in all types of weather conditions from very low to high temperatures as well as heavy rainfall and snow. This will raise the game with higher standards of races and prize money which in turn will attract more horses per race and more races, more paying punters, more horse boxers, owners, trainers and staff.
- On race days people park on Occupation Lane to fly drones over the racecourse. It is assumed this is to operate an online betting system and concerns whether this is legal/licensed.
- Drones shouldn't be allowed to fly over local residents properties
- The proposal will devalue local house prices and raise insurance costs
- What is the Council's position on Biodiversity Net Gain as this application does not have any proposal of what Biodiversity Net Gain they plan to submit as part of the work.
- The old surfacing will end up in landfill
- Material should not be stockpiled on the site as this will raise ground levels.
- The porosity testing submitted is incorrect and means rainwater will flow off the raised surface.
- The material contains Lead at a concentration of 100mg/kg. The 'safe' level for drinking water for Lead is 10 micrograms/litre. The sample tested had 100,000 micrograms/kg.
- The DETS and Jenkins Environmental Testing Data is inaccurate and didn't test for the relevant components.

Comments of the Business Manager

Principle of Development

Southwell Racecourse is an established horseracing facility located within the open countryside outside the villages of Fiskerton and Rolleston, as well as close to the town of Southwell. The site is located adjacent to the River Greet which runs to the north of the racecourse and is considered an existing commercial and tourism enterprise which is a considerable contributor to the local economy.

Core Policy 7 of the Core Strategy and Policy DM8 of the DPD support development to existing tourist attractions providing they are proportionate to the existing business and the surrounding area. As mentioned above, the racecourse is considered to be a contributor to the local economy – the works proposed are to improve the existing facilities on the site to bring the facility up to modern horseracing standards. The TAPETA surfacing is cited as a thoroughbred racing and training surface comprised of a mixture of silica sand, wax and fibres that have been extensively researched, simulates the root structure of turf and overall provides a safer racing surface for users.

The horseracing industry cites Tapeta as representing the next generation of artificial all-weather racing surface, in terms of its appeal to both trainers and jockeys, as it offers a number of benefits

regarding its safety record, relative lack of kickback and fairness for horses. In addition, it has the ability to handle very low temperatures and significant rainfall. The installation of a Tapeta surface at this site would allow for greater diversity within the racing programme at Southwell which is likely to increase visitor numbers/retain people within the local area for longer. The works are considered to be necessary to bring the track up to modern standards (noting the existing fibre sand is considered to be at the end of its lifespan) and meet changing visitor expectations to prevent the number of fixtures per year declining. Nevertheless, noting comments raised by local residents, this application does not seek to increase or alter the permitted amount of fixtures at the site.

Overall, the principle of the development would align with the intentions of CP7 and DM8, which support the development of existing tourist attractions; however, careful consideration of the potential impact of this development is required to ensure that there is no adverse impact upon the character of the area, residential amenity, environment or highway safety.

Impact on Visual Amenity, Landscape Character and Heritage Assets

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Core Policy 13 relates to Landscape Character refers to the District's Landscape Character Assessment and expects development proposals to positively address the implications of the Landscape Policy Zones. Policy DM5 in the



Allocations and Development Management DPD relates to design and states the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site is located within policy zone Trent Washlands TW PZ 10: River Greet Meadowlands as defined by the Council's adopted Landscape Character Assessment

SPD. This states "Southwell Racecourse dominates the landscape to the centre of the area, with associated car parking, hotel and a training centre etc. These are large scale features, not in keeping with the local character." The landscape condition is defined as moderate with the racecourse providing a large scale development which is not in keeping with local character. The landscape is considered within the Policy to have moderate sensitivity.

It is already accepted that the racecourse sits at odds with the surrounding landscape within the character zone, with large structures in situ within the site. However, the application at hand will have an almost unperceivable visual impact on the character of the existing racetrack and wider site. The replacement surface will visually look the same as the existing fibre sand and therefore will not change the character or appearance of the course, or its relationship with its surroundings. As shown on the proposed 'Replacement Racing Surface' Plan an area is identified for fibre sand storage during the construction period. Due to logistics with the Tapeta delivery being undertaken by a separate company the existing fibre sand will not be removed by the same HGV's that deliver

the Tapeta to site. During the construction period, the existing fibre sand will be removed and stored in the area indicated in yellow on the aerial photo below.

For vehicular traffic, this area is segregated from the nearest public highway (Occupation Lane), with only a glimpsed view being available to traffic crossing the level-crossing from the east, which then turns immediately south. Views for traffic travelling north along Occupation Lane are away from the racecourse (to the northeast), with a mature hedgerow adjoining the carriageway which is likely to prevent views for most vehicles. When combined with the distance, direction of travel, and the tall hedgerow that also extends along most of Racecourse Road (which is within the ownership of the applicant), the temporary fibre sand storage is unlikely to be immediately visible from the surrounding area outside the site due to the existing hedgerow along Racecourse Road. I note that within and around the site there are public rights of way and thus pedestrians may be able to glimpse views of this storage area - however, given boundary treatments around the site and the development within it, any fibre sand stored will be read in the context of this site and in my view would not be unduly harmful on the character and appearance of the area. I am also mindful that this area would not be used for fibre sand storage for a prolonged period of time and that a condition relating to the programme for removal could be imposed.

For clarity, noting comments from local residents, this application does not include any ground raising or physical alteration to the racetrack save for replacing the surface layer. On this basis I am satisfied that the proposal will not have an undue impact upon the landscape surrounding the site. The proposal is reflective of its setting and as such does not contradict the aims of the above policies.

Heritage Matters

Turning to heritage matters, one of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor, which lies approximately 200m to the east of the site. 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 designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8c).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The site is well-established as a racecourse and as set out above, the proposal will have an almost unperceivable visual impact on the character of the existing racetrack and wider site. Given the

limited scope of alterations sought I am of the view that the proposal is unlikely to result in further harm to any heritage asset or its setting and on this basis I am satisfied the proposals would not be contrary to the Policy objectives set out above.

Impact on Residential Amenity

Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Given the limited scope of alterations proposed and separation from any residential properties I am satisfied that the proposal would not result in any unacceptable amenity impacts and therefore would be in accordance with policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities. I note that a level crossing lies directly to the east of the racecourse access and that Racecourse Road (which is owned by the applicant) is also a public right of way.

The proposals do not seek to increase the number of meetings at the site per year or materially change the operation of the venue other than upgrading the facilities so that they meet modern standards. However, I note the concerns of local residents about the construction period and vehicular movements that will be associated with delivery and removal of materials to site. It is anticipated that bringing in this new surface and aggregate layer and removing the existing fibre sand from site would amount to approx. 2,000 HGV movements over a 10-12 week construction period. The application has been supported by an amended travel plan, which shows HGVs would enter via Occupation Lane (avoiding the level crossing) and exit down Racecourse Road. A signage scheme has also been put forward showing temporary signage at 6 points along Racecourse Rd/Occupation Lane to direct HGVs and warn pedestrians of construction traffic and at the A617/Staythorpe Road junction to prevent access for Racecourse construction traffic. It is anticipated that the construction period will last between 10-12 weeks and that deliveries will take place between the hours of 8:30 and 16:30 six days per week. Concerns have been raised regarding the removal of the existing fibresand from the site - due to logistics the existing fibre sand will not be removed by the same HGV's that deliver the Tapeta to site. As explained above, the fibre sand will be stockpiled within the site and the intention is to distribute it to two other racecourses for use. The agent has also explained that some fibre sand will be used within the local golf course. Given the removal programme has not been finalised, having discussed with the Highways Authority, I consider it reasonable to attach a condition to require the applicant to submit a programme for removing the material from the site so that the timescales, duration and haulage route can be agreed prior to any removal vehicles attending the site.

Whilst the concerns of local residents are noted and duly taken on board I note the comments from Network Rail, the Rights of Way Officer and Highway Authority, which raise no objection to the proposal subject to conditions regarding compliance with the travel plan, the installation of

temporary signage along Racecourse Road (to alert HGV and pedestrians using the right of way) and a record of the highway surface before and after construction to assess damages. Due to concerns raised by local residents regarding the potential damage to the narrow lanes leading to this site, a condition has been recommended by the Highways Authority to ascertain the existing condition of the surface so the Highways Authority can later secure an undertaking to put right any defects which occur as a result of the works. I consider the requirement to survey the roads before and after the construction period to be reasonable in this case given the HGV movements proposed and the nature of the surrounding roads. Disruption from construction traffic will only be for a finite period and subject to ensuring the routing plan is complied with (both during the delivery of new material and removal of the old from site) and signage installed, it is considered that there would be no undue highways safety impact as a result of this proposal.

In addition, the public footpath crossing at the western end of the racecourse, along with its arrangement, will also be maintained as existing, meaning that there will be no discernible difference once the works are completed. There will also be no change in how the new Tapeta surface is managed, meaning that the access across the footpath will be maintained as existing.

Comments have been received from an interested party raising concerns about weight limit restrictions on surrounding roads that are shown to be used as part of the HGV route – the Highways Authority have advised that the wider Southwell area is covered by a 7.5 tonne weight, however vehicles serving existing business within the area are excluded from the weight limit. As the Racecourse sits within the limit area, vehicles associated with the development are excluded from the limit. Having discussed with the Highways Authority Network Manager and Abnormal Loads Officer the Highways Officer considers the proposed route to be the most appropriate to serve the development.

Overall, in the absence of any objection from the Highway Authority, Rights of Way Officer or Network Rail I am satisfied that, subject to conditions, the application would comply with Policy objectives set out above.

Impact on Flood Risk

The application site lies within Flood Zones 2 and 3 as defined by the Environment Agency's Flood Mapping, which means it is at medium and high risk of flooding. The National Planning Policy Framework (NPPF) provides guidance on dealing with development where all or part of the application site falls within Flood Zone 2. Chapter 14 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere – themes which are reflected within policies DM5, CP9 and 10 of the Council's development plan.

The works proposed include a revision to the sub-surface arrangement of the racetrack, replacing the existing impermeable membrane with a porous macadam layer (no increase in hardstanding areas of the Site) and replacement of the top surface layer. The application advances that the associated drainage system will remain unchanged and the submitted FRA and Drainage Addendum explains that the filtration characteristics of Tapeta compared to the existing fibre sand surfacing are comparable. Additional permeability testing undertaken has evidenced that the top surface has greater permeability properties than that of the existing fibre sand (to ensure no waterlogging) but once collected beneath the surface, surface water would percolate at a marginally lower rate through the track's base course, before being collected by the existing sub-

surface drainage. This would result in betterment as there would be a marginally slower release of surface water from the site as a result of the proposed new surfacing works.

The Tapeta website explains that due to the special composition of Tapeta it allows for good vertical drainage and is specially designed as an all-weather surface to ensure no waterlogging. The site is considered to be a water compatible development type in Flood Risk terms and therefore the Environment Agency's Flood Risk Standing advice is applicable. Nevertheless, following concerns raised by local residents the EA have chosen to review the proposal (noting their comments that state they would not routinely provide comments of this nature). Five specialist teams within the EA have reviewed the proposal (a summary of their comments can be found in the consultation section above and in full on the application file online) and all have raised no objection to the works proposed on the grounds of flood risk, biodiversity, land, water and ground water contamination or fishery impact.

I note comments from local residents and the Parish Council which reference past flood events and alleged increased flooding of land adjacent to the Racecourse. These matters are not directly related to the application at hand and it is alleged that additional works have been undertaken at the site outside of those approved under reference 15/01282/FULM. Concerns about alleged unauthorised groundworks in the flood zone are being investigated by our Planning Enforcement team and will be considered separately from the application at hand.

I note that concerns have been raised regarding the potential risk of mobilisation of Tapeta 12 during flood events. These concerns are raised in the context of potential ecological implications (which will be explained in the section below) and risk to adjacent landowners. The existing racecourse operates as a closed system – the drainage infrastructure within the track discharges to catch-pits before out falling into ditches surrounding racecourse. Any suspended solids within surface water runoff settle within the application site prior to being discharged offsite as a result of five stages of water quality treatment currently in place. This includes sediment and pollutants being trapped by the track makeup; existing catch-pits where sediment settle out; drainage system serving the racecourse where sediments settle out naturally; and then water flowing through the ordinary watercourses within the site outside the flood defences and through the Greenfield Drain before leaving the site. The water quality measures are robust in terms of protecting the existing water environment within and around the racecourse and it has been confirmed that the Tapeta material is designed to remain in situ even during heavy rainfall events and does not float, therefore the risk of particles being washed off-site in the event of a storm/flooding is minimal. Any residual risk of release of particles will be mitigated by the onsite existing drainage system. I note the recommendation of the Groundwater and Contaminated Land Team from the EA for Environmental Monitoring to be carried out (surface water sampling) to ensure that there is no ongoing risk to the environment as a further safeguarding measure, however given the existing site is not subject to such requirements (and there is already infrastructure in place to prevent any outwash from the site) and the conclusion drawn by the EA that the risk of pollution arising from the new track material would be low (and the replacement with Tapeta 12 could potentially result in an improvement on the old material currently in situ) I do not consider it would be reasonable to require this as a condition to the permission. I also note that the EA have confirmed this is only an advisory note to the applicant given the concerns raised by local residents.

I also note the Fisheries team from the EA have requested that measures be conditioned to mitigate any risk of outwash from the site (such as: installing a physical temporary barrier to stop any material being washed or blown into the stream, a method of safe delivery and storage of the

material to prevent ingress into the river and a watching brief to ensure site workers check for signs of spills and pollution during all operations in addition to requiring a Spill kit be available on site). However, I am mindful that the site operates as a closed system with measures already in place to prevent any outwash. Having discussed this with the EA and given their conclusions regarding the risk of pollution and mobilisation (given the existing infrastructure in place throughout the site that prevents the mobilisation of the existing fibre sand) I do not consider it would be reasonable to require additional infrastructure be installed above and beyond that already in place. Particularly given the existing site infrastructure has been assessed by the EA to be adequate at retaining any mobilised material within the site. Nevertheless, I propose to attach the advice from the EA as an advisory note to the applicant in the interest of good working practice.

The positive conclusion of the Environment Agency is noted. So too is the position of the TVIDB and Nottinghamshire County Council's Flood Risk Officer who raise no objection to the proposal. In conclusion, it is not considered that the proposal at hand would result in an increased flood risk to third parties or users of the site given the level of development, site context and water compatible use. In addition, the new surfacing would result in some betterment in surface water drainage as there would be a marginally slower release of surface water from the site as a result of the works. The proposal is therefore in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF in relation to flood risk.

Impact on Ecology

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

I note that the racecourse sits alongside wetland and stream habitats of nature conservation value and within the race track there is a biological Local Wildlife Site (LWS). However, given the scope of alterations sought in this application and existing physical measures in place on the site, the proposed alterations are not considered to result in any ecological impact to these habitats. As explained above I note the addendum to the FRA specifies the measures for retaining material on site and chemical testing evidence submitted also confirms that Tapeta is an inert material and does not pose a threat to aquatic life. I appreciate comments made from third parties raise concerns about the potential risk of mobilisation of Tapeta 12 into surrounding watercourses and the LWS, however given the construction of the racetrack (and catch pit measures in place as explained above) the risk of run-off would be no greater than the existing situation. The track is also constructed to minimise any out-wash and it has been confirmed that the material does not float.

I note concerns from residents regarding the presence of polyethylene coating within Tapeta 10 and the consequential risks this may pose to the environment; however, in response to this the applicant has amended the scheme to propose the installation of Tapeta 12 (the latest iteration) which does not include polyethylene. The applicant has provided an ecological appraisal and testing data which has been assessed by the Environment Agencies Biodiversity team – they have advised that the risk of pollution from the new surface material is low. The sampling undertaken at a case study track (Newcastle track where Tapeta 10 is used) demonstrated a low level of suspended solids being discharged which offers further assurances that risks in this case will be low. The EA's Land and Water and Groundwater and Contaminated Land Teams have also

assessed the proposal and raise no objection to the application. I also note the conclusions of the EA that the risk of pollution arising from the new track material would be low and the replacement with Tapeta 12 could potentially result in an improvement on the old material currently in situ.

The ecological reports submitted confirm that Tapeta 12 is stable and does not break down. It also does not pose any harm to aquatic or any other life (the aquatic life test being particularly sensitive, and pertinent, in this respect given the LWS). I note concerns from local residents regarding the testing results submitted, however I am satisfied that the applicant has sufficiently demonstrated that Tapeta 12 is not toxic and is appropriate for use in this context without resulting in an adverse ecological impact. Based on the above, and in the absence of any objection from the technical experts, I therefore consider the proposal would accord with policies CP12, DM5 and the provisions of the NPPF in this regard.

Other Matters

I note the concerns raised by local residents and Parish Councils and these have been duly taken on board throughout this assessment, however some concerns raised are not material to the determination of this application (such as potential future planning applications that may be submitted at this site). I do however note that concerns have been raised about the removal of the existing fibre sand from the site following completion of the resurfacing works. It has already been explained that an area has been identified within the site for the temporary storage of fibre sand following its removal from the track and the applicant has advised that the intention is to use some of the material within the adjacent golf course as well as to distribute it to other racecourses (Hereford and Sedgfield as part of proposed works there). The Highways Authority are satisfied that so long as any vehicles collecting or removing this material from the site adhere to the construction routing plan agreed that there would be no adverse highways impact as a result of this. The applicant is happy for a condition to be attached to ensure any related movements are subject to the same routing agreement and hours of work and on this basis I do not consider this arrangement would be unacceptable.

Conclusion

In conclusion, the proposed development is considered to be appropriate in this rural location. The proposed development would not be harmful to the setting of the countryside and would cause no unacceptable detrimental impact on the character or appearance of the surrounding rural landscape, residential amenity, highways safety, flood risk or surrounding ecology, conforming to the NPPF, Core Strategy Policies SP7, SP8, CP7, CP9, CP10, CP12, CP13 and CP14, in addition to Policies DM5, DM7, DM8, DM9 and DM12 of the Allocations & Development Management DPD. As such it is considered that there are no material considerations why planning permission should not be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

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 except in complete accordance with the following plans, reference numbers:

- Site Location Red Line Plan – deposited 23.12.2020
- All Weather Track Plan – deposited 23.12.2020
- Replacement Racing Surface Plan – deposited 23.12.2020
- Drainage Layout Sheets 1-3 – Ref. 101D, 102D and 103C
- Proposed Tapeta Surface Detail Section – Ref. 2005890/003

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application (notably the installation of Tapeta 12 only).

Reason: In the interests of visual amenity.

04

For the avoidance of doubt, there shall be no raising of the existing ground level as a result of the development hereby permitted.

Reason: To ensure that the development does not increase the risk of flooding.

05

All construction vehicles (including vehicles used to deliver or remove materials to/from the site) shall follow the route as shown on the 'Amended Travel Plan' deposited 09.04.2021.

Reason: In the interest of highways safety.

06

Prior to commencement of development or any deliveries to the site associated with this application, the temporary construction traffic signage as shown on the 'Amended Travel Plan' and amended 'HGV Signage Plan' deposited 09.04.2021 shall be installed in accordance with the HGV Temporary Signage Details (deposited 09.04.2021) and photographic evidence shall be submitted to the Local Planning Authority. The signage installed shall be retained throughout the duration of works.

Reason: In the interest of highways safety.

07

Haulage vehicles or any vehicles used to deliver or remove material from the site shall only enter or leave the site between the hours of 0830 Hours to 1630 Hours Monday to Saturday inclusive and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and highways safety.

08

Prior to commencement of any works to import material to the development site, a video and photographic condition surveys of Fiskerton Road between its junction with Easthorpe and Occupation Lane, and Occupation Lane between its junction with Fiskerton Road and Racecourse Road shall be undertaken and shall be submitted for approval by the Local Planning Authority. Within one week following completion of the importation of material, photographic condition surveys of the same routes shall be undertaken and shall be submitted to the Local Planning Authority for approval. Within one month of the approval of the follow up survey a report shall be submitted for the approval of the local planning authority that identifies any damage to the road that has occurred between the two surveys.

Reason: To ensure that the condition of the road is adequately recorded and monitored before and after the development in the interest of highway safety.

09

No works to export the existing Fibresand material from site shall commence until a Material Disposal Programme has been submitted and approved in writing by the Local Planning Authority. The Programme shall include details of phasing, quantities to be removed, method of removal, lorry routing details, signage and timescales for removal. All works to dispose materials from the site shall be carried out in accordance with the approved Programme.

Reason: In the interest of highway safety, to ensure materials are exported from the development site in a safe manner.

Informatives

01

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

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

02

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

Network Rail: You are advised to liaise with Network Rail's Asset Protection Team (assetprotectioneastern@networkrail.co.uk) should there be any revisions to the haulage routes for the development. The developer should remain mindful of traffic parked along Occupation Lane and give consideration to putting appropriate measures in place (for example parking restrictions or signage providing a contact telephone number) should damage occur to any parked vehicles caused by HGV traffic.

04

Rights of Way:

- The Public Rights of Way should remain open, unobstructed and be kept on their legal alignment at all times.
- There should be no disturbance to the surface of the Rights of Way without prior authorisation the Rights of Way team.
- The safety of the public using the paths should be observed at all times. A Temporary Closure of the Public Rights of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

05

Advisory Note from the Environment Agency

- The applicant is advised to undertake periodic environmental monitoring (surface water sampling) to ensure that there is no ongoing risk to the environment as a result of the replacement surfacing material.
- The applicant is advised to follow best working practice guidelines and ensure that site workers are briefed to be constantly visual for any signs of potential ecological impacts arising from the works. As a minimum, the working area should be checked every hour for signs of spills and pollution and during all operations regarded as high risk of potential harm to the environment.
- The applicant is advised to consider installing a physical temporary barrier to stop any material being washed or blown into the stream (e.g. installing a temporary silt fence barrier that is trenched into the ground to provide lateral resistance parallel to watercourses) and a Spill Kit should be available on site.
- Any stockpiled or stored material should be secured safely to prevent ingress into the river (e.g. Secure with geotextiles).

06

Highways Authority:

Any temporary signage which is to be placed on the local highway network will need to be agreed in advance by Nottinghamshire County Councils agents, Via East Midlands Ltd. It is recommended the applicant contact them as soon as possible to agree requirements and locations of any temporary signage. Contact Mr Heath Phillips, the Network Co-ordination Manager on 0115 9932547.

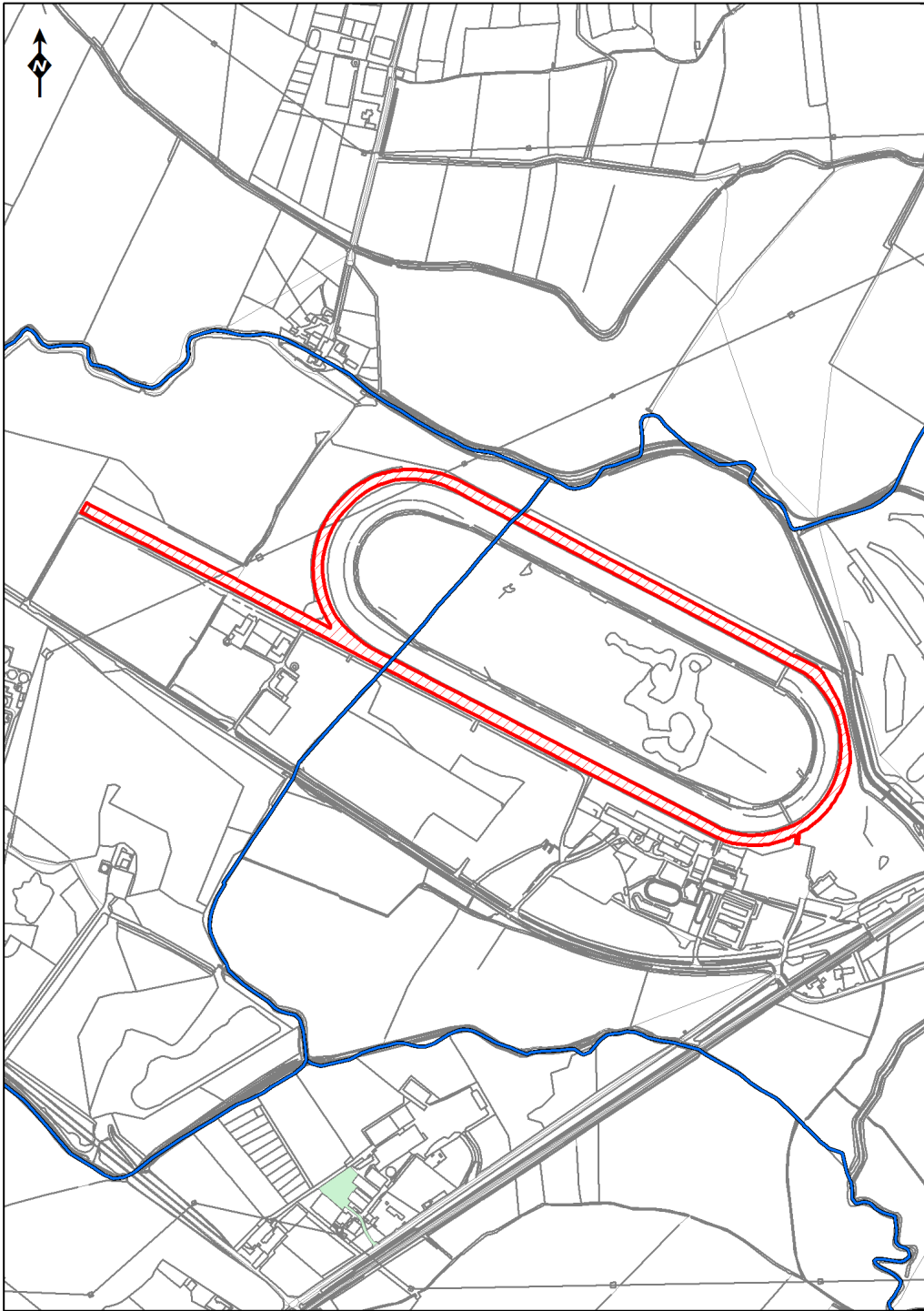
BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/02410/OUTM	
Proposal:	Demolition of all existing buildings and replacement with new facility. To include 20 temporary accommodation units, and 1 communal building. Access to be relocated and footpath to be improved.	
Location:	Seven Hills Temporary Accommodation, Quibells Lane, Newark On Trent, NG24 2FE	
Applicant:	Newark & Sherwood District Council	
Agent:	Guy St John Taylor Associates Architects Ltd	
Registered:	08 December 2020	Target Date: 09 March 2021 Extension of time: 18 June 2021
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QKYRVLLBKT800	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.

The Site

The 0.77Ha site relates to a site containing temporary accommodation located within the urban area of Newark approximately 1km north of the town centre. The site forms part of the Housing Site 2 (Policy NUA/Ho/2) allocation within the Allocations and Management DPD.

The site is accessed to the south of Quibells Lane and contains a car park adjacent to its frontage. A warden's house is located adjacent to the car park area and the temporary accommodation predominantly consisting of a single story linear building, which wraps around the site to form a circular shape. Two mature trees are located adjacent to the site frontage and a wooded area is located to the rear of the site. A courtyard area within which pedestrian access to all of the accommodation is provided is within the central courtyard area of the site.

A public right of way runs along the eastern boundary of the site and connects to Hatchets Lane to the south. The rear gardens of residential properties located along Wolsey Road back onto this right of way. Residential properties along Hatchets Lane including those currently under construction under application no 21/00249/S73 are located to the south. Grassed areas/fields are located to the north and west of the site with the East Coast Mainline located approximately 60 metres to the south west of the site. An earth bund is located along the east boundary of the site. A freight business is also located at the bottom of Quibell's Lane to the west of the site.

In accordance with Environment Agency flood zone mapping the majority of the site is located in Flood Zone 2.

Relevant Planning History

01891483 Accommodation for homeless – 30 bedsits, warden house, stores and communal facilities – permission 08.01.1990

01880968 Erection of 42 houses, garages and associated engineering works – permission 08.03.1989

0181259 Housing development – permission 09.06.1981

The Proposal

The application seeks outline planning permission with all matters reserved apart from access for the demolition of the existing temporary accommodation comprising 29 units (some of which have already been decommissioned) and replacement with a new facility comprising 20 units and 1 communal building. The site would also have a reception, staff office, meeting room, community room, laundry facility, stores/garaging and an outside play area. The accommodation would be constructed using modular methods of construction (MMC).

The access to the site would be repositioned further to the west of the site. Amended plans have been received during the lifetime of the application to increase the number of proposed parking spaces to 11.

The application is accompanied by the following:

- Tree Survey
- Preliminary Ecological Appraisal
- Drainage Feasibility Assessment Feb 2021
- Design and Access Statement Nov 2020 by Guy Taylor Associates
- Archaeological Desk Based Assessment
- Parking Statement Date 28/01/2021
- Noise Assessment Date 03/03/2021
- 00 100 Site Location Plan
- 19 101 Rev C Proposed Site Plan
- 19 100 Existing Site Plan
- 03 301 Proposed Sketch Floor Plans 1 Storey
- 03 201 Proposed Sketch Floor Plans 2 Storey

Departure/Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter. A site notice has displayed near to the site and a press notice has been published.

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

Spatial Policy 8	Protecting and Promoting Leisure and Community Facilities
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
NAP1	Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM10	Pollution and Hazardous Materials
Policy DM12	Presumption in Favour of Sustainable Development
Policy NUA/Ho/2	Newark Urban Area – Housing Site 2

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2019
 National Planning Practice Guidance (NPPG) Online Resource

Consultations

Newark Town Council: No objection.

Environment Agency – The site is located fully within flood zone 2 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance.

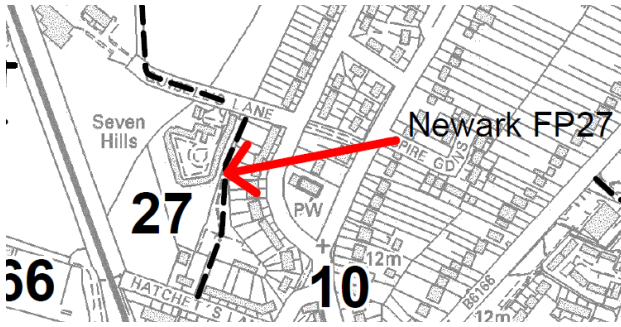
Cadent Gas – No objection as the Intermediate and high pressure gas pipelines in the area would not be affected by the application.

Severn Trent Water – no comments received.

Trent Valley Internal Drainage Board – no objection.

NCC Highways Authority (Highway Safety) – The applicant has submitted an amended drawing ref. job no. 812.492.15, drawing no. (19)101 rev. C, titled: Proposed Site Plan (Indicative), dated November 2020 and a Parking Statement explaining the proposed levels of off-street parking. On the basis of the available information, the Highway Authority is content with the proposed development subject to a condition relating to the new access design. In coming to this conclusion, the Authority has considered issues of highway access, capacity and safety, parking, servicing and sustainability.

NCC Public Rights of Way: Newark Public Footpath No. 27 and Newark Public Footpath No.48 (which runs along Quibbells Lane west beyond the adopted highway portion) are in the vicinity of the proposal.



Extract of the working copy of the Definitive Map

The Right of Way Team do not object to the proposed redevelopment however it appears the proposal requires a slight diversion to the line of the Public Footpath. We welcome the applicant's proposal to improve the Public Footpath, details of any surface treatment and path improvements should be controlled by condition.

We also welcome the proposal to reduce the height of the hedgerow to 1m which will improve the feel of the footpath in terms of feeling safer to use. Ongoing hedgerow maintenance should be included in any future grounds maintenance management plan as it will need trimming back regularly to prevent it interfering or obstructing the use of the Right of Way.

We require the applicant to clarify the proposal of lighting the Public Footpath to improved security with regard to the ongoing maintenance. This is not something the Rights of Way Team will take on.

NCC Lead Local Flood Risk Authority – No objection subject to a condition requiring the submission of a detailed surface water drainage scheme.

NSDC Environmental Health (Reactive) – *Comments received 12.03.2021 (following receipt of Noise Assessment):*

No objection subject to further calculations to confirm the window spec once the design has been finalised.

Comments received 23.12.2021: Noise survey required by planning condition to ensure that appropriate internal and external noise levels can be achieved to guarantee the amenity of the future occupants in relation to the close proximity of the railway line and freight business.

NSDC Archaeology Officer - The potential to encounter archaeological remains on this site is low due mainly to existing disturbance and limited evidence noted in the HER. I've therefore recommended that there is no objection on archaeological grounds to the current proposals and no further archaeological input is required.

NSDC Tree Officer – no objection subject to conditions relating to tree protection.

No letters of representation have been received from neighbours/interested parties.

Comments of the Business Manager

The 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 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. The site forms Housing Site 2 as identified in Policy NUA/Ho/2 of the Allocations and Development Management DPD (adopted 2013) for around 86 dwellings. This policy requires:

- The preparation of an appropriate Transport Assessment by the applicant, including improvements to Quibells Lane to adoptable standard, forming part of any planning application;
- The preparation of a Site Specific Flood Risk Assessment by the applicant forming part of any planning application;
- Provision of an appropriate landscaping scheme submitted as part of any planning application to screen the site from the East Coast Main Line;
- Developer contributions towards the elimination of the foot crossing across the East Coast Main Line at Hatchets Lane secured through the planning application process; and
- The investigation of potential archaeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent reflecting the high archaeological potential of the site.

The policy also states that development of the site should only occur once the Council has made suitable alternative provision for the existing homeless hostel in line with the requirements of Spatial Policy 8.

The site forms a small part of the NUA/Ho/2 allocation. As part of the review of the Allocations and Development Management DPD, I have been advised by Planning Policy colleagues that they are aware of changes in the deliverability of the allocation as currently proposed insofar as the allocation would need to be reduced in size as consideration was being given to replacing the homeless accommodation on site rather than relocating it. This application is for the replacement of the facility on site and would result in the area available for housing being reduced.

Whilst these amendments to the allocation policy are already in the public realm, they have yet to progress to a more formal stage where they can be given significant weight in the overall planning balance. As the Homeless Hostel is a Sui Generis use as opposed to new dwellings required by the policy, the proposed development is considered to represent a departure to the Development Plan. However, the current use is a vital facility and its replacement in situ would provide more suitable accommodation than is currently available. In addition, sufficient allocations remain in the Plan to provide for well in excess of the minimum housing requirement over the Plan period and the LPA is confident of a robust five year land supply. Amendments to the policy to reflect this will likely occur through the review of the A&DM DPD.

The proposed replacement of the existing facility would also be in accordance with the aims of Spatial Policy 8 as it seeks to provide an enhanced community facility to meet identified needs of the community.

As such, the principle of development on this site is considered acceptable having regard to the other material planning considerations and subject to an assessment of all site-specific considerations (including those required by the site allocation policy) set out below.

Impact on Visual Amenity Including Impact on the Setting of the Public Right of Way

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. 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.

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. 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.

The submitted Design and Access Statement confirms that the existing facility experiences existing issues in relation to security and construction quality including lack of privacy, natural light and facilities within the individual units. The proposed illustrative Site Plan would comprise a more legible entrance area, the opening up of the adjacent footpath to improve security, a resident's hub and two blocks of accommodation units. One block would be two storey and contain 10 x 1-bed units and the other block would be single storey and contain 10 x 1-3 bed family units. A communal courtyard would be located in between the units. The woodland area to the south of the site would be opened up to provide an additional amenity space for the residents. Like with the existing layout, the proposed parking would be located to the front of the site.

The illustrative Site Plan shows that the proposed building would largely be located on the footprint of the buildings to be demolished. The indicative height of the proposed dwellings is also considered acceptable. The detailed layout, scale, appearance and landscaping are matters to be considered at the reserved matters stage. I consider the proposed illustrative Site Plan to demonstrate a quantum of development that is acceptable in both visual amenity terms and indicative details provided demonstrate a layout which could improve the current design and public realm of the site. Policy NUA/Ho/2 requires the provision of an appropriate landscaping scheme submitted as part of any planning application to screen the site from the East Coast Main Line and the illustrative Site Plan indicates sufficient area for new boundary planting is achievable. Overall, the outline details submitted are considered acceptable and in compliance with Core Policy 9 and Policy DM5 of the DPD. It is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the submitted illustrative Site Plan.

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 detailed design and layout are matters to be considered at the reserved matters stage. However, it is still necessary to be assured that the illustrative Site Plan indicates a quantum of development that is considered acceptable in residential amenity terms at the outline planning stage. The application site is located in a mixed-use area close to a railway line and freight business.

Noise

Noise sources at the proposed development site consist of road traffic along A46, trains and nearby freight business. The submitted Noise Assessment confirms that no specific noise was directly attributable to the freight businesses and the dominant noise sources were road traffic and rail traffic when passing close by.

The LAFmax level specified in BS8233 for railway events is 44dB for single events during the evening for sleep disturbance in bedrooms, 45dB LAFmax under WHO guidelines. The worst case night time noise level recorded at the site (free field) as a LAFmax, value of 67 dB LAFmax was identified.

However, with mitigation through the installation of standard double glazing and standard trickle vents, the internal noise levels are estimated to be reduced from 57 dB LAeq,16hr at the façade of a proposed dwelling (with no bund) to interior levels of 31 dB LAeq,16hr within habitable rooms during the day. This level is within the desirable category of <35dB during the day. At night, environmental noise in bedrooms facing the railway and A46 would be reduced from 67 dB LAeq,8hr to interior levels of 23 dB LAeq,8hr with maximum individual noise events reduced from 67 dB LAFmax to 39 dB LAFmax. Both of these levels are also within the desirable category of <30dB and <45dB respectively.

With windows open, internal LAeq and LAmx noise levels during the day and night time within some of the habitable rooms (those that may face towards the railway) may exceed the recommended target levels when trains pass. The inability for some of future occupants to open some of their windows without experiencing higher than recommended noise levels is a negative factor to be considered albeit Paragraph 6 of NPPG states that a suitable alternative means of ventilation is likely to be necessary if the proposed mitigation relies on windows being kept closed most of the time. It does not state that use of such mitigation would be unacceptable in principle. I therefore have no reason to doubt that the proposed vents would not work effectively to minimise the need to open windows in any event. This is regardless of whether or not the frequency of trains increase in the future.

I note the proposed units would be located in a similar position to the existing units and the redevelopment of the site would hopefully result in an improvement to the noise levels experienced by existing occupiers. I also note nature of the accommodation is temporary and as such, the noise levels experienced would be temporary.

In addition, the BS8233 Guidelines states:

'In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'.

The noise level in the courtyard is calculated to be 47dB LAeq,16hr which meets the BS8233 criterion of 55dB for outdoor living areas. There is an earth bund some 2.5-3m high to the west of the existing units, which would also be retained to offer partial acoustic protection.

As the submitted details are only illustrative at this stage, it is recommended that a further Survey is undertaken at the reserved matter stage to confirm the mitigation measures outlined are sufficient. It is recommended that this be required by planning condition.

Other

The illustrative Site Plan shows that adequate separation distances between the existing and proposed dwellings are achievable so as to ensure no unacceptable overlooking or overbearing impacts.

Summary

Having carefully assessed the scheme it is considered that taking all matters including proposed noise mitigation measures that can be assessed in more detail at reserved matters stage, the proposal would have no unacceptable impacts upon the amenity of future occupiers of the proposed accommodation or dwellings adjacent to the application site in accordance with the Policy DM5 of the Allocations and Development Management DPD.

Impact on Flood Risk and Drainage

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test and if required the Exception Test, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

The site is located within flood zone 2 and the proposed development is defined as 'more vulnerable' within Table 2 of the Technical Guidance to the NPPF.

A Flood Risk Assessment (FRA) has been submitted with the application. This contends that the site is in reality shown to lie entirely within Flood Zone 1 when assessing detailed model outputs provided by the Environment Agency. The nearby floodplain of the River Trent is contained away from the site owing to the local topography and land use; namely the nearby railway line. I am aware of similar conclusions being made in relation to flood modelling work undertaken on behalf of the Council.

Even so, it is considered appropriate to assess the application based on the existing EA mapping given that they have not in my knowledge confirmed that the site is indeed located in flood zone 1. As such, I consider it necessary to consider whether or not the application of the sequential test is required. As an allocated site, a sequential test is not normally required. However, as referred to in the principle of development, the application is considered to represent a departure given that the allocation policy assumed that the homeless hostel would be located off site as opposed to being located on site. Taking a pragmatic view however, the site is a replacement facility it is not reasonable to suggest an existing facility should be located elsewhere on flood risk grounds alone. In addition, I am aware that alternative sites may have been explored by the Council but none have been progressed as being preferable to the existing site.

In relation to proposed mitigation, the FRA recommend that finished floor levels are set at least 150mm above external levels to minimise the risk of flooding. Providing the mitigation measures discussed are implemented, it is considered that the risk of flooding to the site and adjacent land would be minimal.

A Drainage Feasibility Assessment to consider surface water impacts has also been submitted to address the original comments raised by the Lead Local Flood Authority (LLFA) to ensure a robust surface water strategy. Surface water management from hardstanding is currently via a network of gullies and drains which are likely to drain to a nearby surface water sewer or soakaway. It is proposed that drainage be improved as part of the redevelopment scheme. Soakage testing should be considered further during detailed design to ensure the appropriate use and design of soakage systems. Given the limited space on site, the use of above ground SuDS would be limited albeit it is intended that the perimeter of the site could contain a swale to intercept exceedance rainfall. Additional value could be provided through the construction of a bioretention system (raised planters or tree pits).

The LLFA raises no objection to the amended Drainage Feasibility Assessment subject to a condition requiring detailed drainage plans being submitted and approved by the Local Planning Authority prior to the commencement of development. Subject to this condition and a condition requiring levels to be in accordance with those recommended in the submitted Flood Risk Assessment, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Policy DM5 and Core Policy 9.

Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Policy NUA/Ho/2 requires 'the preparation of an appropriate Transport Assessment by the applicant, including improvements to Quibells Lane to adoptable standard, forming part of any planning application; and 'developer contributions towards the elimination of the foot crossing across the East Coast Main Line at Hatchets Lane secured through the planning application process'.

The foot crossing across the East Coast Main Line at Hatchets Lane has already been eliminated and so no developer contributions are required in this respect.

Access and egress to and from the site is via Quibell's Lane. The proposal seeks to alter the position of the existing access to and from the site to the western corner of the northern boundary. A dedicated parking area is proposed with 11 marked spaces, along with secure cycle storage for each unit. The full comments of the Highways Officer are set out above under consultation responses. Following the submission of a Parking Statement, the Highways Officer raise no objection to the proposal subject to a condition relating to access design.

I am therefore satisfied that the proposed access and parking arrangements would meet the requirements of Policy NUA/Ho/2 and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Impact on Ecology and Trees

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 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

Ecology

I am mindful that the NPPF states at paragraph 175 that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally, I am aware that paragraph 99 of Government Circular 06/2005 states that:

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

A Preliminary Ecological Appraisal and Protected Species Survey have been submitted with the application. This indicates that the proposed development has the potential to impact on roosting bats should they be present and to disrupt local bat activity. It therefore recommends that further nocturnal surveys area undertaken between May and August. It also recommends that any site clearance should avoid bird-nesting season (March – September inclusive) and ecological enhancement e.g. bat and bird boxes should be incorporated into the proposed scheme – these are measures that can be required by planning condition.

In relation to bats, Local Planning Authorities are required to consider the likelihood of a license (required if bats are found) being granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

It is therefore considered appropriate that these nocturnal surveys take place before a decision is issued so that the full extent of impact and required mitigation measures are known upfront. As such, the Applicant has commissioned that these surveys are undertaken prior to the issuing of a decision on the planning application. As such, Members will note that the resolution to Planning Committee includes a clause which states that should Members be minded to approve the application, this should first be subject to confirmation that delegated authority is given to Authorised Officers to await and assess the results of the surveys and to impose the addition of any planning conditions with regards to bat mitigation as required.

Trees and Hedgerow

The submitted Tree Survey identifies a total of 30 individual trees, 1 tree group and 4 hedgerows. The majority of the woodland to the south of the site would be retained, although small pathway leading through vegetative bund into woodland for resident recreation is proposed. A portion of H4 may also require removal to facilitate proposals. The proposed development would require the removal of 3 category C trees with some minor pruning back of the hedgerow (adjacent to the public right of way) anticipated. The Tree Survey states that the tree losses are considered to be a very minor within the context of the site with no significant loss of arboricultural value or public amenity expected. The Tree Officer raises no objection to the planning application on this basis subject to condition relating to tree protection.

Details of landscape is a matter reserved for subsequent approval. On this basis, the precise level of tree removal is not to be agreed at this stage and I would recommend a condition be imposed to ensure further details and justification for loss is submitted at reserved matters stage. A landscape scheme would mitigate for any essential tree loss.

Notwithstanding the issue in relation to outstanding bat surveys, overall it is considered that subject to conditions, no adverse ecology impacts or tree loss impacts without appropriate mitigation would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment. Policy NUA/Ho/2 requires *'the investigation of potential archaeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent reflecting the high archaeological potential of the site'*.

An Archaeological Desk Based Assessment has been submitted with the application. The potential to encounter archaeological remains on this site is low due mainly to existing disturbance and limited evidence noted in the Historic Environment Record. The Archaeology Officer raises no objection to the development and has advised that no further archaeological input is required. Overall, it is not considered that the proposed development would result in an adverse impact upon archaeological remains.

Conclusion

Given the site's allocation as part of the policy NUA/Ho/2 the principle of redeveloping the site is accepted in principle. Whilst this policy assumed the relocation of the Homeless Hostel off site rather than on site, the current use is a vital community facility and its replacement in situ would provide more suitable accommodation than is currently available. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

Detailed matters (other than access) are matters for subsequent approval. Based on the indicative site plan submitted with the application it is considered that the highways, noise, flood risk, drainage, tree loss, archaeology and design impacts of the proposal can be acceptable subject to planning conditions.

In relation to ecology, further surveys are required to establish whether or not any mitigation measures are required which may affect the indicative site layout. The recommendation below is therefore subject to the further ecology survey work as required by the submitted Ecology Report being undertaken prior to the issuing of a decision.

Subject to these requirements and the conditions below, the recommendation is for approval.

RECOMMENDATION

That outline planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) (i) the further bat nocturnal surveys as required by the submitted Ecology Reports being undertaken before the decision notice is issued;**
 - (ii) consideration of the survey results and need to mitigate impacts appropriately and imposition of any additional ecology related condition(s) be agreed by the Authorised Officer.**

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Reserved matter submissions for any phase or any use shall be substantively in accordance with Drawing No 19 101 Rev C Proposed Site Plan and Design and Access Statement Nov 2020 by Guy Taylor Associates.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

04

The reserved matters application(s) shall be accompanied by an updated arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows. The application shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details 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 preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

05

The reserved matters submission shall include the submission of full details of both hard and soft landscape works for that phase and a programme for their implementation. This submission shall include:

- Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, play equipment, signs, lighting etc.
- Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building. 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.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements.

06

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 Local 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) Reason: To preserve and protect trees.

07

No development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in the interest of biodiversity.

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out in the approved RammSanderson Drainage Feasibility Assessment document ref RSE_4084_03_V1 dated February 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: To ensure that the development is provided with a satisfactory means of drainage and does not increase flood risk.

09

The development hereby permitted shall take place in full accordance with the mitigation measures set out in paragraphs 5.2 and 5.3 of the submitted 'Flood Risk Assessment Date November 2020'.

Reason: To ensure that the risks to future users of the land are eliminated and or minimised to ensure that development can take place without unacceptable risk.

10

No part of the development hereby permitted shall be brought into use until the new access has been designed to:

- have a minimum width of 6.0m for the first 5.0m rear of the highway boundary;
- have 6.0m radius kerbs each side of the site access;
- provide for the access at a location as shown on the indicative plan ref. job no.

812.492.15, drawing no. (19)101 rev. C, titled: Proposed Site Plan (Indicative), dated November 2020

- be constructed in bound material (not loose gravel) for a distance of minimum 5.0m behind the highway boundary;
- have vehicular visibility splays clearly shown on the plan measuring 2.4m x 43m with no obstruction to the visibility above 0.6m high in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interest of highway safety.

11

The submission of each reserved matters application shall be accompanied by an up to date Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of the accommodation and retained thereafter.

Reason: To ensure that noise levels and vibration, specifically from the railway and A46 are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

12

No development shall commence until a detailed design and specification of improvement to and diversion/stopping up of the public right of way has first been submitted to and approved in writing by the Local Planning Authority. The improvement/stopping up/diversion shall be carried out in accordance with the approved details. The submitted details shall include details of proposed surface treatments and lighting.

Reason: To retain a safe and sustainable pedestrian route.

13

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

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

02

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

03

Cadent have identified operational gas apparatus within the application site boundary. BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

04

The safety of the public using the adjacent public right of way should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

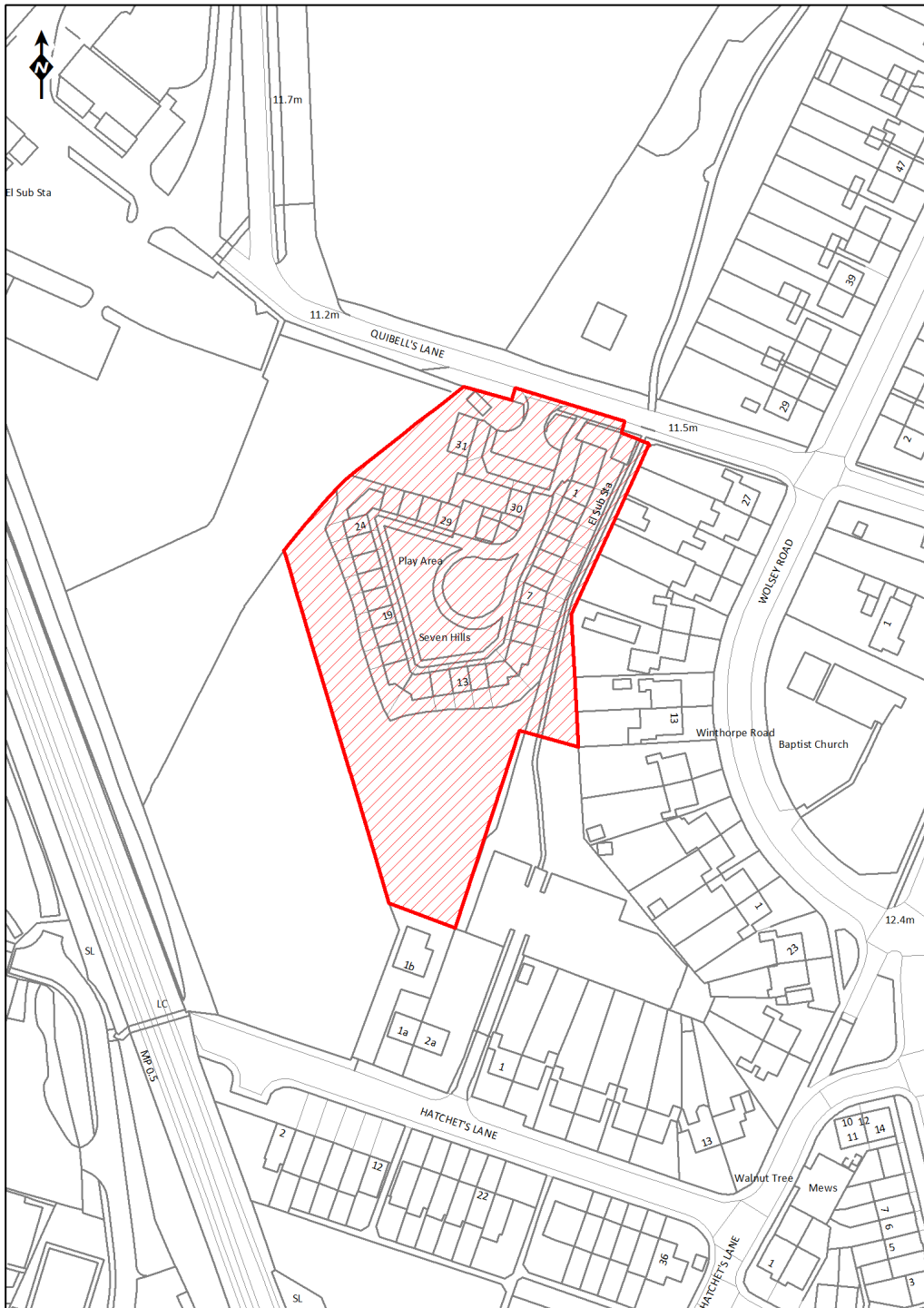
BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/02410/OUTM



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PLANNING COMMITTEE – 27th APRIL 2021

Application No:	21/00275/S73M
Proposal:	Application for the variation of condition 03 including revised parking scheme, alterations to external gym adjoining main building and associated landscaping and change to main entrance to revolving doors, attached to planning permission 17/01693/FULM.
Location:	Community And Activity Village, Lord Hawke Way, Newark On Trent NG24 4FH
Applicant:	Mr Todd Cauthorn - Newark And Sherwood YMCA
Agent:	Mr Matthew Vicary - Rayner Davies Architects LLP
Registered:	25.02.2021 Target Date: 27.05.2021
Website Link:	21/00275/S73M Application for the variation of condition 03 including revised parking scheme, alterations to external gym adjoining main building and associated landscaping and change to main entrance to revolving doors, attached to planning permission 17/01693/FULM. Community And Activity Village Lord Hawke Way Newark On Trent NG24 4FH (newark-sherwooddc.gov.uk)

This application is being referred to the Planning Committee as part of the application site forms land under the control of the District Council.

The Site

The application site forms a large plot of land approximately 9.8 hectares immediately to the east of the Newark Leisure Centre. The site is within the urban area of Newark and defined as a public open space protected by SP8 policy. A rectangular portion to the east of the site is recognized as a site of interest in nature conservation being identified as a notable grassland with neutral and acid areas as defined by the Newark South Proposals Map in the Allocations and Development Management DPD.

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as well as some of the approved sporting facilities including the Athletics track and football pitches. The south of the site was cordoned off by construction hoardings.

Land uses in the immediate vicinity include the aforementioned Leisure Centre as well as Gladstone House. Land to the west of the Leisure Centre car park has extant permission for residential development which is being promoted by Arkwood. The eastern boundary of the site is defined by the Sustrans National Cycle Network which is set at a lower level to the site itself. There is a public bridleway dissecting the site which links Elm Avenue to Balderton Lakes. The rear gardens of residential properties along Bancroft Road abut the northern boundary of the site. Also abutting part of the northern boundary of the site is the designated conservation area but the site itself is outside of the CA. This element of the conservation area features Newark Cemetery.

Relevant Planning History

20/00339/S73M - Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design.

Application approved by Planning Committee at the meeting on 31st March 2020 (decision issued 3rd April 2020).

17/01693/FULM - Existing playing fields and sports facilities to be altered, and supplemented by new sports playing pitches, cycle track, skate park, tennis courts, multi purpose pitches and provision of alternative route for existing bridleway.

Extension of playing pitch areas into vacant land to the East of current facilities.

Proposed building including crèche and pre-school facility, training, offices, music, dance and art studios, sports facilities, changing areas to serve both the internal and external sports, function rooms, cafe and kitchen.

Application approved by Planning Committee in December 2017 and as referenced above has been implemented on site.

16/00947/FULM - Use of former Tarmac land and part of existing sports ground for construction of a closed road cycle circuit. Erection of lighting columns, fencing, extension of existing car-park, and associated works including construction of a temporary haul road. *Application withdrawn.*

The Proposal

The application has been submitted as a Section 73 application to vary the plan condition on the original approval in order to allow a number of changes to be made to the extant permission.

The principle changes relate to a revised car park arrangement including 157 car parking spaces and 2 coach parking bays. In addition there would be an alteration of the main entrance to provide revolving entrance doors and the creation of an external gym area approximately 400m² in extent positioned externally adjacent to the northern elevation of the main building. This would essentially be an external area of sporting surface with no permanent built form.

The revised parking arrangements will necessitate removal of part of an existing hedgerow on the western site boundary which was indicated for retention (c40m).

The application has been considered on the basis of the following plans and documents:

- Covering Letter by Raynor Davies Architects dated 1st February 2021 – 2242/2.0/MJV;
- Location Plan – 2242(08)001 Rev. A;
- Site Plan – 2242(08)S01 Rev. F;
- Ground Floor GA – 2242(20)001 Rev. P;
- First Floor Plan – 2242(20)101 Rev. N;
- GA Elevations Sheet 1 of 2 – 2242(20)E01 Rev. M;
- External Cross-fit Gym Proposed Plan – 2242(08)014 dated 18/02/21;
- Proposed 12m Coach Tracking – 217081 SK003 Rev. P3;

- Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21;
- Site Masterplan Phase 2 – 2242(08)016 dated 25/02/21;
- Arboricultural Assessment by fpcr dated February 2021;
- Ecology Addendum Letter by fpcr dated 10th February 2021 – 6737 / AJR / RG dated 10th February 2021.

Departure/Public Advertisement Procedure

Occupiers of 57 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 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NAP3 – Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Consultations

Newark Town Council – No Objection was raised to this application. However, the Town Clerk was asked to seek mitigations measures for the loss of hedgerows, particularly along the boundary with the Cemetery if that is possible.

NCC Highways Authority – No objections.

NSDC Tree Officer – Although trees and hedgerows are to be removed there is little detail on proposed landscaping mitigation.

Revisions to include trees between very narrow areas between parking bays will not be sustainable long term due to limited favourable rooting environment and lack of space for any canopy development. Larger areas can be created by combining planning areas rather than small piece meal sections for planting.

Similar issues with canopy spread are likely on proposed planting on the boundaries of the skate park.

Little scope has been considered for larger tree species on the site.

Nottinghamshire Wildlife Trust – No comments received.

NSDC Environmental Health (contaminated land) - re-iterate that any redevelopment that includes the Tarmac land will require site investigation and likely remedial works.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that a permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The National Planning Policy Framework (NPPF) is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning consent.

Impact on Character

As a comprehensive development, there are large elements of the scheme which will have a minimal impact on the character of the area due to their low lying nature (i.e. the sports pitches). The addition of an external gym area would follow this principle in that it would not be readily discernible in the overall context of the site particularly given that it would be screened by the built form of the main building to the west. The previous iteration of the plans showed that this point of the site would feature car parking in any case so the overall character impacts would not be materially different. The alteration of the main entrance door to a revolving door would also have minimal impact in the context of the overall scheme.

Although the current application would alter the previously approved parking arrangements, the parking is positioned in broadly the same part of the site and would still be read in conjunction with the wider parking arrangements for the Leisure Centre adjacent.

Overall, the revised plans would maintain an acceptable impact on the character of the area such that it would not be reasonable to resist the changes in this respect.

Impact on Highways including Parking Provision

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The original application was approved on the basis of providing 108 car parking spaces (excluding staff parking). The plans currently presented demonstrate a total of 157 spaces with two coach car parking spaces. Details of the security arrangements for the separate staff car park have also been provided.

NCC as the Highways Authority have assessed the current application and acknowledged that there would be changes to the parking but that they would not affect the ability for vehicles to maneuver within the site. They therefore do not raise any objections.

Overall the impacts to the highways network would not be significant as a consequence of the revised plans and in the context of the additional car parking demonstrated the use of the building would be fully catered for without leading to parking issues elsewhere. The scheme is therefore compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Trees and Ecology

The current application is accompanied by a supporting letter by fpcr and updated arboricultural assessment. Of note, the amended positioning of the coach bays would require an additional circa 40m removal of hedgerow on the western site boundary.

This area of hedgerow is approximately 3m in height and includes various species. There are also four trees immediately adjacent proposed for removal. The hedgerow is considered to have no more than low-moderate ecological value based on the species present, the number of gaps and the isolation in relation to other hedgerows.

The extant approval has already accepted the loss of circa 340m of hedgerow thus the revisions would lead to an overall loss of 380m. However, as part of the comprehensive landscaping of the extant scheme, approximately 785m of native hedgerow would be provided. This level of mitigation would therefore compensate for the hedgerow loss even in the context of the additional 40m proposed here. Precautionary measures for removal were secured as part of the extant permission which would continue to be relevant. The Town Council comments are noted which specifically seek consideration of further hedgerow to the north of the site at the boundary with the cemetery. These have been passed to the agent for consideration and a response has been received drawing attention to the aforementioned conclusions of the ecologist that the overall scheme provides a net benefit. I would concur that in the context of the above discussion that the additional loss of hedgerow is not considered harmful to the overall scheme, it would not be reasonable to insist on further hedgerow compensation through the current application.

The Tree Officer has commented on the scheme predominantly in reference to the space for trees to grow (e.g. between car parking spaces or adjacent to the skate park). A significant proportion of the tree specimens shown have already been accepted by the landscaping plans which supported the original application. The plan submitted to accompany the current application details that trees within the car parking area will be mixed groups of ornamental shrubs. Given that this would be additional greenery to further soften the built form, it is not considered reasonable or necessary to be overly prescriptive on size. Overall the impact on trees and ecology are considered acceptable.

Other Matters

The revised plans are not considered to have a perceivable impact to neighbouring residential receptors in comparison to the extant scheme. The building is some 180m away from the nearest existing residential curtilages.

The proposed mixed end use has already been established by the extant permission and would not change through the current submission. Whilst it is not necessary as part of the Section 73 determination to enter into a forensic assessment of the sporting facilities and pitch provision etc. it should nevertheless be identified that the very premise of the current application is to allow an increase to the facilities offered within the site. This would be a benefit to the local community and should be afforded positive weight in line with the aim of NAP 3 and the Council's Community Plan objectives.

Conclusion

As is detailed by the assessment above, the additional character and highways impacts would not amount to harm which would warrant refusal of the revisions sought. In addition, positive weight should be added to the additional offer of community facilities which the minor amendments proposed would allow.

Due to complexity of the changes, the recommendation below outlines the revised conditions which would appear on the decision notice (as oppose to an edited version with strikethrough text etc).

RECOMMENDATION

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

01

The development shall be implemented in accordance with the phasing scheme shown on drawings:

- Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21;
- Site Masterplan Phase 2 – 2242(08)016 dated 25/02/21;

With the final phase being the total development shown on plan reference Site Plan – 2242(08)S01 Rev. F.

Prior to the commencement of each Phase beyond Phase 1, a full detailed programme including anticipated timeframes should be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in accordance with the approved details. For the avoidance of doubt the car parking provision hereby approved within Phase 1 should be completed and available for use prior to the commencement of Phase 2.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of ensuring that there is adequate parking provision available for the intended end uses and that the sporting offer is delivered in a way which addresses any potential losses of alternative provision.

02

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

- Proposed Fencing- 10976 (SK) 2045 Rev. D
- Horizontal Illuminance Levels - UKS11521 - 8A
- Roof Plan – 2242(08)007 Rev. B dated 24/02/20;
- Second Floor Plan – 2242(08)012 dated 24/02/20;
- First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20
- Location Plan – 2242(08)001 Rev. A;
- Site Plan – 2242(08)S01 Rev. F;
- Ground Floor GA – 2242(20)001 Rev. P;
- First Floor Plan – 2242(20)101 Rev. N;
- GA Elevations Sheet 1 of 2 – 2242(20)E01 Rev. M;
- 2242(20)E02 Rev. K GA Elevations 2 of 2
- External Cross-fit Gym Proposed Plan – 2242(08)014 dated 18/02/21;
- Proposed 12m Coach Tracking – 217081 SK003 Rev. P3;
- Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21;
- Site Masterplan Phase 2 – 2242(08)016 dated 25/02/21;

Reason: So as to define this permission.

03

The building hereby approved shall be built in accordance with the materials shown on the following approved plans agreed by discharge of condition letter dated 3rd February 2021:

- 2242(08)DC1 Rev- External Materials;
- 2242(20)E01 RevM GA Elevations Sheet 1 of 2;
- 2242(20)E02 RevK GA Elevations 2 of 2;
- 2242(25)001 RevB Timber Cladding.

Reason: In the interests of visual amenity

04

The boundary details shown on plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX –DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16th April 2018) shall be retained in full for the operational lifetime of the development.

Reason: In the interests of residential and visual amenity.

05

Notwithstanding the additional area of car parking shown on plan reference Site Plan – 2242(08)S01 Rev. F development shall be carried out in accordance with the approved hard landscape work details agreed by discharge of condition letter dated 4th July 2018 and retained for the operational lifetime of the development. For the avoidance of doubt the approved details are shown on the following plan and document references:

Tree protection measures:

- N0481 (96)001 Rev. D. 'Northern 'Wedge' Soft Landscape Proposal';
- 6737-A-05 Rev C Tree Retention & Protection Plan – South;
- 6737 Technical Note – Tree Removal & Mitigation, with Eco Management Plan Rev D;
- Technical Note (FPCR 15th May 2018)

Hard surfacing materials including the finish of the associated pitches:

- 10976-WMS-ZZ-XX-DR-C-39504-D2-P05-SURFACING-18.03.28
- Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21;

Proposed finished ground levels or contours:

- 6 - 10976-WMS-ZZ-XX-DR-C-39004-S8-P01-LEVEL_STRATEGY-18.04.10

Car parking layouts and materials:

- 10976-WMS-ZZ-XX-DR-C-39503-D2-P03-CAR_PARK-18.03.07

Proposed and existing functional services above and below ground:

- Utilities Survey (5 Parts)
- AX1718-E-1001 B Proposed underground services and ductwork distribution schematic

- AX1718-E-1002 B Proposed underground duct services
- AX1718-E-7001 B DNO underground network power cable diversion
- AX1718-E-8001 B New LV incoming electricity underground services
- 10976-WMS-ZZ-XX-DR-C-39201-D2-P05-PHASE_1_DRAINAGE-18.03.28

Details of storage equipment for each sporting element:

- 10976(SK)2041_K-Proposed Site Layout 18.09.05

Details of a scheme for CCTV coverage of public spaces

- AX1718-E-4001 B Proposed external CCTV & Tannoy coverage
- AX1718-E-4002 B Proposed external CCTV & Tannoy control

Reason: In the interests of visual amenity; residential amenity; efficiency of sporting use and biodiversity.

06

The approved soft landscaping and associated mitigation works within each Phase pursuant to Condition-1 as demonstrated on Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21; Site Plan – 2242(08)S01 Rev. F and the Grassland / Hedgerow Retention, Creation, Protection and Management Plan - 6737-E-07b shall be completed during the first planting season following the commencement of the development to each Phase, or such longer period as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt these includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

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

07

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with. 5.4 requires that the tree to be lost for arboriculture reasons should be subject to an endoscope inspection by a licenced bat worker immediately prior to removal.

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

08

The development shall be carried out in accordance with the requirements and recommendations of the Written Scheme of Investigation dated 27th January 2018 and the 'Archaeological Watching Brief' dated February 2018 and 'Geophysical Survey' dated February 2018 as agreed through the discharge of condition letter dated 16th April 2018.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

09

Prior to Phase 2 of the development being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4th July 2018 shall be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

010

The development shall be carried out in accordance with the following drainage details as agreed by discharge of condition letter dated 4th July 2018:

- Micro Drainage Calculations – 11189 dated 22/06/2018
- NCAV Phase 1 – Drainage Strategy – Rev. A
- SUDs Maintenance Schedules
- Maintenance 2006 Guide
- Pitch Drainage Layout – 11189(9)01
- Car Park Drainage Layout – 11189(9)02A
- Athletics Track layout – 11189(9)03

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

011

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.19 of the Noise Impact Assessment undertaken by Hepworth Acoustics dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt this requires that the combined rating level of noise from any plant is controlled to be at least 3 dB below the existing background level at the nearest dwellings during the times of operation. As functions may run until 00:00 the combined rating level for all plant outside the nearest dwellings should be controlled to 32 dB, which is 3 dB below the lowest background level (LA90) measured until 00:00.

Reason: In the interests of residential amenity.

012

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

013

The staff car park served off Elm Avenue shall be controlled in accordance with the details enclosed within the letter dated 10th March 2020 – 2242/2.0/CJG. For the avoidance of doubt the car park should be controlled by a security gate during the daytime to which staff members have a key.

Reason: To prevent uncontrolled use that may lead to on-street parking to the detriment of the safety and amenity of local residents.

014

For the duration of Phase 1, in accordance with the phasing scheme shown on drawing no. Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21, the coach parking as shown on plan reference Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020 shall be available for the parking of coaches and for no other purpose. Prior to the development within Phase 2 being brought into use, the coach parking as shown on plan reference Site Masterplan Phase 1 – 2242(08)015 dated 25/02/21 shall be available for the parking of coaches and for no other purpose. The coach spaces shall thereafter be retained for the operational lifetime of the development.

Reason: To ensure that adequate off-street provision is made to reduce the possibilities of the proposed development leading to coaches parking on-street.

015

The diverted footpath shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05 shall remain available for public use during the operational life of the development.

Reason: To retain a safe and sustainable public right of way.

016

The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04_Travel_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan should be submitted to and approved in writing by the Local Planning Authority in consultation with Nottinghamshire County Council as the Highways Authority.

Reason: To promote sustainable travel.

017

The Management and Maintenance of the 3G Football Pitch and Community Sports Pitch shall be carried out in accordance with the details received 26th September in line with the discharge of condition letter dated 18th January 2019.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy SP8 and the NPPF.

018

The lighting scheme as shown through the following approved details as agreed by discharge of condition letter dated 4th July 2018:

- Details of survey of surrounding night sky contained within the ecological report forming part of the main application 17/01693/FULM
- AX1718-E-3001 B General amenity lighting scheme
- AX1718-E-3002 B Athletics track lighting
- USK11521-9 Site wide horizontal illuminance levels
- USK11521-11A 3G pitch horizontal illuminance levels

shall be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

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

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

02

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

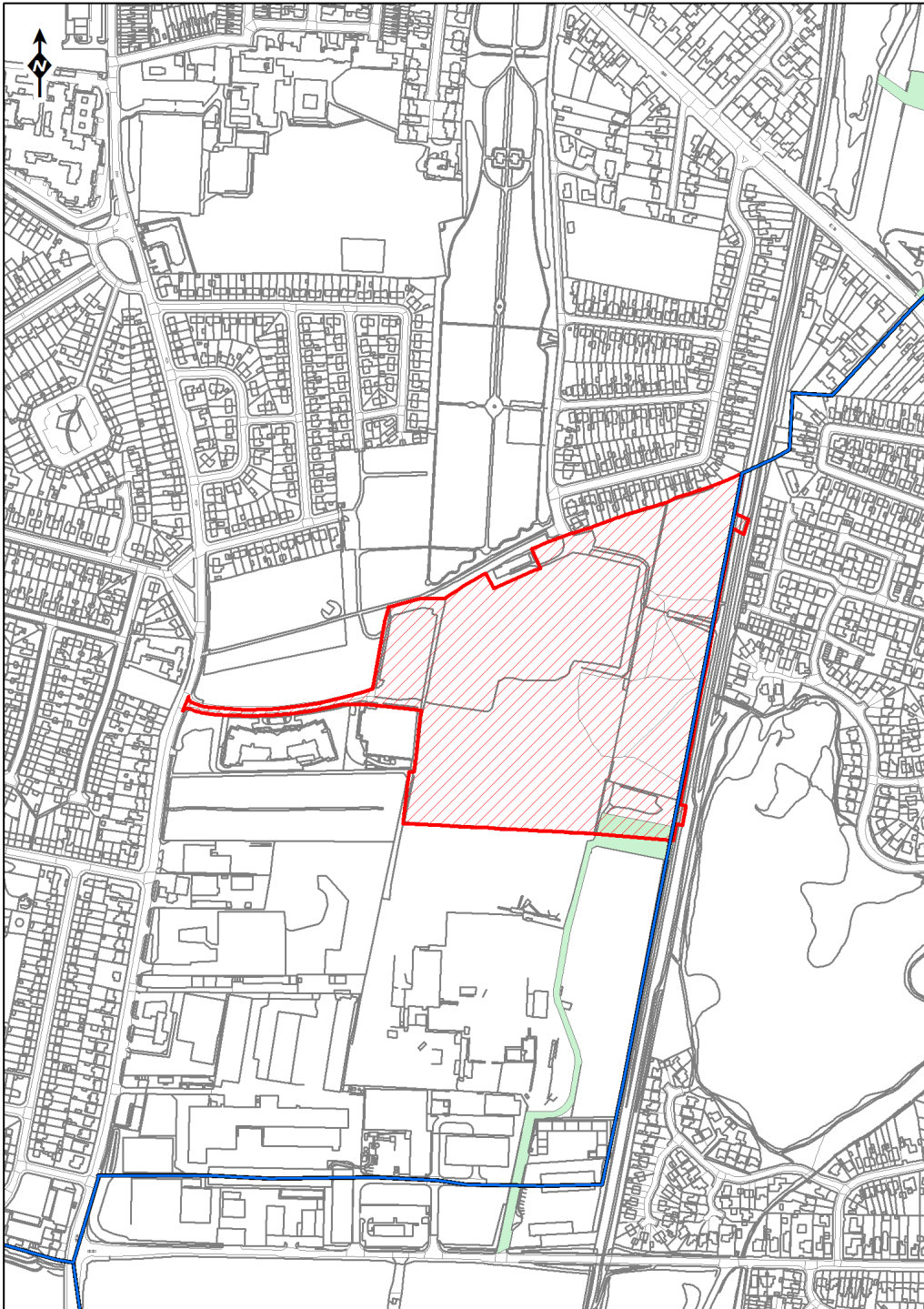
BACKGROUND PAPERS

Application case file.

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

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



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PLANNING COMMITTEE – 27 APRIL 2021

PLANNING APPLICATION VALIDATION CHECKLIST

1.0 Purpose of Report

- 1.1 Members will recollect the Draft Planning Application Validation Checklist was presented to Members on 2nd February 2021 seeking that Committee note the contents of the checklist and for approval to undertake an 8-weeks public consultation on the document with District Councillors and Town/Parish Councils, applicants/developers and neighbours as part of the application notification process. In addition, details of the consultation would be placed on the Council's website.
- 1.2 Consultation has been undertaken between 1st March and 12 April 2021 with the above consultees and methods. 26 responses have been received from a variety of parties and these are set out at the end of this report, together with the Council's response and whether changes have been made to the checklist as a result.
- 1.3 This checklist has been prepared to provide guidance to applicants on the information required to be submitted with a planning application in order to assist a timely decision. The previous checklist was adopted in 2013 and since this time there has been a significant number of changes to policy and legislation meaning it is appropriate to review this.

2.0 Background Information

- 2.1 Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):
 - Completed application form
 - Fee
 - Site Location Plan (showing the site in relation to the surrounding area)
 - Ownership Certificate and Agricultural Land Declaration
- 2.2 In addition, a Design & Access Statement is required for certain planning applications. There are also specific requirements set out for Outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement.
- 2.3 Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was first adopted in 2007 and last amended in 2013.
- 2.4 Councils' are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.

2.5 These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

2.6 It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above (paragraph 2.4) being complied with.

2.7 Legislation sets out that a local list is required to be published on a Council's website and is reviewed every 2 years. Due to the number and significance of legislative changes over recent years, it is considered appropriate to fully review the checklist.

2.8 The general thrust of the checklist as noted within the previous committee report, attached at Appendix 1, is the same as the current one. However, this aims to be more helpful with reference to different development proposals as well as expanding on information required for different application types. The intention is to provide the information on the Council's website as a matrix, whereby someone wishing to apply for a certain development/application type will click on the relevant name and then be guided automatically to the correct area, rather than needing to filter through numerous pages.

2.9 The responses from consultees and interested parties to the checklist are set out within the table at the foot of this report, with comments and whether or not the checklist has been amended. Some of these, as has been noted in the table, go beyond what we can reasonably ask for, such requests are primarily from consultees and interested parties. These comments compare to agents whose responses indicate they consider the checklist is onerous, thus costly (and more so than the existing one). However, it is important to note that information requested will only be what is needed in order to determine the application.

2.10 Appendix 1 within the checklist relating to Flood Risk Advice as suggested is removed. Some of the information within this appendix has been added to the main document. However, it is concluded that whilst the information provided within this appendix is very useful for relevant proposals, this advice is better placed elsewhere, alongside other useful advice such as that from the RSPB in relation to nightjar and woodlark (pdf copied in below). Additions to the checklist have been made in blue text with text to be removed crossed out ~~as such~~.

3.0 Equalities Implications

3.1 None from this report

4.0 Financial Implications

4.1 None from this report

5.0 Digital Implications

5.1 None from this report

6.0 Community Plan – Alignment to Objectives

6.1 The planning application validation checklist will contribute towards assisting with:

- Delivering inclusive and sustainable economic growth
- Creating more and better quality homes
- Enhancing and protecting the district’s natural environment

7.0 RECOMMENDATIONS that:

- a) **the Planning Application Validation Checklists is adopted;**
- b) **minor amendments are made as necessary and to respond to consultation outcomes e.g. air quality document, need for section 106 planning obligations [set out within the table below]; and**
- c) **the checklist is reviewed every 2 years to take account of changes to legislation or other requirements.**

Reason for Recommendations

To update the Council’s Planning Application Validation Checklist in line with Government guidance and legislation.

Background Papers

Planning Committee – 2 February 2021 – Planning Application Validation Checklist

Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications

For further information please contact Lisa Hughes (Business Manager – Planning Development) x5565.

Matt Lamb

Director – Planning & Growth

Respondent	Comment Made	Council's Response	Amendment to Checklist
Anglian Water	<p><u>3. Air Quality Assessment</u></p> <p>Reference is made to assessing the impact on air quality from new development proposals. There is also a need to consider whether a suitable standard of amenity can be achieved where development proposals are located adjacent to or within existing uses including water recycling centres (sewage treatment works) and that any impacts can be avoided or mitigated as part of the development.</p> <p>It is therefore suggested that the validation checklist refers to the submission of an odour assessment where development which is regularly occupied is located within proximity to such uses subject to the advice of Council's Environmental Health Team and the relevant sewerage company (Anglian Water or Severn Trent).</p> <p><u>11. Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage</u></p> <p>Foul drainage: reference is made to early discussions with Severn Trent Water to determine whether a load or flow assessment is required. Anglian Water together with Severn Trent are the sewerage undertakers for district.</p> <p>The majority of Newark and Sherwood is served by Severn Trent with part of the area being served by Anglian Water (including Barnby in Willows, Harby, Wigsley and part of Fernwood.)</p> <p>It is therefore suggested that the text should also refer to early discussions with Anglian Water and the need for pre-planning enquiry service. Further details of this service are available to view at the following address:</p> <p>https://www.anglianwater.co.uk/developing/planning--capacity/planning-and-capacity/</p> <p><u>Water efficiency</u></p> <p>Anglian Water together with Severn Trent are the water undertakers for district. With Severn Trent supplying water to most of the district.</p>	<p>3. Noted and agreed</p> <p>11. Noted and agreed</p> <p>Policy CP10 of the Core Strategy is a 'should' requirement. It is therefore not reasonable to invalidate applications for not demonstrating failure to evidence water efficiency.</p>	<p>Requirement for Odour Assessments for applicable developments has been added under criteria 23.</p> <p>This section has been updated to take account of Anglian Water's coverage.</p>

	The adopted Core Strategy refers to development being water efficient (Newark and Sherwood's Vision). However, the Validation Checklist does not include any requirements in respect of water efficiency for new developments.		
Natural England	No comment to make. Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.	No changes required	-
Western Power Distribution	<p>I note there is little information on the Permitted Development rights of Statutory Undertakers, in particular the GDPO 2015, part 15 relating to Class B – Electricity Undertakings. (These regulations only apply to Licence Holders, under The Electricity Act 1989), which suggests even underground cable works require Planning Consent, if not carried out by a licence holder.</p> <p>In essence where any of WPD's electricity network is affected by a proposal then due regard needs to be given to the various Health and Safety Regulations governing safe working around the electricity network. All of Western Power's network plans are available via our external web page:- www.westernpower.co.uk.</p> <p>We are happy where needed, to provide advice to developers of any size in order to maintain safety as indicated above, but recommend early enquiries.</p> <p>We are fully expecting a significant increase in electricity works generally as a result of electric vehicle charging points and heat pumps being installed as required by the latest government policies. It is expected that this will require installation of many more substations on the future electricity networks.</p> <p>All enquiries should initially be directed to WPD, New Supplies Mids wpdnewsuppliesmids@westernpower.co.uk or the local office, Grantham or Lincoln, in relation to Safety issues or advice. (Detail available on the WPD webpage)</p>	<p>The checklist relates to proposals requiring planning permission as opposed to PD rights.</p> <p>Locations of WPD network is a matter for the developer to consider, as opposed to being a requirement for information to be submitted with an application. Details of where advice can be sought by developers can be provided on our website.</p>	No change to checklist
NCC Rights of Way	Part 1 National Requirements	The application form is a national form and NSDC	The checklist has been updated where it is

<p>The Application form for NSDC currently asks</p> <ol style="list-style-type: none"> 1. Are there any new public rights of way to be provided within or adjacent to the site? Yes No 2. Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No <p>However there is no specific question about public rights of way (RoW) crossing or adjacent to the site as this should be acknowledged even if the applicant believes there is no affect as it is a potential constraint to the site.</p> <p>Site plan (block plan) (p11) The inclusion of public rights of way must be shown on the plan whether they are affected or not, as like trees, require additional permissions (legal orders) to alter. I assume as part of the validation, NSDC will check for a ROW and if this is omitted from the plan, contact the applicant for an updated plan?</p> <p>Part 2 Local requirements Validations checklist</p> <p>(p14) Can rights of way be included in the list of examples with drainage, contamination and trees and archaeology. RoW, like the three mentioned, can have a major impact on the development of a site and a pre-commencement condition may be requested, such as the requirement to apply for a diversion or extinguishment of the RoW at the start to prevent delays with the development (and potential illegal obstructions of the Row) to ensure they are appropriately addressed at the correct time</p> <p>Part 3 Statements & Reports</p> <p>24 Planning Obligations pro forma statements (p36) Can I suggest a category for Rights of Way for consideration where a development will increase the use of the RoW and the urbanisation of the previously rural will change the way and how the public will use it. the RoW may require upgrading to a tarmac surface or be altered to also allow cycling (with permission or a change in legal status) within the site or benefit from a more strategic improvement linking to the wider network under sustainable transport and health and wellbeing policies e.g.</p>	<p>is not able to amend this. NCC RoW concerns will be made known to the Portal. The site plan is a national requirement in terms of information needed to be provided. We are therefore unable to invalidate an application if they are not shown.</p> <p>p.14 noted</p> <p>24, the comments from RoW have been provided to the Infrastructure Officer to consider as part of the review of the Council’s adopted Supplementary Planning Document on Planning Obligations.</p> <p>32 and 37 – noted</p>	<p>lawful to request information relating to a right of way. A new category has been added for rights of way.</p>
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<p>Rights of Way</p> <ul style="list-style-type: none"> Residential development of 10 or more dwellings which increases the likely use of the right of way to access facilities and the need to upgrade infrastructure Industrial development/employment where the RoW is being referred to in the Travel Plan as a sustainable access to the facility <p>32 Transport Statement and Assessment (p40) Although footpaths are mentioned here it is likely that they are seen as the footway adjacent to the carriageways and the RoW are less considered/remembered. This can be improved by referring to them as footways and RoW in the script or an additional category giving them more visibility. If this is retained in this section please add the Right of Way Team contact details in to the Other information box (0300 500 8080 Website: www.nottinghamshire.gov.uk) Alternatively a separate category is added to the list e.g.</p>	<p>Application types - noted</p> <p>Legislation sets out what is required for a hedgerow removal notice and prior approval applications. It is therefore not legally</p>		
<table border="1"> <tr> <td data-bbox="342 730 1431 805"> <p>37. Rights of way</p> </td> </tr> </table>			<p>37. Rights of way</p>
<p>37. Rights of way</p>			
<table border="1"> <tr> <td data-bbox="342 805 1431 933"> <p>Threshold/Trigger</p> <p>Inclusion of a RoW within the application boundary or alongside the outside edge</p> </td> </tr> </table>	<p>Threshold/Trigger</p> <p>Inclusion of a RoW within the application boundary or alongside the outside edge</p>		
<p>Threshold/Trigger</p> <p>Inclusion of a RoW within the application boundary or alongside the outside edge</p>			
<table border="1"> <tr> <td data-bbox="342 933 1431 1412"> <p>Details of what should be included</p> <ol style="list-style-type: none"> A plan showing how the RoW is affected or being protected A statement of how the RoW will be managed during the development: <ul style="list-style-type: none"> ability to keep the path open, requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route requirement to apply for a diversion or extinguishment of the path, Whether improvement to the paths are anticipated as a result of increased and higher level use and how that is to be managed. This may involve a 106 agreement Proposed future maintenance of the RoW if it is within public open space </td> </tr> </table>	<p>Details of what should be included</p> <ol style="list-style-type: none"> A plan showing how the RoW is affected or being protected A statement of how the RoW will be managed during the development: <ul style="list-style-type: none"> ability to keep the path open, requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route requirement to apply for a diversion or extinguishment of the path, Whether improvement to the paths are anticipated as a result of increased and higher level use and how that is to be managed. This may involve a 106 agreement Proposed future maintenance of the RoW if it is within public open space 		
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<p>5. Information as to the future ownership of the land over which the path runs on completion of the development</p>	<p>possible to add in this requirement.</p>	
<p>Other information</p> <p>Early engagement with Rights of Way Team is encouraged (countryside.access@nottsc.gov.uk)</p>	<p>Part 5 – noted for those applications where it is lawful to request this information</p>	
<p>Part 4</p> <p>Applications types (p49) Under the following categories</p> <ul style="list-style-type: none"> • House holder and Highway Information (p49), • Full Planning Permission and Highways Information (p51), • Outline with all Matters Reserved (p53) • Outline with some Matters Reserved (p54) • Reserved Matters (p55) <p>Please add under Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site</p> <p>Hedgerow removal notice (p51) Please can you add the requirement to confirmation that the hedge is not alongside a public right of way</p> <p>Prior approval/ Notification (p56) Where there is a change of use from garden to paddock or agricultural/arable use to paddock does this require permission and if so can it be include here? ? It can have a major impact on a public right of way if the public then have to walk through a field now containing horses. I believe this is a change of use as the stock definition does not include horses for recreation (as opposed to a food source). The need for permission would provide the opportunity to ensure the public are safe with the provision of fences or a diversion at the expense of the applicant?</p>		

	<p>Part 5 (p40) Inclusion of the Right of way category suggested in Part 3 to all developments as a “sometimes required” where a RoW has been identified in the block plan</p>		
Forestry Commission	<p>Thank you for consulting the Forestry Commission on the validation checklist which looks pretty comprehensive. There is only one item we felt was missing, trees are covered very well in section 34 however there isn’t any mention of Ancient Woodlands or existing woodlands and how these will need to be treated as regards planning applications. Paragraph 175 in the National Planning policy framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf sets out the need to avoid Ancient Semi natural Woodlands: bullet c) <i>development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and the assessments that need to be done to assess impacts of nearby development can be found at https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences .</i></p> <p>This may not be for you but we note that on the Authorities TPO page there isn’t any mention of the need for a Felling licence (exemptions apply) to fell trees outside of gardens which may not be covered by TPOs and indeed if there is a TPO and permission has been given by the Local Authority depending on size etc. a Felling Licence from the Forestry Commission may still be needed. We are encouraging Local Authorities to put a note to that effect on their websites to avoid the situation we have seen lately where we a have had to prosecute a landowner for felling trees when he has been told by the Local Authority that ‘it’s OK there isn’t a TPO’ and the owner takes this to mean it’s OK to fell. We are pleased to see that Newark and Sherwood have a tree planting campaign.</p>	Noted.	<p>The checklist has been updated to account for Ancient Woodlands.</p> <p>The webpage will be updated in relation to need for felling licenses.</p>
Public Protection	<p>Just to comment on part 2 local requirement section 3 air quality – yes agree with comments in this section. I have recently produced the attached guidance document (based on the East Midlands Template) for air quality and planning, wonder if it may be of use to assist with the air quality assessments? Could it be referenced in section 3 if planning are happy with the document?</p>	Discussions are taking place with Planning Policy regarding the status of the air quality guidance. Once this has been established, the checklist will be updated accordingly.	The checklist will be updated according to advice received from Planning Policy in due course.

	Section 9 contamination survey – yes agree with content, the guidance document quoted (and still on the website) is a bit old now and should probably be replaced with the attached. I'll get it updated on the website.		
M.I.C Design Building Design Services	Many thanks Lee and glad to see Newark & Sherwood are on the ball.	Noted	No change required
Water Management Consortium and Doncaster East Internal Drainage Board	Having looked at the consultation I would ask if there is any scope to include a line within the drainage section (11) that requires the developer to show and consider the presence of any open watercourse or culvert on the submitted plans. Ideally we would encourage developers to look at the consequence of surface water discharge from sites into any watercourse, particularly with regard to any impacts downstream.	Noted	Checklist updated under section 11.
Sport England	Checklist of Recommended Information Requirements In addition to the national validation requirements set out within the Government's Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies. The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England's Playing Fields Policy. ¹ .	Noted	Checklist updated

Document	Presenting details on.....	
Required for all applications		
Consultation Notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) ¹ .	
	6. Existing levels across the site ¹ .	
	Proposed site plan	7. Location and nature of the proposed development.
8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).		
9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).		
10. Any changes to existing features and levels ¹ .		
Supporting Statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
Required in relation to specific policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) ¹ .	2, 4 & 5
Supporting Statements	15. Current and recent users of the playing field and the nature and extent of their use.	1,4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights ¹ .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including ³ : <ul style="list-style-type: none"> a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area. 	4

¹. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

	<p>². Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.</p> <p>³. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England’s ‘Equivalent Quality Assessment of Natural Turf Playing Fields’ briefing note.</p> <p>Note: As set out within the Government’s Planning [sic] Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions</p>		
<p>Fisher German LLP on behalf of Exolum</p>	<p>As you may be aware, my client Exolum’s (formerly CLH-PS) high pressure oil pipeline passes through land within your remit. It is of paramount importance that my client is made aware of any planning applications within the vicinity of their asset so that they can either; put in place measures to ensure the continued safe operation of their pipeline, prevent damage to the pipeline, or simply inform the occupiers of the pipeline’s presence and their responsibilities for it’s [sic] safeguarding.</p> <p>In order for this to be achieved, we encourage any potential developers to submit an enquiry on Line Search Before U Dig (https://www.linesearchbeforeudig.co.uk/) . This informs Exolum of the potential development and allows them to advise developers whether their asset is likely to be affected by the potential development, if so my client continues to liaise with the developer to help adapt their plans.</p> <p>The majority of utility providers subscribe to this service and can provide details of their assets within 2-3 days. The use of this service helps developers become aware of any utilities within their development area, meaning plans can be adapted accordingly at an early stage in the planning process leading to less disruption at the consultation phase. I therefore believe it would be highly beneficial to inform developers of the Line Search Before U Dig service in the Local Validation Checklist document.</p>	<p>Comments are noted. However, they relate to advice prior to an application being submitted as opposed to validation requirements. Information will be provided on the Council’s website.</p>	<p>No change required.</p> <p>The website will be amended in due course.</p>
<p>NHS Nottingham &</p>	<p>We are pleased to see that S106 for Healthcare provision is included in your validation checklist. However, we would ask you consider amending the threshold No of dwellings</p>	<p>Comments have been provided to the</p>	<p>No amendment to checklist at this stage.</p>

Nottinghamshire CCG	from 65 to 25 for a developers Section 106 contribution in line with this number agreed between the CCG and the other local Councils we work with.	Infrastructure Officer to consider as part of the review of the Council's adopted Supplementary Planning Document on Planning Obligations.	Amendments will be made if required following the Planning Obligation review.
CLH Pipeline System (CLH-PS) Ltd	Thank you for your email to CLH Pipeline System (CLH-PS) Ltd dated 2 March 2021 regarding the above. Please find attached a plan of our client's apparatus. We would ask that you contact us if any works are in the vicinity of the CLH-PS pipeline or alternatively go to www.linesearchbeforeudig.co.uk , our free online enquiry service.	Comments are noted. However, they do not relate to the checklist.	No change required.
Ramblers Association	As you know, Ramblers is consulted as a matter of routine on any planning application within 5 metres of a Right of Way. The system works well and I would not like to see it changed. Could this arrangement be threatened by the proposed review? Do I need to make a formal response describing the value of asking for Ramblers' involvement in the planning process?	Query regarding consultation.	No change required.
Chandlers Building Surveyors Limited	My experience with Newark and Sherwood district Council are so poor I will not be making any further applications.	Not related to the validation checklist. Comments have been responded to separately	No change required.
NATS (Safeguarding National Air Traffic Control)	NATS has no comments to make on the validation plan,		No change required.
Halsall Lloyd Partnership	Firstly, in relation to Pre App fees – would it not encourage applicants to undertake 'Pre Apps' if the responses provided sufficient advice that was treated as being 'material' to any future planning application made. In this way 'Pre Apps' would be of more value and speed up the potential future planning application process if the comments were taken on board reasonably. The process could be positively encouraged if the 'pre app' fees	Advice given is informal and based on the information provided. The advice is material but does not guarantee the	No change required.

	<p>were deducted from the planning application fee in due course. Otherwise, Clients feel that they are paying for no apparent benefit as ‘planning advice’ (the planning officers opinion) is always caveated, which is generally taken by Clients as being meaningless!</p> <p>Secondly, with regard to “local List” of non-designated heritage assets, how do you inform owners that their building may either be on a list or being considered for one. Have they the right to challenge this process at the outset of a notification in the same way as a ‘listed building notice can be challenged either by review at DCMS or a Certificate of Immunity application. This process needs to be clear, as often Clients appear to be unaware of the non-designated ‘local list’ and under the changing NPPF/NPPG if it is not clear, it could be seen as a method of operating a selection process as a back door to a formal listing review through Historic England, which sets a much higher standard both regionally and nationally.</p>	<p>outcome of an application. Legislation sets the fees applicable to a planning application, it is therefore not possible to amend the fee charged. Fees for pre-application advice are commensurate with the time involved and experience of the officer.</p> <p>Local list – the Council is looking to adopt a policy approach to locally listed buildings. Details of which and how to respond are detailed on the Council’s website. A response has been sent providing information.</p>	
<p>The Coal Authority</p>	<p>As you will be aware our records indicate that past coal mining activity and surface and shallow depth has left a legacy in the Newark and Sherwood area including; mine entries, reported surface hazards and fissures/breaklines.</p> <p>We are therefore pleased to see that Part 3 – Statements and Reports of the Validation List includes at Section 7 the requirement to provide a Coal Mining Risk Assessment to support development proposals within the defined Development High Risk Area. We support the inclusion within the validation checklist of this requirement and the reference to our guidance in the supporting text.</p>	<p>Noted</p>	<p>No change required.</p>
<p>Malcolm Clark Associates</p>	<p>Under householder applications – ‘<i>Sometimes required</i>’ – states completion of a CIL form required <u>if exceeds 100 sqm</u> –</p>	<p>Noted. Checklist has been amended to make it clearer in terms of the</p>	<p>Checklist amended.</p>

	<p>A welcome change - should only be required if exceeds 100 sqm - in practice at present is required for every householder application, irrespective of size</p> <p>Listed Building Consent</p> <p>The list of <i>'always required'</i> seems very excessive for say changing the colour of an internal wall or fitting a log burner or a new driveway gate</p> <p>The list seems to be based on an internal structural change – eg remove or add wall – replace windows</p> <p>To supply Elevations and full floor plans and Section for minor works seems well over the top. – why would you want Elevations / Floor Plans and Section to change one window? – why Floor plans and Section to replace Guttering?</p> <p>Trust above of assistance – my experience with Authorities who have instigated such lists applications now tend to become bogged down in the 'registration' process because the processing is handled by possibly lesser experienced staff, who reject submissions through 'eye' dotting and 'T' crossing reasons - where the information required is present, but not in the exact spot they feel it must be rejected. – for example South Holland will reject a submission if the distance to boundary, of an householder extension, is not shown on the Block Plan, but is shown on the Ground floor plan.</p>	<p>amount of information required.</p> <p>Prior to the checklist being adopted, training will be given to the Planning Support team. As indicated within the document, information required will be proportionate to the proposal. Clarification is sometimes required and in the instance of the example given, whilst this is not a NSDC requirement if the distance on one drawing was missed during validation and the applicant advises it is on another (appropriate) drawing, this would be accepted.</p>	
<p>Town Planning Company</p>	<p>As with many Councils the document is seeking to do multiple things within a single document. Whilst the desire to do this for ease is understood; it can in fact result in misinterpretation of the legal position.</p> <p>The Local Validation List produced under s62(3) TCPA 1990 and Article 11 DMPO 2015 only applies to applications for planning permission. It does not apply to advertisement consent, applications for prior approval/notification or listed building consent for example.</p> <p>The planning system has become unduly complicated with the number of different types of application now available, with many of these now having validation requirements set</p>	<p>Agreed. Planning is complex and applicants new to planning (including e.g. advertisement and listed building consent) will unlikely to be aware of information required to determine an application. The information within the checklist is therefore</p>	<p>The checklist has been updated throughout to respond to the comments and observations made.</p>

<p>out not in the TCPA or DMPO but in other Regulations or Orders. For example, the legal requirements for Listed Building Consent are set out in ss10 & 11 of the Planning (Listed Buildings and Conservation Areas) Act 1990; supplemented by The Planning (Listed Buildings and Conservation Areas) Regulations 1990.</p> <p>If the Council wants to summarise the various legal requirements for the differing application types in a single document alongside the local validation list; then this would be appropriate provided that it is explicitly clear that the local validation list only applies to the consent types within s62(3) TCPA 1990 and Article 11 DMPO 2015. The current format does not make this clear.</p> <p>Local validation requirements should be based on a proportionate approach as required by Planning Practice Guidance. They should also consider the overall impact on viability of development and the upfront cost of producing and submitting planning applications. The more onerous the local validation list the more scope there is for validation disputes and inconsistency in validating planning applications. In overall terms a 72-page document relating to the validation of planning applications is disproportionate in scale and is unlikely to be read and used by most people submitting a planning application.</p> <p>In broad terms there should also be some correlation between consultees needing to be consulted on proposals and information requirements. There are a number of examples where information is now suggested as being required but the relevant consultee would not in fact comment on a planning application of that nature. As such there would appear little point in seeking the provision of the information in the first place.</p> <p>It is actually very difficult to comment on the document as it has no paragraph numbers or page numbers to help identify what element a comment relates to. I use the page number the relevant text appears on when viewing the document as a pdf:</p> <ul style="list-style-type: none"> • Page 9 - Application Forms – in strict terms a description of development should only refer to acts of development. Therefore, use of words such as ‘retention of’ or ‘retrospective’ as suggested are inappropriate. You will note that in appeals Inspectors continuously remove such words from descriptions of development. • Page 11 – Location Plan – reference to ‘include at least two adjacent road names where possible’ is well beyond the national requirements in article 7(1)(c)(ii) of the Town and 	<p>to provide as much assistance as possible. The comments, however, are noted.</p> <p>The size of the document is in some regards misleading as the checklist will be broken down into various parts with links once published on the website. Information sought will be proportionate to the proposal. It needs to be noted that the validation of an application is an administrative not technical function and therefore sometimes questions and queries will arise.</p> <p>Page 9 – inclusion of such words assists neighbours (and other parties) in understanding what is being applied for and whether or not it is ‘new’ development.</p> <p>Page 11 – noted, amended and updated to reflect comments.</p>	
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Country Planning (Development Management Procedure (England) (Order) 2015. The Planning Inspectorate has made this suggestion for years but does not apply it because it would render the majority of appeals invalid. To submit a location plan at 1:1250 on an A4 page in most cases prohibits two roads being shown.

- Page 11 – Site or Block Plan - Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015. Any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions. This section includes additional requirements which go beyond the national requirements and should therefore be set out as local information requirements.
- Page 12 – DAS for Listed Buildings – this section does not comply with s10(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It seeks to extend the legal requirements and should be rewritten to match that described in the Making an Application section of Planning Practice Guidance (Reference ID: 14-032-20140306).
- Page 15 – Advertisement Applications – there is no legal basis for applying local validation requirements.
- Page 18 – Air Quality Assessments – this is an onerous requirement for all forms of major development. For example, a change of use to a woodland glamping site could involve a large area thereby triggering it being major development but perhaps only involving a handful of glamping units. This is normally targeted at Air Quality Management Areas, of which Newark & Sherwood has none. Otherwise, this would be better targeted at types of development that are likely to generate air quality impacts.
- Page 19 - Bin/Waste Management Information – this is inappropriate and unnecessary for example it cannot apply to outline applications; it is already addressed by questions on the standard application forms.
- Page 23 – Drainage – requiring this for ‘Applications in areas at risk from flooding (Flood Zone 2 or 3); Applications adjacent to areas at risk of flooding; and Where there is a requirement in the relevant Neighbourhood Plan’ in unduly onerous and disproportionate. Planning Practice Guidance (Reference ID: 14-038-20140306) states that: “Local planning authorities should take a proportionate approach to the information requested in support of planning applications.” A flood risk assessment is already required in flood zones 2 and 3 and this already has to consider flood risk from all sources. There is no correlation between the flood zones based on river flooding and the

Page 15 – Advertisement applications were noted in 2 places with the checklist. These have been consolidated and clarification given regarding information required.

Page 18 – amendments suggested in accordance with guidance from Environmental Health.

Page 19 – details of the location of bin storage is important to achieve a high standard of design and also to ensure that refuse vehicles are able to access proposed locations.

Page 23 – comments noted. Drainage information is required for certain types of developments. The checklist has been amended to reflect this.

Page 28 – noted

Page 30 – for designated assets, the HIA will always be required whereas for non-designated, the assessment should be submitted.

<p>potential impact of surface water run-off. Applying the proposed thresholds literally means that all householder development in a flood zone needs a drainage assessment which is wholly disproportionate.</p> <ul style="list-style-type: none"> • Page 28 – Flood Risk Assessments – this is seeking to become more complicated that the broadly simple approach of a flood risk assessment being required in flood zones 2 and 3 or for sites over 1ha in flood zone 1. • Page 30 – Heritage Impact Assessments – the current wording initially suggests that it applies for all proposals affecting heritage assets which would include non-designated heritage assets, whereas later on it refers to “Heritage Impact Assessments should also be submitted for planning applications affecting non-designated heritage assets, notably where that proposal would result in total loss or significant alteration of the heritage asset.” This should be clarified and it should also be clear that it only applies to non-designated heritage assets identified under the appropriate process still to be undertaken. • Page 38 – Street Scene Views – this is imprecise so should be removed as a validation requirement. There can be circumstances where a street scene is useful for determination so can be requested by a case officer during the determination process. • Page 38 – Structural Survey – as a local validation list can only address applications under s62(3) TCPA 1990 and Article 11 DMPO 2015 reference to proposals involving the conversion of rural buildings in change of use prior notification applications and works for applications to trees protected by a Tree Preservation Order where the reason for works relates to structural issues must be removed. • Page 40/41 - Transport Statement/Travel Plan – it is fundamentally unacceptable to include requirements that are based on use classes that no longer apply. It provides no advice for example on a proposal for class E; it seeks to undermine the flexibility provided by the new wide scope of class E. The thresholds should be revised to reflect the maximum thresholds that apply relating to the new use classes, so for example class E would become 1,500sqm and 2,500sqm respectively. • Page 44 - Ventilation and Extraction Report – this needs to be updated to reflect updated use classes or more likely be amended to refer to proposals involving ventilation and extraction. • Part 4 Application Types – In this section you occasionally refer under the heading ‘always required’ matters which are not set out in the relevant legislation; for example, for adverts and listed building consent. 	<p>A number of non-designated heritage assets are listed on the Historic Environment Record and therefore this requirement applies to those buildings, notwithstanding the Council is looking to formally adopt its own local list.</p> <p>Page 38 – Streetscene – this is what the checklist states at present – that they will be specifically requested.</p> <p>Structural Survey – reference to prior approval and TPOs has been removed. However, reference to evidence of structural damage has been updated under application types.</p> <p>Page 40/41 – noted and amended in line with Planning Practice Guidance</p> <p>Page 44 – amended.</p> <p>Part 4 – the applications referenced have been updated</p>	
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<p>Southwell Town Council</p>	<p>Part 3 – section 4 error in the Archeology section – refers to Air quality info</p> <p>Section 6 – welcome the requirement for superfast broadband</p> <p>Welcome the requirement for SW drainage design as part of the process rather than part of the conditions –</p> <p>Suggest the following is added: "If a town/village is known to have suffered flooding in the past, the local community/council/flood action group should be included in pre-planning discussions to fully assess the impact of developments on flood risk at local level."</p> <p>Welcome the need to provide a Hedgerow removal notice – this needs publicity as it's too late once removed.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>This checklist is for application requirements, not pre-application advice. As part of the Council's adopted Statement of Community Involvement, developers are encouraged to engage with various partners.</p> <p>Publicity regarding the need for hedgerow removal consent is provided on the Council's website. Advertising of such need outside of this is difficult.</p>	<p>Checklist has been updated in the Archaeology section.</p>
<p>NCC Highways</p>	<p>Highways</p> <p>Section 32 seems to conflate transport statements/assessments and travel plans. It includes information on the thresholds for all of these but then only provides details for TAs and Statements. Travel Plans are considered separately in Section 33. Given that the thresholds for requiring Travel Plan Statements and Full/Interim/Framework Travel Plans are identical to those for Transport Statements and Assessments, it makes sense to modify the headings of the table in Section 32 to reflect this. However, it would also then make sense to include info on Travel Plans in Section 32 as well. Alternatively, the table could be modified and repeated in Section 33 such that the TA and TP elements can be fully separated.</p>	<p>Comments are noted</p>	<p>Checklist has been updated to take account of all comments under Transport Assessments/Statements; Travel Plans and Environmental Impact Assessment.</p>

It might be worth including confirmation of the type of travel plan required, as follows: ·

- **Full Travel Plans,**
- **Interim (Outline) Travel Plans,**
- **Framework Travel Plans.**

Travel Plans submitted to Nottinghamshire County Council should fall into one of the above categories and be easily identifiable as such.

A **Full Travel Plan** should normally be submitted to support a full planning application. This will include clear targets, measures to achieve those targets, and a monitoring & review framework.

An **Interim (Outline) Travel Plan** may be more appropriate for certain applications (particularly outline applications) where there are few occupiers (less than five) and these occupants remains unknown. They should still include clear targets (based on maximum car trips) but some aspects may remain provisional (i.e. details of measures). An important component of the Interim Travel Plan would be a timeframe in which to develop and agree with the local highway authority a full Travel Plan.

A **Framework Travel Plan** can be submitted in the case of large developments with multiple (more than five) occupants and where the occupier(s) remains unknown. It should focus on targets and measures across the whole site and should be administered centrally. As individual occupiers come to the site, they should develop unit Travel Plans that are consistent with the Framework Travel Plan. As large sites can take some time to occupy, the Framework Travel Plan should include as a key component a clear timetable setting out when measures would be enacted.

NCC are unclear as to how Travel Plans are submitted at present. NCC assume they are submitted directly to NCC by the developer, in which case, it might be worthwhile specifying this in Section 33

Health and Wellbeing


The Nottinghamshire Planning and Health Framework (2019 -2022) brings together the Spatial Planning for Health and Wellbeing for Nottinghamshire (2016) and Planning and

	<p>Health Engagement Protocol (2017) into a single guidance document https://www.nottinghamshire.gov.uk/media/1740041/notts-spatial-planning-health-framework.pdf</p> <p>The purpose of this document is to present a holistic overview of health and planning across Nottinghamshire and to provide robust planning and health responses to planning applications, local plans, neighbourhood plans and other relevant planning documents, to ensure health is fully embedded into the planning process.</p> <p>The document sets out a Checklist for Planning and Health (Appendix 2) - the Nottinghamshire Rapid Health Impact Assessment Martrix 'The Matrix' which focuses on the built environment and issues directly or indirectly influenced by planning decisions. As a rapid assessment tool, its purpose is to quickly ensure that the health impacts of a development proposal/local plan are identified, and appropriate action is taken to address negative impacts and maximise benefits.</p> <p>NCC would like to see applicants and developers encouraged to undertake Health Impact Assessment (HIA) as part of the planning application process.</p> <p>Not all development proposals will require an HIA; this will depend on the type, scale and location of the development or proposal. However, HIA could be incorporated into the EIA process, at the screening stage using the Health Matrix as guidance.</p>		
<p>IBA Planning Ltd</p>	<p>The Planning for the Future white paper published in August 2020 outlined the urgent need to streamline our planning system and cut red tape to deliver a 'significantly simpler, faster and more predictable system' that delivers results in weeks and months rather than years and decades.</p> <p>The draft Local Validation Checklist 2021 does not reflect this movement towards simplify planning and reducing the amount of paperwork associated with planning applications and instead seeks to increase the already over-whelming amount of information required to be submitted as part of planning applications, adding unnecessary financial burden on applicants and additional pressure on Case Officers and consultees.</p>	<p>The comments are noted and agreed with in the main. Outline applications details that only the following information is required: form, fee, site location and block plan. Other information will be dependent upon site constraints e.g. contamination report might be required or</p>	<p>No changes required.</p>

<p>In particular, the draft Local Validation Checklist adds several additional validation requirements which are either often not known at the application stage, especially for outline applications, or are more appropriately provided via condition once planning consent is granted.</p> <p>This can be particularly problematic for small-to-medium builders whose access to finance is often limited until planning consent has been granted – this being the section of the construction industry hardest hit by the 2008 recession and which the Government is specifically seeking to support in order to meet the deficit in the housing supply of regional/national housebuilders.</p> <p>Examples of information proposed to become validation requirements which are more appropriately dealt with by way of condition include product codes and filter names for ventilation and air-conditioning systems (which are best dealt with once the technical drawings have been produced for building regulations) and details of driveway gradients for private drives and individual driveways.</p> <p>In addition, there are several pieces of information proposed to become validation requirements which would not be appropriate/possible to submit with outline applications (for example detailed layouts of open space and timescales for their completion and maintenance) and it is suggested that the wording of the document be amended to reflect this and reduce the burden on applicants submitting outline applications.</p> <p>We would also like query the proposed changes to the Council’s approach to Viability Statements. The draft Validation Checklist states that there will be a separate fee in addition to the standard planning fee for applications requiring a viability assessment to cover the Council’s costs in appointing an independent professional to evaluate the assessment submitted. This again adds to the financial burden of applicants and effectively means that applicants have to pay twice for viability assessments. It is submitted that the Council should cover the cost of reviewing viability assessments as part of the application fee as it does with other reports and assessments submitted in support of planning applications.</p>	<p>matters being considered part of the outline application e.g. layout will require a plan showing the location of buildings for example.</p> <p>It is also of note, as well as not burdening developers with submission of unnecessary information the Government also wants local planning authorities to minimise the use of planning conditions. Where information is provided up front, it can often mean that developments can be commenced sooner.</p> <p>In relation to viability assessments, applicants at NSDC and other local planning authorities are requested to cover the cost of reviewing reports such as viability assessments. Very often the application fee does not cover the cost associated with the</p>	
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	<p>Moreover, it should be clarified whether applications for the removal of a rural worker occupancy conditions require information regarding the marketing of the building/site <i>and</i> a viability assessment or just information regarding the marketing of the building/site – the current wording of this section is unclear on this.</p> <p>Finally, the draft checklist includes several requirements which require a technical assessment to be made by the Council at the validation stage as to whether they are a validation requirement for each application or not. Examples include Daylight and Sunlight Assessments and Noise Impact Assessments. This does not aid clarity for applicants and it is therefore suggested that such requirements either be removed as proposed validation requirements or their wording be amended to provide more objective guidance on when they will be required at the validation stage to provide more certainty for applicants and help avoids delays in the validation of planning applications.</p>	<p>expertise needed for this work.</p> <p>Examples have been given within the checklist of when e.g. a noise or daylight/sunlight assessment might be required. It is not possible to provide a definitive guide or further information to that within the list as there will always be exceptions. As part of the Council’s response to pre-application enquiries, the officer will always provide information on which statements/drawings etc. are needed. Developers seeking pre-application advice will therefore benefit from not having applications delayed in validation.</p>	
<p>Upper Witham Internal Drainage Board</p>	<p>Part of Upper Witham Internal Drainage Board district and Upper Witham Internal Drainage Board Extended Area are within the boundary of Newark and Sherwood District Council.</p> <p>The Board supports Newark and Sherwood District Council Planning Policies and this draft checklist in general.</p> <p>Below are general Board comments:-</p>	<p>Comments are noted. These relate to matters that are considered as part of the determination of a planning application.</p>	<p>No change required.</p>

	<ul style="list-style-type: none"> • It is suggested developments should support the idea of sustainable drainage and that any proposed development should be in accordance with Local, National and Regional Flood Risk assessments and Management plans. • No new development should be allowed to be built within flood plain. The 'Flood Maps' on the Environment Agency website provides information on areas at risk. Also risk from surface water flooding should also be considered, information can also be found on the Environment Agency website. • Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures within any watercourse within the District. This is independent of the Planning Process. • Also, the Land Drainage Act. 1991 requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded <p>Through the planning process the Board will continue to comment on the individual planning applications, as and when they are submitted. Many of the proposed areas for development have been subject to multi-agency discussions including this Board about flood risk and surface water discharge.</p> <p>An extract of the Board's District is attached for your information.</p>		
<p>Southwell Flood Forum</p>	<p>This is a joint response to the consultation on the Planning Validation Checklist following discussions between Southwell Flood Forum, Lowdham Flood Action Group and Thurgarton Parish Council</p> <p>We understand this checklist is a useful driver to ensure that planning applications follow all the necessary processes and include all the necessary documents to ensure a development is carried out according to the National Planning Policy Framework and local planning considerations.</p>	<p>The comments from the Forum are supported. However, requirements that are within the checklist need to be based on advice and guidance from Government and respective bodies e.g. Environment Agency.</p>	<p>Checklist updated as necessary.</p>

<p>We take this opportunity to emphasise the importance of enforcement, monitoring and maintenance to ensure that the good intentions of planning processes are achieved 'on the ground'.</p> <p>As three communities which have suffered flooding with considerable damage to property and long-lasting impact on the lives of residents we are keen to work with planning and risk management authorities to ensure that future development is safe from flooding, does not adversely affect existing properties and may possibly (preferably) contribute to reducing flood risk.</p> <p>We are in discussion with NSDC Planning Dept on the possibility of a Local Drainage designation/Supplementary Planning Document/a document on the critical drainage situation in Lowdham and Southwell. We appreciate that there are other communities in Nottinghamshire, such as Thurgarton, that are vulnerable to flooding and hope that this process could be rolled out to also benefit them.</p> <p>We realise that the planning process is complex and would support anything that helps people submit applications in a complete and thorough way that benefits planners and communities.</p> <p>We have therefore taken the liberty of reformatting Section 16 (attached) to include and emphasise the following issues (in green on the document).</p> <div style="text-align: center;">  <p>local validation planning checklist -</p> </div> <ol style="list-style-type: none"> 1. avoid potential adverse impact on existing developments/properties 'downstream' 2. EA flood risk maps must be referenced for <u>all</u> types of flooding, <u>particularly</u> surfacewater 3. reference to information on flood risk vulnerability of a town/village - through the Neighbourhood Plan, a Supplementary Planning Document and/or an approved (by NCC/EA) evidence based document 4. reference to Met office info on global warming - need to direct planners to the most up-to-date information. 	<p>Some go beyond what can be included within the checklist but a number of additions have been added to Flood Risk Assessments</p>	
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	<p>5. applications need to take into account that drainage systems are typically old and cannot easily accept more water</p> <p>6. regarding SuDS - better national and local guidance and regulation and enforcement of national SuDS standards should be put in place.</p> <p>This could follow the lead of Wales who since the 7th January 2019 "requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards"</p> <p>https://gov.wales/sites/default/files/publications/2019-06/statutory-national-standards-for-sustainable-drainage-systems.pdf</p> <p>7. proposed run-off rates from a development should be thoroughly analysed</p> <p>8. pre-planning discussions should include the local community - flood group, town/parish councils</p> <p>Contact details provide have been deliberately excluded to ensure no breach of GDPR.</p>		
<p>Severn Trent Water</p>	<p>11. Drainage including surface water drainage, Sustainable Drainage Systems (SuDS) and Foul Drainage</p> <p>Severn Trent are supportive of the approach to require planning applications to submit information regarding the drainage aspects of development. We would encourage that when referring to SuDS, the importance of all 4 pillar of SuDS referenced within Current industry Best practice (CIRIA C753 The SuDS Manual) are highlighted. To do this we would advise that a bullet point is added below:</p> <p>“allowing sediments to settle out by controlling the flow of water”</p> <p>With words to the effect of:</p> <p>“creating space that will enhance biodiversity and amenity”</p> <p>We would encourage that the SuDS assessment highlights the need to assess the natural flow routes through the site and be consistent with the natural topography, to ensure that exceedance flows are allowed safely move through the development site. We would also recommend that all surface water drainage schemes include a Drainage hierarchy assessment. Detailing which of the options within the hierarchy are available and why</p>	<p>Comments are noted. Some comments relate to the adoption of planning policy and this information has been passed across to the Policy team to review as part of future local plans.</p>	<p>Checklist amended accordingly where appropriate.</p>

they have been discounted if not utilised. i.e. Infiltration has been discounted due to the impermeable nature of the underlying strata (Mercia Mudstone).

Severn Trent are supportive of the approach for developers to have early conversations with ourselves regarding foul sewerage capacity, connectivity etc.

Full Planning permission List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage.

Outline with all Matter Reserved List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage, Although it would be preferred if this was a required element or at least the assessment of natural flow routes and the identification for a viable outfall in accordance with the Drainage Hierarchy. This approach would reduce the need to more difficult discussions at the reserved matters phase where layouts need to be changed to accommodate natural flow routes and alternative outfall arrangements.

All guidance regarding the implementation of SuDS and good surface water design highlight the need to assess how development sites will be drainage as part of the development of the site layout. Whilst layout is not formally set within the outline stage, the developers have often created their site with an indicative layout that they will not want to change significantly at the reserved matters stage.

Outline with Some Matter Reserved List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage, Although it would be preferred if this was a required element or at least the assessment of natural flow routes and the identification for a viable outfall in accordance with the Drainage Hierarchy.

This approach would reduce the need to more difficult discussions at the reserved matters phase where layouts need to be changed to accommodate natural flow routes

and alternative outfall arrangements, especially if the layout is to be determined and not set as a reserved matter.

All guidance regarding the implementation of SuDS and good surface water design highlight the need to assess how development sites will be drainage as part of the development of the site layout. Whilst layout may not formally set at the outline stage, the developers have often created their site with an indicative layout that they will not want to change significantly at the reserved matters stage.

Flood risk assessment information

This section details the need to assess surface water run off from the existing site and includes the bullet point:

“details of the existing methods for managing surface water runoff, e.g. drainage to a sewer”

Severn Trent agree with the approach to understand the existing drainage arrangements but feel that as surface water connection to the sewer should be [sic] a last resort as detailed by the drainage hierarchy, we feel it would be better to provide a different example i.e. drainage to a watercourse.

Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.

For your information we have set out some general guidelines that may be useful to you.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity 3 once we have

sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.

Sewage Strategy

Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.

Surface Water and Sewer Flooding

We expect surface water to be managed in line with the Government’s Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.

We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.

To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website

[Infrastructure charges](#) | [Application forms, guidance & agreements](#) | [Regulations and forms](#) | [Building and Developing](#) | [Severn Trent Water \(stwater.co.uk\)](#)

Water Quality

Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that

water quality of supplies are not impacted by our or others operations. The Environment Agency’s Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.

Water Supply

When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.

We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

Water Efficiency

Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.

We recommend that in all cases you consider:

- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres per minute or less.
- Water butts for external use in properties with gardens.

To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption

	<p>per person is 110 litres per person per day or less. More details can be found on our website Infrastructure charges Application forms, guidance & agreements Regulations and forms Building and Developing Severn Trent Water (stwater.co.uk)</p> <p>We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.</p> <p>We would also encourage the use of rainwater harvesting on larger developments, either residential or commercial. This helps to reduce the demand on public supply, associated carbon impact of supply and also reduced site run off and sewer flows. Rainwater Harvesting as a development rather than on a property by property basis is more cost efficient and can produce greater benefits.</p> <p>Both the River Severn River Basin Management Plan (Page 52) and the Humber River Basin Management Plan (page 46) recommend that Local Plan set out policies requiring homes to meet the tighter water efficiency standard of 110 litres per person per day as described in Part G of Schedule 1 to the Building Regulations 2010. As such Severn Trent’s recommendation is consistent with wider objectives within our water supply regions.</p>		
RSPB	<p>We have the following comments on the draft:</p> <ul style="list-style-type: none"> • Section 12. Ecological and Protected Species Assessment <p>Currently states: “Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Local Wildlife Site (LWS).”</p> <p>This needs to be amended to include Special Area of Conservation (SAC) as the Birklands and Bilhaugh SAC is within the district. Also, when considering impacts on SACs/SPAs/pSPAs the appropriate assessment (Habitats Regulations Assessment, Conservation of Habitats and Species Regulations 2017) must include direct, indirect and</p>	Comments noted and agreed.	Checklist updated to take account of comments.

in combination impacts. Therefore, the current wording only including when a development is *within* such a protected area needs amending.

Recommended change: “Where development will have direct, indirect or in combination impacts on a Special Area of Conservation (SAC), Special Protection Area (SPA), potential Special Protection Areas (pSPA) ...”

For the **What should be included** section, include a desktop study, including consulting the Nottinghamshire Biological and Geological Records Centre, and appropriate habitat and species surveys.

The hierarchical approach (avoid > mitigate > compensate) to minimising ecological and protected species impacts, as set out in the National Planning Policy Framework, should be included so those considerations (such as alternative sites) are included in planning applications.

Mitigation measures have been requested but it should be noted that for SACs/SPAs/pSPAs mitigation measures can only be considered as part of the appropriate assessment (not as part of the screening process). This follows the ruling in April 2018, when the Court of Justice of the European Union delivered its judgment in [Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta \('People over Wind'\)](#). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures¹.

A separate section for SACs/SPAs/pSPAs would seem to be beneficial in this document to provide clarity for planning applicants. To include information on screening process, scoping opinion, and appropriate assessment requirements (as has been done in section 14 for Environmental Impact Assessments).

- **Hedgerow removal notice**

¹ See <https://www.gov.uk/guidance/appropriate-assessment#when-may-appropriate-assessments-be-required-in-the-planning-process>

The section on Hedgerow removal notice only asks for evidence that the hedge is older than 30 years. The Hedgerow Regulations 1997 also protect hedges of archaeological and ecological importance. So, including evidence that the hedge does not meet criteria that makes it important is needed. Include link to planning portal information (as done for other sections) -

https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-hedgerow_removal_notice.pdf



Sherwood Nightjar
and Woodlark Advic

Planning Application Local Validation Checklist

Adopted xxxx 2021

Delete page no's – only added to assist with responses



Please visit our website for further you online guide to planning - www.newark-sherwooddc.gov.uk/planning/

This checklist was adopted by Planning Committee on xxx, following public consultation between 1st March and 12 April 2021 with professional agents, consultees, Members, Town and Parish Councils, neighbours to planning proposals and via the website. This document has been amended to take account of responses where they related to the adoption of the checklist.

Welcome to the new look local validation manual for planning applications. The manual has been reviewed to make it easier to use, in order to get started simply click on the type of development that you want to know more about.

We have also put together a quick and easy to use 'matrix' showing the requirements for development type.

When making a planning application it is vital that it is supported by adequate and accurate information to enable the council, members of the public and other statutory bodies to understand the proposals, and allow a proper assessment of the potential impact of the development.

Planning applications which are not submitted with the correct information as stated within these pages may be treated as invalid and will not be processed until such time as the required information has been submitted.

If an application is found to be invalid the Receiving Officer will contact the applicant or agent by letter/email specifying the details required to validate the application with a reply date of 21 working days. If after 21 working days no further correspondence has been received, a follow up letter/email will be issued giving a further 7 working days.

After 7 days from date of the second letter/email, if either the required information has not been received or written confirmation of when the information will be submitted has not been received the application and any fees associated will be returned minus any administration fee – minimum of £25.00 or 5% of total fee whichever is higher.

Please note that in exceptional circumstances, further information for a specific application, above and beyond the requirements of the contents of these pages, maybe required. If this is the case one of our officers will be in contact with you directly to discuss this matter.

If you feel that the requested validation information does not meet the requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, then you have a right of appeal for non-determination.

If your application is found to be invalid, The Order allows you to send an "Article 10A" notice which must:

- i. set out which information or evidence you as the applicant either consider to be a reasonable requirement for the scale and nature of the development proposal or are not concerned with a matter which it is reasonable to think will be material in the determination of the application
- ii. state the reasons you as the applicant hold that view
- iii. request we waive the requirement(s)

Once we have received your application we will notify you of the decision within 8 weeks, although for major this timescale is extended to 13 weeks.

Planning application documents are published on our website, however before publishing we are required by the General Data Protection Regulations (GDPR), related legislations and best practice to remove 'personal information'.

The following information is asked for on an application form:

- telephone number

- email address
- signatures

We will endeavour to remove this personal information before publishing. Telephone numbers and email addresses relating to professional agents will not be removed unless this is specifically requested.

There are occasions when other personal information is submitted within supporting documents, this personal information can include:

- financial information (except in the case of viability assessments)
- car registration plates
- photos of individuals
- a person's age
- physical or mental health information
- views on other individuals - such as their health or anything defamatory or libellous
- how long a person has resided at a property
- a person's employment history
- criminal record - including alleged offences
- children
- racial or ethnic origin
- religious or other beliefs
- political opinions
- membership of a trade union
- sexual orientation or how a person identifies
- and any other information which may identify an individual person or persons

Even if the applicant, or a person making comments on an application, wants the personal information to be published online, we must endeavour to remove it.

Therefore when submitting an application or comments please can you make sure that the above personal information is only submitted if it is a planning consideration, for example financial information which may support a change of use application from a business to a dwelling to show that a business is not viable or information to show that a fee is not required as the proposed development is for the sole use of a disabled person. We will endeavour to make sure this latter information is not published online.

If you submit personal information as set out above please can you ensure that it is either referred to in a covering letter - or contained within a separate document to aid identification and removal from the documents that will be published on-line.

If you require any assistance in this regard, please email planning@newark-sherwooddc.gov.uk

Whilst the local validation checklist has been prepared in line with Section 62(3) of the Town and Country Planning Act and the Town and Country Planning (Development Management Procedure) (England) Order 2015 and only applies to applications for planning permission, many applicants for other permissions – prior approval, listed building and advertisement consent for example will never have submitted an application previously. This checklist therefore has been drafted to assist such applications.

Applications from Council Members or Staff

If the application is from or on behalf an elected member or any employee of the Council or Senior officer (currently comprising Corporate Management Team and Business Managers) or any officer who may have a direct involvement in the determination of the application, the application is required to be determined at Planning Committee. Most planning application forms will require you to identify this - however should this apply to your application please can you also refer to it in your covering letter.

This document is set out in five parts:

Part 1 - National Requirements;

Part 2 - Local Requirement Validation Checklist 2021;

Part 3 - Statements and Reports;

Part 4 - Application Types; and

Part 5 - Development Types

Procedure for Reviewing Local Validation List

With regard to the review and adoption of a local validation list, CLG guidance formally withdrawn in 2014, recommends a consultation period of not less than 8 weeks. This has now been replaced by guidance in the NPPG.

The current process is set out in paragraph 44 of the NPPG and involves the following three-step process:

Step 1: Reviewing the existing local list

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website. With regard to Newark's Validation List, several changes to legislation and procedure especially the advent of the NPPF and associated NPPG and the DMPO provide an opportune moment to update and validation list.

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Part 1 – National Requirements

Statutory National Validation Requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) outlines what the mandatory national requirements are. This section provides more information on what should be included under the following headings:

- Application form
- Certificates
- Site location plan
- Site layout plan
- Detailed drawings (where applicable)
- Design and access statement (where applicable)
- Application fee (where applicable).

Please note that some requirements within this section are beyond what is set out nationally e.g. the provision of plans to an identified scale, direction of north etc. However, to assist applicants and to retain clarification of information requirements within one section, details are provided below and have been locally adopted by the Council. Applicants are encouraged by the Government to submit applications electronically. This can be done via the Planning Portal. There are several advantages to submitting your planning applications online; this includes smaller postage and printing costs and potentially a faster registration of your application. In addition a service will be available via the Planning Portal and the Council's website to print off particular forms and complete them off line.

The Planning Portal provides a useful guidance on their website to applicant's submitting applications through the Portal - [Planning permission and Building regulations approval | How to apply | Planning Portal](#)

Application Forms

Keep the description as accurate and concise as possible. However, for listed building applications a detailed description of the works is required, but long descriptions should be included as an attached schedule of works. We recommend you use both upper and lower case when completing all sections of the form.

For applications for changes of use, refer to what the use had changed from and what it is changing to. If the use class is known then please include this as well.

Only include elements of the proposal in the description that require permission.

When applying for permission, where development has already taken place, use the words 'retention of'.

When applying for a revision or amendment to an earlier approved scheme, make this clear in the description. The relevant application/file reference should also be included in the description where appropriate.

Ownership Certificates

There are two types of certificates that are required to be completed when submitting most planning applications. These are a Certificate of Ownership and an Agricultural Holdings Certificate. Both certificates should accompany planning applications except for certain types of application which are detailed below.

The applicant (or agent acting on behalf of the applicant) is required to **sign and date all certificates**. By doing so they are confirming that the statements made are accurate to the best of their knowledge. It should be noted that there is a penalty for knowingly or recklessly completing a false or misleading Certificate required by Article 14 of the DMPO. The onus is on the applicant or agent to provide the correct information.

A Certificate of Ownership (Article 7 certificate) must accompany a planning application. This can be one of four certificates (explained below), which provides details of the ownership of the site. It is necessary to 'serve notice' on any owners and agricultural tenants when a proposed development is on or where it affects their land.

Under Section 65(5) of the Town and Country Planning Act 1990 and Section 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 it states that the Council must not entertain an application for planning permission unless the correct ownership certificates have been completed.

Types of Ownership Certificate

- **Certificate A** should be completed if at the beginning of a period of 21 days before the date of submission of an application, you are the owner of all the land that the application relates to. If you are not the sole owner of all the land, to which the application relates, or there are tenants on the site which have a leasehold interest of 7 years or more then you will need to complete a different certificate (see below). You will also need to complete a different certificate if the application relates to alterations to a flat or where a development overhangs the boundary with an adjoining property, or any footings encroach onto adjoining land.
- **Certificate B** should be completed and Part 1 notice (see below) if you are not the owner(s) of the land, served where you know the names and addresses of all the owners of the land which the application relates to. The details of the names of the persons on whom notice has been served should be completed on this certificate.
- **Certificate C** should be completed if you are not the owner(s) of the land. However where you know the names and addresses of some of the owners of land to which the application relates, but not all of them. You are required to serve notice on all of the owners of the land explained above (Certificate B) and to carry out additional steps to trace the owners that are unknown as explained below (Certificate D).
- **Certificate D** should be completed if you are not the owner(s) of the land and do not know any of the owners of the land to which the application relates. You will need to provide evidence of the steps that you have undertaken to find the owners. This can include carrying out a planning history or land registry search. You will also need to advertise the proposed development in the local newspaper at least 21 days prior to the submission of the application. A copy of this advertisement should be submitted with the application.

Part 1 Notice

A notice to the owners of the land, where the application relates, must be used if Certificate B or C has been completed. A copy of this notice should be served on each of the known individuals identified in the relevant certificate.

Agricultural Land Declaration

Applications are required to be accompanied by an Agricultural Holdings Certificate. This certificate needs to be completed to indicate whether the site forms part of an agricultural holding. The certificate is required whether or not the site includes an agricultural holding. It is incorporated into the standard application form, and must be signed in order for the application to be valid.

This information should be indicated, on the forms, by crossing out any incorrect statements. If the land is part of an agricultural holding you are required to serve notice on the tenant of the holding. If the applicant is the sole tenant or owner then the first part should be crossed out and 'not applicable' inserted in the second part.

No agricultural land declaration is required for applications for:

- The approval of reserved matters;
- Renewal of temporary planning permission;
- Discharge or variation of conditions;

- Tree Preservation Orders;
- Listed building consent;
- Lawful development certificate;
- Prior notification of proposed agricultural or forestry development;
- A non-material amendment(s) to an existing planning permission; or
- Express consent to display an advertisement.

Plans and Drawings

The DMPO specifies that a location plan is required to be submitted with all applications together with any other plans or drawings necessary to describe the development which is the subject of the application. This will include as a minimum a site layout plan.

In addition, there may be a requirement for additional plans to be submitted as detailed within the local list set out later in this document.

Location Plan

One copy of the location plan must accompany every application for planning permission. The purpose of this plan is to show the location of the site and to identify any other sites, which may also be in the same ownership. We will accept location plans downloaded from the Planning Portal (www.planningportal.gov.uk) so long as it meets the criteria set out below. Applications which have been submitted with unlicensed Ordnance Survey mapping will be accepted although any possible infringement with copyright laws may be identified to the agent, or applicant where there is not an agent.

The location plan should be based on an up to date Ordnance Survey map, at a scale of 1:1250 unless the site is very large and cannot be shown in its entirety on a single sheet of paper in which case a smaller scale may be used, e.g. 1:2500. It should be scaled to fit onto A4 or A3 size paper where possible. If the land is within a rural area for example, a plan at a scale of 1:5000 is acceptable. It shall include the following:

- The application site outlined in red and any land adjoining **or close by** owned by the applicant should be outlined in blue;
- The red line should include all land necessary to carry out the proposed development e.g. land required for access to the site from the public highway, visibility splays, landscaping, car parking and open areas around buildings;
- A north arrow;

Where possible, the location plan should include the following:

- At least two adjacent road names where possible; and
- The properties shown should be numbered or named to ensure that the exact location of the site where the application relates is clear.

Site Plan (or block plan)

One copy of the site plan (or block plan) should accompany any application. The site plan should be at a standard scale e.g. 1:200 or 1:500. The site plan shall include the following:

- The direction north;
- The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries; and
- The position and crown spread of all trees (to scale) where applicable within the application site or within falling distance of the application site.

The site plan should also include the following, unless these would not influence or be affected by the proposed development:

- Identification of sufficient buildings and/or roads on land adjoining the site including access arrangements;
- All public rights of way crossing or adjoining the site;
- The extent and type of any hard surfacing; and
- Boundary treatments including walls or fencing where proposed.

Design and Access Statements

Design and Access Statements are required for:

- (a) development which is [major development](#); or
- (b) development in a designated area [in our District this means a Conservation Area] where the proposed development consists of:
 - (i) the provision of one or more dwellinghouses; or
 - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more; or
 - (iii) applications for listed building consent.

The National Design Guide (Planning practice guidance for beautiful, enduring and successful places) (MHCLG, 2019) provides useful information in relation to how to consider design as part of a planning proposal. In addition, whilst CABE no longer exists, its [Design and Access Statements: How to write, read and use them](#) is a useful document.

The Design and Access statement should:

- explain the design principles and concepts that have been applied to the development;
- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- explain how any specific issues which might affect access to the development have been addressed.

Major Development comprises:
10 or more dwellings, or site area for residential development is 0.5 hectares or more and the number of dwellings is unknown; or 1000 square metres or more of floor space; or Development carried out on a site having an area of 1 hectare or more.

Design and Access Statements for Listed Buildings

Design and access statements for Listed Buildings are similar to other design and access statements, in respect of the need for a proportionate approach. However, the content will be different due to the nature of the applications.

Where a planning application is submitted in parallel with an application for listed building consent, then a single, combined statement, should be submitted. This will address both the elements required for a planning application, as well as the following for the listed building consent:

- Explanation of the design principles and concepts that have been applied to the scale, layout and appearance characteristics of a proposal (please note: Information on use, amount and landscaping is not required for listed building consent design and access statements that do not also accompany a planning permission);
- Description of the significance of the heritage assets affected and the contribution of their setting to that significance; and
- ~~Where there are heritage assets with archaeological interest an appropriate desk-based assessment or field based evaluation.~~

Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed

Further details of what is required are set out in the National Planning Policy Framework, paragraph 189.

Application Fee

An application fee is required for all applications except for:

- Planning permission for relevant demolition in Conservation Area
- Hedgerow removal notices
- Listed building applications
- S211 notification of tree works in Conservation Areas
- Works to trees protected by a Tree Preservation Order

For other circumstances where fee exemptions or concessions apply please refer to [A Guide to the Fees for Planning Applications in England](#). You can also use the [Planning Portal fee calculator](#) to work out how much you will need to pay.

Part 2 – Local Requirements Validation Checklist 2021

List of Local Requirements

This document identifies which documents it is considered are reasonable to request in order to validate a planning submission having regard, in particular, to the nature and scale of the development or works and matters likely to be a material consideration in the determination of the application. Accordingly trigger levels are quoted where relevant.

You are advised that whilst the information below is sufficient to allow validation, in considering the application we will need to consider any constraints on the site and how such constraints are to be addressed in order to ensure the proposed development can be implemented in an acceptable manner. For example these constraints may relate to (but are not necessary limited to) drainage, contamination, trees, [rights of way](#) and archaeology within the site. In some cases these issues require work to be undertaken before any building work is carried out. In such cases it may be necessary to attach pre-commencement conditions to ensure these matters are appropriately addressed. You are advised to consider whether there is any further information that might assist in addressing such constraints on the application. The Council is committed to making decisions in a timely manner and where permission is to be granted but there remain matters that cannot be addressed during the application process, a pre-commencement condition may assist in issuing decisions earlier. In such circumstances, the case officer will contact you to agree the terms of any pre-commencement conditions in accordance with legislation www.legislation.gov.uk/uksi/2018/566/made.

Pre-application Service

We offer a comprehensive pre-application service. Engagement prior to any planning application being formally submitted can be critically important and should provide the applicant and the Council with the opportunity to gain a clear understanding of the objectives of and constraints on development. It also provides an opportunity for wider engagement, where appropriate, with other stakeholders, including the local community, which can deliver better outcomes for all parties.

Further information regarding the Council's pre-application service can be found at:
<https://www.newark-sherwooddc.gov.uk/planningapplications/pre-applicationadvice/>

Contacting the Local Planning Authority

The business unit operates a duty planner service to answer general planning enquiries. In the first instance why not take a look at the information on our website as your question may have been addressed there. The service operates Monday, Tuesday, Thursday and Friday from 2pm until 5pm. Please telephone customer services on 01636 650000 and ask to speak to the duty planner or email planning@newark-sherwooddc.gov.uk.

Please note, depending on what your enquiry is, a longer period of time might be required. We will inform you should this be the case.

Existing and Proposed Floor Plans

Required for all applications proposing new buildings. Plans shall (where applicable):

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100.
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly show the relationship between buildings, highlighting any structures to be demolished
- d. where existing buildings or walls are to be demolished these should be clearly shown
- e. for change of use applications (where internal alterations are proposed - must show existing and proposed layout of rooms
- f. show existing and proposed floor plans in the same orientation and scale
- g. include individual drawing numbers, and where applicable revision numbers
- h. include a scale bar

Existing and Proposed Elevations

Required for all applications proposing new buildings or alterations to the exterior of existing buildings, including changes of use where external alterations are proposed. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100;
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level;
- c. clearly indicate the existing and proposed building materials and the style, materials and finish of windows and doors;
- d. show any blank elevations; if only to show that this is in fact the case;
- e. where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property;
- f. show existing and proposed elevations in the same orientation and scale;
- g. include individual drawing numbers, and where applicable revision numbers;
- h. If the application is for a change of use and no change is proposed to the external elevations, a statement must be included to state that no external changes are proposed; and
- i. include a scale bar

Advertisement Applications

The following should be provided:

- ~~a. existing and proposed elevations to a scale of 1:50 or 1:100;~~
- ~~b. a drawing to a scale of 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used;~~
- ~~c. height above ground of the advert;~~
- ~~d. extent of projection and details of method and colours of illumination (if applicable);~~
- ~~e. where plans are submitted, these shall include individual drawing numbers with revision numbers where applicable; and~~
- ~~f. include a scale bar~~

Part 3 – Statements and Reports

1. Affordable Housing
Threshold/Trigger Where the proposal provides 11 or more new residential units or where 1000sqm or more floor area is proposed
What should be included The statement will need to include: <ul style="list-style-type: none">i. The mix of private and affordable units with numbers of habitable rooms and/or bedrooms.ii. If you are proposing different levels or types of affordability or tenure for different units you should explain this clearly and fully.iii. If you are proposing affordable housing that is not policy compliant, a viability statement will need to be submitted You should also show the location of the affordable units and the number of habitable rooms and/or bedrooms, and/or the floor space of the units on the floor plans.
Other Information For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

2. Agricultural Justification
Threshold/Trigger Where the proposal relates to a new or replacement dwelling in the countryside for a rural worker (this is for both a permanent and temporary dwelling) or for an extension to an existing rural worker's dwelling.
What should be included For dwellings to serve new businesses, or new activities within established businesses, proposals will need to be accompanied by a business plan that demonstrates the following: <ul style="list-style-type: none">i. Clear evidence of a firm intention and ability to develop the enterprise concerned. This could include significant investment in new buildings or permanently sited equipment;ii. A functional need is demonstrated by showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products;iii. Clear evidence that the proposed enterprise has been planned on a sound financial basis; andiv. The functional need described at ii) could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. For dwellings to serve existing businesses on well-established units, applications will need to be accompanied by the preceding 3 years audited accounts. Proposals will also need to demonstrate: <ul style="list-style-type: none">i. There is a clearly established existing functional need showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products;ii. The need relates to a full-time worker and does not relate to a part-time requirement;iii. The unit and activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and

- iv. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted.

Other Information

For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

You can also download our Planning Application for an Agricultural Worker's Dwelling - Supplementary Information form on our website.



Planning Application for an Agricultural Worker's Dwelling Supplementary Information

You can submit your completed form by email with any plans and details as an attachment to planning@nsdc.info or post to Planning Development Business Unit, Newark and Sherwood District Council, Castle House, Great North Road, Newark NG24 1BY

Please complete in BLOCK capitals. If you provide us with an email address, this will be the preferred method of communication.

1) Applicant's details

Name: _____

Address: _____

Postcode: _____ Daytime Tel: _____

Email: _____

2) Agent's details (if applicable) to whom correspondence should be sent to

Name: _____

Address: _____

Postcode: _____ Tel: _____

Email: _____

3) Trading name of holding

4) Applicants status (i.e. Sole trader/Partner/Director): _____

Indicate the size of the site in hectares: _____

5) Details of land farmed – Please attached a plan clearly showing boundaries

Area	Size of area hectares	Location
a) Area of land owned		Outline boundaries in red on plan
b) Area of land tenanted		Outline boundaries in blue on plan
c) Grazing usually taken		Outline boundaries in green on plan
d) Grazing rights		
e) Area of mowing land		
f) Area of pastures		
g) Area of rough grazing		
h) Area of arable land		
i) Area of woodland		
j) Area of other land		

3. Air Quality Assessment

Threshold/Trigger

An air quality assessment based on current best practice is required for:

i. Major developments

i. Proposals likely to have an impact on air quality e.g. those requiring an EIA, industrial installations, biomass boilers, combined heat and power plants, where traffic flows will increase by more than 5% on roads with less than 10,000 annual average daily trips, where significant demolition or construction works are proposed etc.

Details of what should be included

Assessments should be proportionate to the nature and scale of development proposed and the level of concern about air quality and because of this are likely to be location specific. The scope and content of supporting information is therefore best discussed and agreed between the Local Planning Authority and the Council's Environmental Health Officers before it is commissioned. Air quality is a consideration in Environmental Impact Assessment, if one is required, and also in a Habitats Regulations Appropriate Assessment.

The following could be included in assessments and be usefully agreed at the outset:

- a description of baseline conditions and how these could change;
- relevant air quality concerns;
- the assessment methods to be adopted and any requirements around verification of modelling air quality;
- sensitive locations;
- the basis for assessing impact and determining the significance of an impact;
- construction phase impact; and/or
- acceptable mitigation measures.

4. Archaeological Assessment

Threshold/Trigger

Statements will be required for all proposals involving the disturbance of ground within an area of known archaeological interest. This includes;-

- Sites within historic cores, including Newark's Historic Core, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD maps
- Certain allocated sites, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD
- Sites in close proximity to a Scheduled Ancient Monument
- Sites in close proximity to the Battlefield at East Stoke
- Sites in close proximity to church yards

Further information may be found within the National Planning Policy Framework, Air Quality guidance (www.gov.uk/guidance/air-quality-3) and Clean Air Zone Framework May 2017 – DEFRA and DfT

Details of what should be included

Assessments must be carried out by a suitably qualified person (a person accredited by the Chartered Institute for Archaeologists or equivalent).

National planning policy emphasises the need to carry out an appropriate desk-based assessment. A field evaluation may also be necessary.

The information should include plans showing historic features, listed buildings and structures, historic parks and gardens, historic battlefields & scheduled ancient monuments, an analysis of significance of archaeological, history and character of the building or structures, together with the principles of and justification for proposed work.

This will ensure that appropriate measures are put in place to manage the investigation, recording, analysis and preservation of any remains or otherwise mitigate the effect of the development on areas of archaeological interest.

The Chartered Institute for Archaeologists has published a list of standards and guidance for desk-based assessments which can be viewed on their website: www.archaeologists.net/codes/cifa

Other Information:

Planning Practice Guidance

Chartered Institute for Archaeologists - <https://www.archaeologists.net/codes/cifa>

5. Bin/Waste Management Information

Threshold/Trigger

All new **full** residential and commercial developments requiring waste management (collection of bins)

Details of what should be included

Scaled plans and information showing how the proposal complies with the Council's "[Guidance for New Developments, Waste Storage and Collection](#)".

6. Broadband Statement

Threshold/Trigger

Residential developments of 10 units or more

Details of what should be included

Written confirmation that the site will provide superfast broadband.

Other information

Please see the HBF OpenReach letter dated 3rd February 2016 available to view at:

www.gov.uk/government/publications/superfast-connectivity-in-new-homes

7. Coal Mining Risk Assessment

Threshold/Trigger

Development within High Risk Areas. However, any development within a coal mining area might be affected and it is advised that developer's read the document set out within the hyperlink in the next paragraph.

Details of what should be included

A Risk Assessment report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable. Details of what should be provided are set [out within Coal Authority Guidance for Local Planning Authorities -England](#) with detailed information provided at pp. 18-21.

Other information

Paragraphs 178 and 179 of the National Planning Policy Framework (NPPF) makes it clear that land instability issues should be considered as part of development proposals and that the responsibility for securing a safe development rests with the developer and/or landowner.

8. Community Infrastructure Levy (CIL) Forms

Threshold/Trigger

CIL may be payable on development which creates net additional floor space, where the gross internal area of new-build exceeds 100 square metres. This includes development permitted by a 'general consent' (including permitted development). The 100 square metre limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self-builder'. However, the initial CIL forms should be completed at planning validation stage even if you intend to apply for a CIL Self – Build Exemption at a later date.

CIL will apply to all such buildings regardless of the type of permission.

Details of the CIL Rates and Charging Zones are set out in the CIL Charging Schedule which can be viewed on the Council's website at www.newark-sherwooddc.gov.uk/cil

Details of what should be included

To allow the Council to decide if your development is liable for CIL and if so how much, information forms entitled “Community Infrastructure Levy (CIL) – Planning Application Additional Information Requirement Guidance” and “Determining whether a Development may be CIL Liable” are available on the above website:

These should be completed and submitted with your application. This includes applications for householder development. These forms should be completed even if you intend to apply for a CIL Self – Build Exemption at a later date.

Whilst the Council will not invalidate your application for the lack of this form, its completion will assist.

9. Contamination Survey

Threshold/Trigger

In many cases, a contamination survey can be a requirement of a planning condition after planning permission has been granted. However, there are some circumstances where a contamination survey is required at validation stage. These include:

- Certain allocated sites – see Newark and Sherwood District Council’s adopted Allocations and Development Management DPD for further information www.newark-sherwooddc.gov.uk/adm/
- Certain proposed land uses or development on sites where there may be the potential for contamination due to the former use of the land.

The following former or proposed land uses will require a quantitative risk assessment:

- Coal, mineral mining & processing, both deep mines & opencast
- Smelters, foundries, steel works, metal processing & finishing works
- Heavy engineering & engineering works, e.g. car manufacture
- Military/defence related activities
- Electrical & electronic equipment manufacture & repair
- Gasworks, coal carbonisation plants, power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture & use of asbestos, cement, lime & gypsum
- Manufacture of organic & inorganic chemicals, including pesticides
- Acids/alkalis, pharmaceuticals, solvents, paints etc.
- Rubber industry, including tyre manufacture
- Munitions/explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper & pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards, garages, road haulage depots, airports
- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Scrap yards & breakers yards
- All types of laboratories
- Power stations, electricity substations, gas works
- Chemical and manufacturing plants - using/storing bulk liquid
- Chemicals or discharging of effluent
- Sewage farms and sewage treatment plants
- Quarries or land which has been infilled with unknown fill
- Collieries
- Ministry of Defence sites
- Storing and reprocessing scrap vehicles
- Fuel storage facilities, garages and petrol forecourts
- Abandoned mines, and downstream of such mines if in a flood zone
- Abattoirs, animal waste processing & burial of diseased livestock

The following land uses will require a preliminary risk assessment, site walkover and bill of quantities:

- Other industries and commercial uses not listed in Department for Environment, Food & Rural Affairs (DEFRA) profiles
- Engineering works
- Urban soils (which are comprised of made ground)
- Land with known fill
- Hospitals
- All works employing metal finishing processes -plating, paint spraying
- Vehicle repair garages (no oil storage)
- Works utilizing animal products, for example, tanneries
- Radioactive substances used in industrial activities e.g. gas mantle production, luminising works
- Agriculture – excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Dry cleaning premises
- Naturally-occurring radioactivity, including radon
- Naturally-occurring - metals and other substances
- CO2 & CH4 production & emissions in coal mining areas, wetlands, peat moors or former wetlands
- Spraying of herbicides and pesticides
- Unregulated tipping activities
- Domestic heating oil leaks
- Railway Land (other than described in high risk category)
- Gas mantle production, luminising works, dial manufacturers
- Made ground
- Cottage industry
- Allotments

The following land use will require a preliminary risk assessment and site walkover for potential contamination:

- Land which has been bombed
- Burial sites & graveyards
- Garages use for car parking

Details of what should be included

For detailed information regarding the type of information the Council will require in order to assess an application for planning permission on land possibly affected by contamination please see “A Guide to Developing Land within Nottinghamshire” which is available to view at www.newark-sherwooddc.gov.uk/landpollution/contaminationandtheplanningprocess/ and is summarised below:

Phase I — Desktop Study

The desktop study is the collation of site specific information in order that a conceptual site model can be established. This conceptual model considers all potential contaminant sources, pathways and receptors, defined as a pollutant linkage. The desktop study should document the site history and identify all potentially contaminative land uses back to when the site was Greenfield. The conclusions of the report should contain recommendations for any progression to Phase II, if required.

A Phase I - Desktop Study Report should include:

- Purpose of aims and study
- Site location and layout plans (appropriately scaled and annotated)
- Appraisal of site history
- Appraisal of site walkover study
- Assessment of environmental setting, to include:
 - Geology, Hydrogeology, Hydrology
 - Information on mining/quarrying activity
 - Information from EA on abstraction, pollution incidents, water quality and landfill sites.
- Assessment of current/proposed site use and surrounding land uses

- Review any previous site contamination studies (desk based/intrusive) remediation works
- Preliminary risk assessment, based on proposed development and to include:
 - Appraisal of potential/actual contaminant sources, pathways and receptors (pollutant linkages)
 - Conceptual site model (diagrammatic and written)
- Recommendation for intrusive contamination investigation (if necessary) to include:
 - Identification of target areas for more detailed investigation
 - Rationale behind design of detailed investigation

Phase II — Detailed Investigation

The Detailed Investigation phase is the on-site validation of the conceptual model. Through intrusive investigation, chemical testing and quantitative risk assessment, the Phase II study can confirm pollutant linkages and therefore, should also provide appropriate remediation options, if required.

A Phase II – Detailed Investigation should include:

- Review previous site investigation contamination studies (desk-based or intrusive) or remediation works
- Site investigation methodology, to include:
 - Justification of exploration locations
 - Locations of on-site structures, above/below ground storage tanks etc
 - Sampling and analytical strategies
 - Borehole/trial pit logs.
 - Borehole / trial pit log locations
- Results and findings of investigation, to include:
 - Ground conditions (soil and groundwater regimes, including made ground)
 - Discussion of soil/groundwater/surface water contamination (visual, olfactory, analytical)
- Conceptual site model
- Risk assessment – based on source-pathway-receptor
- Details of the site specific risk assessment model selected and justification in its selection
- Recommendations for remediation – based on proposed land use
- Recommendations for further investigation if necessary

Phase III — Remediation Strategy / Validation Report

The remediation phase of the process is split into two sections. Firstly the Remediation Statement is a document detailing the objectives, methodology and procedures of the proposed remediation works. This must be submitted for approval by the Council before any works commence. Secondly, following completion of the works, a Validation Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Phase III – Remediation Statements should include:-

- Objectives of the remediation works
- Details of the remedial works to be carried out, to include:
 - Description of ground conditions (soil and groundwater)
 - Type, form and scale of contamination to be remediated
 - Remediation methodology
 - Site plans/drawings
 - Phasing of works and approximate timescales
 - Consents and licenses e.g. (Discharge consents, waste management licenses etc.)
 - Site management measures to protect neighbours.
- Details on how works will be validated; ensuring remediation objectives are met, to include:
 - Sampling strategy
 - Use of on-site observations, visual/olfactory evidence
 - Chemical analysis
 - Proposed clean-up standards (i.e. contaminant concentration)

10. Daylight and Sunlight Assessment

Threshold/Trigger

Required for major applications where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including associated gardens or amenity space.

Applications where the application site itself is subject to potential adverse impact from adjoining buildings or features or where one part of the development is affected by another part of the same development.

Details of what should be included

A daylight, vertical sky component, sunlight availability and shadow study should be undertaken. It is recommended guidance from the BRE is used.

The information should be sufficient to determine:

- The existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties.

The measures that will be taken to mitigate against the expected impact of the proposed development.

11. Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage

Threshold/Trigger

- All major applications
- Applications in areas at risk from flooding (Flood Zone 2 or 3)
- Applications adjacent to areas at risk of flooding
- Where there is a requirement in the relevant Neighbourhood Plan. For further information please see <https://www.newark-sherwooddc.gov.uk/planningpolicy/neighbourhoodplanning/>

NB – Usually information would be required for Areas with Critical Drainage Problems (ACDPs) – However, Nottinghamshire County Council as Lead Local Flood Authority have confirmed they have not designated any critical drainage areas within Newark and Sherwood District at this time.

Details of what should be included

Sustainable Drainage Systems (SuDS)

SuDS are an approach to managing rainwater falling on roofs and other surfaces through a sequence of actions. The key objectives are to manage the flow rate and volume of surface runoff to reduce the risk of flooding and water pollution. SuDS also reduce pressure on the sewerage network and can improve biodiversity and local amenity.

Sustainable drainage is a departure from the traditional approach to draining sites. There are some key principles that influence the planning and design process enabling SuDS to mimic natural drainage by:

- storing runoff and releasing it slowly (attenuation)
- allowing water to soak into the ground (infiltration)
- slowly transporting (conveying) water on the surface
- filtering out pollutants
- allowing sediments to settle out by controlling the flow of the water
- **creating space that will enhance biodiversity and amenity**

Surface Water

A surface water drainage scheme should include the following information:

- A metric scaled plan of the existing site.
- A metric scaled topographical level survey of the area to metres above ordnance datum (MAOD).
- Metric scaled plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks).
- The existing and proposed controlled discharge rate for a 1 in 1 year event and a 1 in 100 year event (with an allowance for climate change), this should be based on the estimated green-field runoff rate.
- The proposed storage volume (attenuation).

- Information on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible.
- Geological information including borehole logs, depth to water table and/or infiltration test results.
- Details of overland flow routes for exceedance events.
- [Drainage hierarchy assessment including detail of which options of the hierarchy are available and why they have been discounted if not utilised. i.e. Infiltration has been discounted due to the impermeable nature of the underlying strata \(Mercia Mudstone\)](#)
- A management plan for future maintenance and adoption of drainage system for the lifetime of the development.

Foul Drainage

For development incorporating foul drainage into the public sewer details of the impact of the development on the public sewer infrastructure are required. Early discussions with Severn Trent Water or [Anglian Water](#)¹ are key in order to determine whether or not a load or flow assessment should be submitted with the planning application.

¹ [Anglian Water serves Barnby in Willows, Harby, Wigsley and part of Fernwood.](#)

If a proposal incorporates a non-mains foul drainage system than a [Foul Drainage Assessment Form](#) should be completed. In addition to this form:

Proposed treatment plants - a percolation test must be carried out and the results submitted with the application unless the treatment plant is to be draining into a watercourse.

Proposed septic tanks and cess pools - a full impact assessment must be submitted before the application can be registered. This should confirm that the adverse effects summarised in factors (a) to (k) below will not arise. This assessment should focus on the likely effects on the environment, amenity and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent, whether it is discharged to a water course or disposed of by soakage into the ground.

- contravention of recognised practices
- adverse effect on water sources/resources
- health hazard or nuisance
- damage to controlled waters
- damage to the environment and amenity
- overloading the existing capacity of the area
- absence of suitable outlets
- unsuitable soakage characteristics
- high water table
- rising ground water levels
- flooding

[Proposals that are within close proximity to or will have impact upon any open watercourse or culvert should be submitted with a plan showing the location of the watercourse/culvert. Details of the impact of surface water discharge from sites into such watercourses, particularly with regard to impacts downstream should be provided.](#)

Further Advice:

[Anglian Water offer a pre-planning enquiry service. Details may be found at <https://www.anglianwater.co.uk/developing/planning--capacity/planning-and-capacity/>](#)

12. Ecological and Protected Species Assessment

Threshold/Trigger

An ecology survey is required if it is likely that protected species are:-

- affected by the development, for example the effect of a wind turbine proposal on protected birds
- present on or near the proposed site, this can include but is not restricted to:-
 - Applications relating to barns and other buildings capable of supporting protected species (planning application or change of use prior notification application)
 - Where development is within or adjacent to a wildlife corridor or area of natural open space
 - A Greenfield site
 - Where development is within a ~~Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Local Wildlife Site (LWS)~~
 - Works involving trees known to house protected species

Where development will have a direct, indirect or in combination impact(s) on a Special Area of Conservation (SAC), Special Protection Area (SPA) or potential Special Protection Areas (pSPA), regard must be given to the Habitats Regulation Directive 2017. This includes the need to undertake screening, scoping and appropriate assessment.

What should be included

Surveys must be carried out by a suitably qualified ecologist (a member of the Chartered Institute of Ecology and Environmental Management or similar) at the correct time of year, using methods that are appropriate for the species and the area. Surveys should be up to date and ideally from the most recent survey season.

All surveys must include the author's name, professional details.

Surveys should include:-

- A desktop study, including consulting the Nottinghamshire Biological and Geological Records Centre, and appropriate habitat and species surveys.
- Identification of natural features, habitats, flora and fauna.
- An assessment of the implications of the proposed development upon the wildlife habitats or features present, including any measures for mitigating the impact of development – accompanying plans should indicate such mitigation and / or compensation measures.
- Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management.
- Particular consideration must be given to the presence of protected species such as badgers, bats, barn owls, great crested newts, reptiles and water voles.
- Where appropriate accompanying plans should indicate the location of any significant wildlife habitats or features.

Other Information

Further information regarding where protected species are likely to be present can be found in Natural England's Guidance "How to Review Planning Applications" available to view online.

In cases where it is not clear which species are present, if at all, a scoping survey (often called an "extended phase 1 survey") can be carried out. This is useful for assessing whether a species-specific survey is needed.

Further detailed information regarding survey methods for individual species can be found at the following website: www.gov.uk/topic/environmental-management/wildlife-habitat-conservation

13. Economic Statement
<p>Threshold/Trigger Required for major developments, excluding householders which are major development by virtue of site area.</p>
<p>What should be included Applications may need to be accompanied by a support statement of any regeneration benefits from the proposed development, including:</p> <ul style="list-style-type: none"> • details of any new jobs that might be created or supported; • the relative floorspace totals for each proposed use (where known); • any community benefits: and • reference to any regeneration strategies that might be behind or be supported by the proposal.

14. Environmental Impact Assessments (EIA)/Environmental Statement
<p>Policy Background</p> <ul style="list-style-type: none"> • The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – further information available on the following website: The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (legislation.gov.uk)
<p>Threshold/Trigger The Regulations (see website above) apply to two separate lists of projects:</p> <ol style="list-style-type: none"> 1. Proposals listed in Schedule 1 of the Regulations ‘Schedule 1 projects’ require an EIA in every case; and 2. Proposals listed in Schedule 2 of the Regulations ‘Schedule 2 projects’ require an EIA only if the project in question is judged likely to give rise to significant environmental effects. Schedule 3 provides further guidance for when assessing whether Schedule 2 projects require and EIA.
<p>Screening Opinion If you are unsure whether your proposal requires an Environmental Impact Assessment (EIA) you can submit a request to the Local Planning Authority (LPA) for a Screening Opinion. The Local Planning Authority will then screen the proposal against the Regulations and confirm in writing whether or not a full Environmental Impact Assessment is required. The request for a Screening Opinion should include the following:</p> <ol style="list-style-type: none"> a. a plan sufficient to identify the land; b. a description of the development, including in particular: <ol style="list-style-type: none"> (i) a description of the physical characteristics of the development and, where relevant, of demolition works; (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected c. a description of the aspects of the environment likely to be significantly affected by the development; d. to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from: <ol style="list-style-type: none"> (i) the expected residues and emissions and the production of waste, where relevant; and (ii) the use of natural resources, in particular soil, land, water and biodiversity; e. such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. <p>On receipt of the application for a screening opinion the LPA will consult relevant organisations and respond to the request within 3 weeks beginning with the date of receipt of a request made or such longer period, not exceeding 90 days from the date of receipt as may be agreed in writing with the person making the request. Where there are exceptional circumstances that it is not practicable for the LPA to adopt a screening opinion within this time period, the LPA may extend the period by notice in writing given to the person who made the request for a screening opinion.</p>

If the LPA considers that the proposal could have significant effects on the environment then they will require an EIA to be submitted with the planning application. You will be informed, in writing, of the outcome of the screening opinion.

In addition to the above the LPA will undertake a screening opinion on all relevant applications when submitted. It may be at this time that an EIA is requested by the LPA. Where an applicant disagrees with the decision they may appeal to the Secretary of State for a screening opinion.

The Health Matrix incorporated within the [Nottinghamshire Planning and Health Framework \(2019 -2022\)](#) might prove useful in assessing the health impacts of a development upon human receptors and facilitate consideration to Health Impact Assessments.

Scoping Opinion

A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a “scoping opinion”):

- a. a plan sufficient to identify the land;
- b. a brief description of the nature and purpose of the development, including its location and technical capacity;
- c. an explanation of the likely significant effects of the development on the environment; and
- d. such other information or representations as the person making the request may wish to provide or make;

The LPA must adopt a Scoping Opinion within 5 weeks of receiving a request or such longer period as may be agreed in writing with the person making the request. The LPA will consult the relevant bodies as part of the process.

The LPA will then confirm what they consider to be the main effects of the development and the topics that the Environmental Statement should cover. This does not prevent the LPA from requesting additional information as part of the EIA process. Alternatively, the LPA can screen a proposal as part of the planning application process once a formal planning application has been received.

Details of what should be included

Full details of what to include in an Environmental Impact Assessment / Environmental Statement are set out in full in Schedule 4 of the Regulations.

In order to ensure the completeness and quality of the environmental statement:

- a. the developer must ensure that the environmental statement is prepared by competent experts; and
- b. the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (this is called a “scoping opinion”). [Further details on the Scoping Opinion process can be found here.](#)

Other Information

Planning permission cannot be granted for EIA development unless an EIA has been carried out in respect of that development.

15. External Lighting Details

Threshold /Trigger

All proposals involving floodlighting

Details of what should be included

A report written by a suitably qualified person must include:-

- Details of the survey of the surrounding night environment
- Identification of critical view points
- Establishment and calculation of existing lighting conditions
- Summary of baseline measurements and/or calculations
- Analysis of task lighting level recommendations
- Establishment of environmental light control limits
- Statement of new lighting design quality objectives
- Calculated measurement of task working areas
- Calculated measurement of overspill areas
- Obtrusive light calculation of property intrusion
- Viewed source intensities including nominal glare assessment
- Direct upward light ratio
- Comparison of design achievement with baseline values
- Designers critique of final design constraints
- View point visualisation
- Virtual walkthrough of illuminated site
- Schedule of model reflection factors
- Schedule of luminaire mounting heights and aiming angles
- Layout plan with beam orientation indication.

16. Flood Risk Assessment

Threshold/Trigger

When a Flood Risk Assessment is required:

You need to do a flood risk assessment for most developments within one of the flood zones.

This includes developments:

- in flood zone 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1
- ~~less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)~~
- ~~in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency~~

Please see Flood Risk Vulnerability Classifications (definitions for the above categories).

To find out which flood zone a site is in please see www.gov.uk/government/organisations/environment-agency

When a Flood Risk Assessment is not required:

You do not need to do a flood risk assessment for a development that is less than 1 ha in flood zone 1 unless it could be affected by sources of flooding other than rivers and the sea, for example surface water drains.

When to follow standing advice

You should follow the Environment Agency's standing advice if you're carrying out a flood risk assessment of a development classed as:

- a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3
- 'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)

- 'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)
- 'water compatible' in flood zone 2
- You also need to follow standing advice for developments involving a change of use into one of these vulnerable categories or into the water compatible category.

Details of what should be included:

Flood risk assessment

All flood risk assessments must be written by a suitably qualified person and should include their name and qualifications.

Detailed information as to what to include in a flood risk assessment depending on which flood zone the site lies in can be in Appendix 1 Flood Risk Advice.

In addition to the information above, Flood Risk Assessments should also take into account information from the relevant Neighbourhood Plan.

Flood risk assessment: standing advice

For all developments covered by standing advice, you must put together a flood risk assessment which includes:

- your site address
- a description of your development
- [sequential test for developments in flood zones 2 and 3](#)
- [how the site is likely to be affected by climate change](#)
- an assessment of the flood risk for your development (consider all sources of flooding not just rivers and the sea e.g. [surface water](#), [some groundwater](#)) and include an allowance for climate change
- the estimated flood level for your development, i.e. the 1 in 100 year river flood level or the 1 in 200 year tidal flood level
- details of your flood resilience and resistance plans
- [surface water management](#)
- [summary of the numbers of future occupiers and likely future pattern of occupancy](#)
- [if the development is a qualifying development within flood zones 2 and 3, details of the Exception test](#)
- any supporting plans and drawings
- [who has undertaken the assessment and when it was undertaken](#)
- any information the relevant standing advice tells you to include

~~Refer to Appendix 1 Flood Risk Advice for further information.~~

Other Information

Flood Risk Assessments should always be proportionate to the degree of flood risk in each case and appropriate to the scale, nature and location of the proposed development or change of use.

The level 2 Strategic Flood Risk Assessment is available on our website at www.newark-sherwooddc.gov.uk/sfral2/2/

Further information can be found at www.gov.uk

17. Green Belt Impact Assessment
<p>Threshold/Trigger</p> <ul style="list-style-type: none"> • Applications which propose the demolition and replacement of buildings located within the Green Belt • Applications which propose extensions, new buildings or engineering operations in the Green Belt • All householder applications that propose the extension of dwellings located in the Green Belt
<p>What should be included</p> <p>Plans and volume, external footprint and floorspace calculations for the following:</p> <ul style="list-style-type: none"> • The original building (a building existing on 01/07/1948 or a building as originally constructed on or after that date) • All existing extensions and outbuildings to the original building • Any demolition of the original building proposed • Any demolition of an existing extension(s) and outbuildings proposed • Any proposed extensions • Any proposed new buildings <p>Volume, external footprint and floorspace percentage increase calculations for the following:</p> <ul style="list-style-type: none"> • Original building to existing building • Original building to proposed building • Existing building to proposed building

18. Heritage Impact Assessments (including desk based Archaeological reports)
<p>Threshold/Trigger</p> <p>All applications affecting heritage assets and/or their setting. A heritage asset is defined as <i>“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”</i></p> <p>A Heritage Impact Assessment will always be required for the following as they relate to designated heritage assets:</p> <ul style="list-style-type: none"> • Listed building consent applications; • Planning permission applications for sites within the setting of a listed building; • Planning permission applications for sites/buildings in or within the setting of a conservation area; • Planning permission applications for sites in or within the setting of a scheduled ancient monument; • Planning permission applications for sites in or within the setting of registered parks and gardens; • Planning permission for relevant demolition in a conservation area. <p>Heritage Impact Assessments should also be submitted for planning applications affecting non-designated heritage assets, notably where that proposal would result in total loss or significant alteration of the heritage asset. Carrying out a pre-application meeting with the Planning Department will ensure that heritage assets are identified at the earliest stage.</p> <p>Should a proposal comprise enabling development, you are advised to seek early pre-application advice and refer to Historic England’s Good Practice Advice in Planning: 4 Note</p>
<p>What should be included:</p> <p>Heritage Impact Assessments for larger scale schemes should be written by a suitably qualified person (for example a member of the Institute of Historic Building Conservation or other relevant body). The assessment should include the author’s name and qualifications.</p> <p>Applicants are required to provide a description of the significance of the heritage asset and/or its setting. This can be presented in the form of a Heritage Impact Assessment. A Heritage Impact Assessment should provide the local planning authority with enough information to adequately understand the impact of the proposals on the significance of any heritage assets affected. The level of detail should be proportionate to the importance of the assets and no more than is sufficient to understand the potential impact of the proposal on their significance.</p>

The level of information provided should be appropriate and proportionate to the significance of the heritage asset and the potential impact upon that significance of the proposals. For example, for an application that includes substantial demolition of a heritage asset it is reasonable to expect an applicant to provide a thorough and detailed understanding of the asset, and a thorough explanation of the impact of the demolition on the asset and its setting. An application for a minor alteration to part of the asset is likely only to require detailed information on the affected part of the asset, with only a brief explanation of how the impact relates to the significance of the asset as a whole.

For small scale development the Heritage Impact Assessment should be written by anyone that is competent to do so. This may be the heritage asset owner (for example for a householder application) but for a complex heritage asset with high levels of significance a heritage professional is required (i.e. conservation architect, architectural historian, building archaeologist).

For proposals that require alterations to or replacement of, for example, doors and windows, these should be shown [on a separate plan\(s\)](#) to a larger scale of 1:10, 1:5, or 1:1 as appropriate. [The statement should examine the impact of such changes with reference to the associated plans.](#)

Further detailed information as to what should be included in a Heritage Impact Assessment can be on our website at www.newark-sherwooddc.gov.uk/planning/heritageconservation/planningandheritageassets/

Heritage Impact Assessment will need to cover any archaeological issues at the site.

The following is a guide for preparing a Heritage Impact Assessment:

Stage 1: Gathering information

Heritage assets, especially when designated, will have some documentary information about them. For example, all listed buildings have a statutory list description and Registered Parks and Gardens have full detailed descriptions that include their historic development. The [Historic Environment Record at Nottinghamshire County Council](#) ~~could~~ **should** be consulted as part of the information gathering stage.

A good set of colour photographs showing the areas specific to the proposals should be included. There are many historic photographs of the district, often showing the application site or building. Historic photographs often reveal information about how the building has changed and can provide justification for proposed alterations or inform the design of an alteration or extension.

Maps can reveal historic layouts of sites and buildings, their relationship with other buildings or structures and surrounding landscapes or gardens. An examination of historic maps will often reveal information on how the site has changed and developed, providing time periods for different building phases. There are many sources of historic and modern maps, such as enclosure and tithe maps, to the more detailed Ordnance Survey maps which were first drawn in the mid-19th century. The types of maps that you should consult will very much depend on the age of the heritage asset and your proposals.

Many buildings and areas in the district are referred to in other sources of information, which is often the work of local historians. For example, the history of many of the villages has been written about. The District or County Council may hold investigative reports on buildings or sites. Where an assets lies within a conservation area there may be a conservation area appraisal written. Historical directories can be useful sources, especially where the site or building was built for a community purpose, often providing dates of construction, architects and benefactors.

Stage 2: Written Description

A written description should also be provided; the amount and type of information will depend very much on the heritage asset itself and the proposals. If appropriate you may wish to include copies of any documents relating to the heritage asset, discovered as part of Stage 1. The following, to a greater or lesser extent should be included:

- A description of the building/structure/site and its setting (this may include important views towards and away from the heritage asset. The description should include information on architectural style, date(s) of construction, materials and notable characteristics generally and specifically in the location of the proposals. Where proposals affect the setting of a heritage asset you may wish to make reference, if appropriate, to other buildings in the grounds/garden, details of landscaping and views towards and away from the application site.
- Summary of the building/structure/site’s architectural, archaeological or historical significance. Significance is what people value about the heritage asset. This will often be the architectural interest, but can also be social, community, economic or environmental value. Unusual or rare features will usually have a higher level of significance. Significance will often be derived from the age of the fabric of a building. For example, late 20th century extensions to an 18th-century farmhouse will not usually be considered to be as significant as the earlier original fabric. Where a heritage asset has numerous phases of development, or differing levels of significance, plans can be used to show this effectively.
- Where a heritage asset forms part of a group, consider the group value or cumulative significance i.e. the significance it has by virtue of being in the presence of other assets.

Stage 3: Proposals and Justification

The Local Planning Authority must clearly understand your proposals and the reasoning for them. Through a good understanding of the heritage asset, your proposals should be designed to avoid or minimise any harm to the significance of the heritage asset. A written explanation should be provided outlining your proposals and justifying them. Your explanation might answer the following questions:

- What is the need for the new work?
- Can your needs be met in a different way?
- What are the benefits of the new work?
- Could the work harm the heritage asset or put it at risk in anyway?
- Do you understand the heritage asset well enough to make an informed decision?
- Will the benefits outweigh any harm?
- Can you avoid (mitigate) any minor impacts on the heritage?
- Is the scale, design, materials proposed for any new works appropriate?
- Is any new work in the least damaging place?

Should the proposal result in substantial harm to a designated heritage asset, evidence of appropriate marketing is required to demonstrate that a heritage asset has no viable use. Evidence that conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible should also be submitted.

Useful information:

Heritage Impact Assessment - <https://www.newark-sherwooddc.gov.uk/planning/heritageconservation/planningandheritageassets/#d.en.108968>

Conservation Area Appraisals - <https://www.newark-sherwooddc.gov.uk/planning/heritageconservation/conservationareas/#d.en.99297>

19. Highway Information for all new residential development

Threshold/Trigger

All new residential development

Details of what should be included

In addition to the national requirement for detailed scaled plans the following information is also required:

- Driveway Width (for all new driveways – both shared private driveways and individual driveways)
- Driveway Visibility (for all new driveways – both shared private driveways and individual driveways) and where new boundary treatment is proposed that could affect highway visibility
- Driveway Length (for all new driveways – both shared private driveways and individual driveways)
- Turning areas (for shared driveways)
- Driveway Gradient (for all new driveways – both shared private driveways and individual driveways)
- Bin storage / collection point

- Parking areas

Other Information

For detailed information regarding general principles and minimum standards for the layout and dimensions of roads and paved areas in residential and industrial developments, please see the 6Cs Highway Design Guide available to view at www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

20. Landscape and Visual Assessments

Threshold/Trigger

Landscape and visual assessments are required to assess any potential impacts of a proposal on visual amenity and landscape character.

Statements will be required for all proposals which impact on the visual amenity or landscape character of an area. These include, but are not limited to:

- Proposals for wind turbines or solar farms
- Large scale developments
- Certain developments in the Open Countryside

Details of what should be included

The following documents are available on our website and set the policy background for landscape and visual assessments:

- [Landscape Capacity Study](#)
- [Landscape Character Assessment SPD \(LCA SPD\)](#)
- Core Policy 13: Landscape Character of the Newark and Sherwood Core Strategy

A landscape and visual assessment should usually include the following information:

- Topography: Explanation of how the topography of the site has affected the design of the proposed scheme.
- Current land uses: Explanation of any change of use of land and how it will affect the appearance of the landscape or adjoining land uses
- Existing trees, hedges, woodland blocks and belt
- Water bodies and ditches: Explanation of the effect of the proposed development on reservoirs, watercourses, ponds etc. that are important for site drainage and wildlife habitat.
- Man-made features: Consideration should be given to any existing visually intrusive man-made features
- Views: Identify key views from the surrounding area to the development site. Explain how the proposed development will be likely to be visible from and/or alter these views. This should include any changes to boundary treatments, access or vegetation. Consideration should be given as to whether the proposed development is likely to be visible from surrounding areas where there currently no views. Photos of the site from key views should be provided. These should include existing views and views with the proposed development super-imposed.
- Landscape Character: Where the proposal is located within open countryside or a small settlement, describe the landscape character of the application site and adjacent surroundings. Provide an analysis of the key landscape features and special qualities of the area. Include details of any historic pattern of field boundaries, woodlands and/or settlements in the surrounding area.
- Settlement Character: Where the proposal is located within or adjacent to an existing settlement, describe the character of the settlement. This should include the type of settlement (town, village or hamlet), the predominant type of building (terraced, detached, single or two storey, architectural style, age and typical building materials). Provide an explanation of the effect of the proposal on key views to the wider landscape from the settlement together with the effect of the proposal on local landmarks or any approach roads, gateways and footways to the settlement.
- Habitat Character: Where the proposal is located on land or is adjacent to land that could provide priority habitats for wildlife (this may include unimproved upland, moorland, coastal wetland or limestone pavement), describe the effect the proposal may have upon the habitat character, together with any mitigation.

- Heritage Assets: Where the development is located within or adjacent to a heritage asset (listed buildings, scheduled monuments, conservation areas and registered parks and gardens), describe the effect the proposal may have upon any heritage assets.
- Non-designated heritage assets: These may include above and below ground archaeology. Buildings, land or features with a historic, architectural community or archaeological interest can be considered as heritage assets, even if they are not nationally designated. Archaeological interest may apply to heritage assets, whether designated or not, when the development and history of a building may only be revealed through archaeological investigation, when modern features and additions are removed.

21. Landscaping Scheme (Hard and Soft Landscaping)

Threshold/Trigger

Where extensive hard or soft landscaping is proposed. In a number of cases these can be dealt with by way of a planning condition once planning permission has been granted. However, if a scheme is particularly sensitive from either an ecological or visual point of view, then these may be required at the validation stage.

Details of what should be included

- Metric scale 1:500 (Layout plans) and 1:200 or 1:100 (Planting schemes).
- For residential development, plot nos. should be identified.
- Topographical site survey showing spot levels, contours, structures, walls, fences, existing trees (Root Protection Areas), significant shrubs and vegetation; service runs and easements; buildings on site and building edges off-site.
- Planting plan should include positions, species/variety, density of planting, maximum size at maturity, grille and guard specifications, weed control measures, slope stabilisation methods, protective measures (from vehicle and pedestrian movements, grazing animals, vandalism etc.)
- Management plans, including objectives and after care maintenance.
- Hard landscaping plans should include details of surfacing, footways, boundary walls/fences, retaining walls; protective measures against vehicle impact, pedestrian shortcuts, vandalism (bollards, tree guards, permanent fencing, low walls etc.); lighting, street furniture, special features (art work etc.), refuse storage structures, utility routes, sub-stations etc.

22. Open Space Statement

Threshold/Trigger

An Open Space Statement is required for all developments that will result in the loss of open space

Details of what should be included

Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a Local Planning Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements.

Applications involving the loss of playing fields.

The following information is required:

Document	Presenting details on....	
Required for all applications		
Consultation notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015. 3. Location and nature of existing buildings. 4. Location and nature of existing facilities for sport (including the layout of summer and winter playing pitches). 5. Significant features (e.g. trees, slopes, paths, fences, sewers) ¹ . 6. Existing levels across the site ¹ .	
Proposed site plan	7. Location and nature of the proposed development. 8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works, e.g. landscaping). 9. Location and nature of all existing facilities for sport (clearly showing any revised locations from the existing plan). 10. Any changes to existing features and levels ¹ .	
Supporting statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above). 12. Reason for the chosen location and alternatives considered. 13. Any proposed changes in the provision of indoor and outdoor facilities for sport on the site (including ancillary facilities).	
Document	Present details on...	
Required in relation to specific playing fields policy exceptions		
	Exceptions	
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced facilities for sport (including relevant ancillary facilities) ¹ .	2, 4 and 5
Supporting statements	15. Current and recent users of the playing field and the nature and extent of their use. 16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} . 17. How the development will be of benefit to sport (including benefit to existing and potential users) ² . 18. The specification of any ancillary facilities e.g. sports lighting ¹ . 19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² . 20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale). 21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including ³ : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	1, 4 and 5 1, 4 and 5 2, 4 and 5 2, 4 and 5 4 and 5 4 4

1. Level of detail proportionate to the nature of the development and its impact on the playing field.
2. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.
3. Details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and National Governing Bodies of sport design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Note: As set out within the Government's Planning Practice Guidance, any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions.

- The size of the existing playing field and how much of the playing field is affected by the proposal (in ha or m²);
- Existing site plan, clearly showing the layout of the winter and summer pitches including safety margins at a minimum 1:1000 scale;
- Proposed site plan, showing how any proposed new buildings and other works are likely to impact on the existing pitch layout. Any realignment of pitches should also be shown;
- Copy of any relevant correspondence, supporting statement or submission, including when last used, used by whom, in addition to what formal sports provision is being proposed if any), including replacement facilities;
- Any information of alternative sport and recreational provision.

Open space required as part of new development for other purposes

Where an application for new development (usually, but not exclusively, for residential purposes) generates a requirement for open space provision in accordance with the planning policy prevailing at the time, details of the provision must be included in the application. The details must include:

- The precise location of the open space land in relation to the layout of the overall scheme (normally, the open space should be shown on the site layout plan(s).
- Details of the layout of the open space including all fixed equipment, fencing, access arrangements and planting;
- A timescale for the open space to be completed and made available, preferably in relation to the timescale for the overall development;
- Proposals for the future maintenance of the open space. If this involves transferring the site into Council ownership, draft heads of terms of the necessary [s106 agreement](#);
- If provision is to be met by a financial arrangement rather than on site, draft heads of terms of the necessary [s106 agreement](#).

Other Information

Further information can be found on the Sports England website <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

23. Noise Impact Assessment

Threshold/Trigger

A Noise Impact Assessment is required to determine whether a proposed development will have a significant impact on existing noise levels or whether, when all appropriate forms of mitigation have been considered, the existing noise environment will adversely affect the proposed development. They are required for the following types of development:

- Proposed developments that have the potential to generate noise, for example, industrial units, installation of external air conditioning and ventilation / exhaust system / flue units, workshops, day nurseries, nightclubs, public houses, restaurants/takeaways, schools/colleges, outdoor sports facilities etc.
- Proposed developments located next to an existing noise source, for example, next to an industrial site, a busy road, or railway line.

Details of what should be included

A noise impact assessment should include the following information:

- Existing background noise levels measured over a 24-hour period (including the cumulative noise levels of all existing units)
- Proposed noise levels (including the cumulative noise levels of all proposed units)
- Any proposed measures to reduce noise from the proposed development
- The system manufacturer's specification of any proposed equipment to be installed, altered or replaced
- Details of the method used to compile the report and examples of the calculations and assumptions made.

Please note that you cannot carry out a noise impact and sound insulation assessment yourself. It must be completed by a qualified acoustician.

Other Information

For the installation of external air conditioning and ventilation / exhaust system / flue units a separate ventilation and extraction report is required. [Please see separate section in this document.](#)

Please see the relevant prevailing British Standards and Good Practise Guidance

24. Odour Impact Assessment

Threshold/Trigger

An Odour Impact Assessment is required to determine whether a suitable standard of amenity can be achieved where development proposals are located adjacent to or within existing uses that might cause a detrimental impact. Examples might include

- water recycling centres (sewage treatment works);
- Agricultural and similar activities that might involve waste handling e.g. poultry sheds

Details of what should be included

An odour impact assessment should include the following information:

- include details of the baseline of the existing climate around the site
- identify operations that could lead to the generation of odours
- assess the change in baseline conditions that may result from the proposed development
- identify the receptors that could be affected by the odours arising from proposed operations on the site
- recommend mitigation and management measures such as those on [DEFRA website](#), including: site layout, enclosure in buildings, managing stockpiled waste and open ground
- recommend proposals to monitor and report on odours and enable effective response to any complaints

Please note that you cannot carry out an odour impact and sound insulation assessment yourself. It must be completed by a qualified odour consultant.

Other Information

Guidance on the assessment of Odour for planning. Institute of Air Quality Management, May 2014:
<http://iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

IPPC SRG 6.02 (Farming) Odour Management at Intensive Livestock Installations, Environment Agency 2005:
https://www.sepa.org.uk/media/60931/ippc_srg6_02_odour-management-at-intensive-livestock-installations-may-2005.pdf

IPPC H4 Odour Management Guidance: Environment Agency:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geho0411btqm-e-e.pdf

Advice can also be sought from the relevant sewerage company – Anglian Water or Severn Trent

25. Planning Obligations Pro Forma Statement

Threshold/Trigger

A Section 106 Agreement is required to secure the following:

Affordable Housing

- All new housing developments involving more than 10 units (i.e. 11 or more) or where the maximum combined gross floorspace exceeds 1,000 square metres (gross internal area) regardless of the number of units.
- All applications for rural affordable housing that would not otherwise be acceptable in principle regardless of the number of units or floorspace.

Community Facilities

- Residential developments of 10 or more dwellings

Education

- Residential developments of 10 or more dwellings and where a development generates a need for additional places to be provided in existing primary schools
- In some circumstances (i.e. large scale major housing scheme) the size of the development will generate a requirement for a new school. Where this is required the developer will be expected to provide a site and construction costs including professional fees, furniture and equipment
- Proposals to redevelop an existing school site by a developer would normally trigger need for a replacement school (where the existing school is not surplus to requirements).

Health

- Residential – 65 dwellings or more and/or
- Development which places extra demand on the local health care provision through its operation
- Applications for the development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation will need to be assessed for their impact on the local healthcare functions on a case by case basis

Libraries

- Residential development of 10 or more dwellings which generates a need for additional library provision.

Open Space

New housing developments as set out below:

- Provision for children and young people; 10 or more dwellings in Settlements Central to delivering the Spatial Strategy¹ or 5 or more dwellings in all other areas of the District
- Amenity green spaces – 30 or more dwellings
- Outdoor sports facilities – 100 or more dwellings
- Allotments and community gardens – 400 or more dwellings
- Natural and Semi-Natural Green Space – 10 or more dwellings

In respect of the above, smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.

Open Space - Suitable Alternative Natural Green Space (SANGS)

- Developments within a 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton) that add additional recreational pressure on the SAC by increasing the number of people to the area that may then use the SAC.

Transport

Type of Development	Unit size triggering 30 two-way peak hour vehicle trips
Food retail	Per 250m ² gross floor area(gfa)
Non-food retail	Per 800m ² gfa
Residential*	Per 50 Units or 1.2hectares
B1(a)** Office	Per 1,500m ² gfa
B1** Non-office / B2 General Industry	Per 2,500m ² gfa
B8 Storage & Distribution	Per 3,000 m ² gfa
Other Uses - Transport Statement thresholds	Please see section on Transport Statement/Assessment below

¹ Newark Urban Area, Southwell, Ollerton & Boughton, Clipstone, Rainworth, Collingham, Sutton-on-Trent, Farnsfield, Lowdham, Bilsthorpe, Edwinstowe and Blidworth

* It would be reasonable to expect a contribution towards a residential development containing solely flats/apartments to be in the region of 50% of that expected for Dwelling houses.

** The Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.

Details of what should be included

All applications that meet the above triggers must be accompanied by a Draft Heads of Terms. This should include:

- Confirmation as to who is drafting the S106 Agreement (i.e. – if you wish this LPA to draft this, you will need to confirm that you are prepared to pay our reasonable costs)
- Names, addresses and contact details of the solicitor being used.
- Proof of Title /Land Registry Information
- Details of the Proposal
- Details of what the Obligation(s) is/are for
- Details of who the interested parties.

If the developer considers that it is not financially viable to enter into an Agreement or that they wish to make reduced payments, a clear and robust Financial Viability Assessment must be submitted, See details for viability assessments below.

Other Information:

Local authorities are required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register.

The detailed requirements can be found in the District Council's Supplementary Planning Document on Developer Contributions www.newark-sherwooddc.gov.uk/spds/

26. Planning Statement

Threshold/Trigger

Required for

- All major planning applications
- Applications that are not in accordance with the development plan
- Proposals that require detailed policy consideration

Details of what should be included

This should provide an explanation and justification for the proposals in the context of relevant national and local plan policies. A suitable statement may include:

- An assessment of the site and its context
- A description of the proposed development
- An assessment of the relevant planning policy and an appraisal of how the proposal accords with that policy context
- The need for the development and any benefits that would arise from the proposed development (such as economic benefits from new employment, provision of community facilities, affordable housing, environmental improvements, regeneration etc.)

27. Rights of Way

Threshold/Trigger

Required for:

Inclusion of a Right of Way (RoW) within the application boundary or alongside the outside edge

Details of what should be included

- A plan showing how the RoW is affected or being protected
- A statement of how the RoW will be managed during the development:
 - ability to keep the path open;

- requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route;
- requirement to apply for a diversion or extinguishment of the path;
- Whether improvement to the paths are anticipated as a result of increased and higher level use and how that is to be managed. This may involve a 106 agreement
- Proposed future maintenance of the RoW if it is within public open space
- Information as to the future ownership of the land over which the path runs on completion of the development

Other information:

Early engagement with Rights of Way Team is encouraged: Email: countryside.access@nottsc.gov.uk
 Phone: 0300 500 8080 Website: www.nottinghamshire.gov.uk.

28. Statement of Community Involvement

Threshold/Trigger

Required for all applications where pre-application consultation has taken place with the local community

Details of what should be included

The National Planning Policy Framework advises local planning authorities to encourage developers to engage with the local community before submitting their planning application.

The Council will encourage developers to undertake early community consultation particularly for planning proposals that may give rise to local controversy, those that are on sensitive sites or those that are significant in scale. Where pre-application community consultation takes place (which may include local public exhibitions, notices in the press and around the site, notification to local councillors and Parish Councils), a statement should be submitted to describe how, when and where consultation has taken place; a summary of the level and content of responses; and, any changes that have been made to the proposed scheme to take account of those responses.

Further information may be found within the Council’s adopted [Statement of Community Involvement](#)

29. Street Scene Plans

Threshold/Trigger

As requested by the Local Planning Authority

Details of what should be included

Scaled drawings - In some circumstances the LPA will require drawings showing elevations in the context of the street scene. This is to assess the design of the scheme in general and to assess how the proposal will integrate into the existing neighbourhood. For larger developments, internal street scenes will also be required to assess the design of the scheme.

30. Structural Survey

Threshold/Trigger

- Proposals involving the demolition of heritage assets
- Proposals involving the conversion of heritage assets involving significant re-building works (i.e. which involve replacing/rebuilding some or part of a roof or a wall)
- Proposals involving the conversion of rural buildings (both planning applications and change of use prior notification applications)
- Works for applications to trees protected by a Tree Preservation Order where the reason for works relates to structural issues

Details of what should be included

This survey must be carried out by a suitably qualified person (such as a chartered member of the Institution of Structural Engineers or equivalent). Each survey must contain the author’s name and qualifications.

For proposals involving the demolition of heritage asset, a full external and internal structural survey is required to explore the structural condition of the building and demonstrate that the building is not structurally capable of repair and/or conversion.

For proposals involving the conversion of a heritage asset or a rural building, a full external and internal structural survey is required to demonstrate that the building is capable of conversion without the need for substantial re-building works. This should be accompanied annotated plans to show the extent of any repair or re-build works as appropriate.

31. Telecoms Supporting Information

Details of what should be included

Confirmation that development is by or on behalf of a telecommunications code system for operation for the purpose of the operator's telecoms systems (Class A of Part 16 of the General Permitted Development Order).
Evidence that the use of an existing mast, building or structure has been considered.
Statement that the proposed mobile phone base station, when operations will meet ICNIRP guidelines.
Confirmation of the frequency and modulation characteristics and details of power output in relation to antenna.

32. Tourism Need Statement

Threshold/Trigger

Application for new tourist accommodation outside of defined built-up areas (within the Open Countryside).

Details of what should be included:

This Report would need to provide evidence to demonstrate that there is an identified need in this area for visitor accommodation and should quote information from the NSDC Visitor Economy Strategy 2020-23 and other sources, as appropriate.

Other Information

Policy DM8 of the Allocations and Development Management DPD, Core Policy 7 of the Core Strategy, D2N2 Visitor Accommodation Strategy 2017.

33. Town Centre Uses Assessment

Threshold/Trigger

Main town centre uses (see definition below) will require a 'Town Centre Use Assessment' in the following circumstances:

- Sequential Assessment is required for all proposed main town centre uses and retail development, not in an existing centre (area defined on a LPA proposal map) and not in accordance with an up-to-date Development Plan (except for small scale rural offices or other small scale rural development).
- Impact Assessment is required for:
 - Proposed retail development which is located outside of a defined centre and has a gross floorspace equalling or exceeding the levels below:-
 - Newark Urban Area - 400 sqm. (gross)
 - Rest of the District - 350 sqm. (gross)
 - Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace equalling or exceeding 2,500 sqm. (gross)
 - Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace of less than 2,500 sqm. (gross) where specifically requested by the Local Planning Authority.

Definition: Main town centre uses comprise:

- retail development (including warehouse clubs and factory outlet centres);
- leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices;
- arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Details of what should be included:

Sequential Test – This should assess the application against the town centre first policy, i.e. it should demonstrate that there are no other more suitable, viable and available sites in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Impact Assessment – The scope of an impact assessment should be proportionate to the level and type of development proposed and can be agreed as part of the Council’s pre-application enquiry service (see top of this document).

An Impact Assessment should include assessment of:-

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in 5 years the impact should also be assessed for up to 10 years from the time the application is made.

Other Information

Please refer to the NPPF, Policy DM11 of the Allocations and Development Management DPD and Core Policy 8 of the Core Strategy.

34. Transport Statement/Assessment**Threshold/Trigger**

All developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. This includes:-

- Those sites identified within the Amended Core Strategy (March 2019) or Allocations & Development Plan Document (July 2013) [or as may be amended];
- Sites near to environmental designations or sensitive areas (such as Special Protection Area);
- Cumulative impact of multiple developments.

Proposal*	Transport Statement or Transport Assessment when gross floor area (GFA)	Travel plan required, if floor space exceeds
Food retail development	250 sq m or more	800 sq m
Non-food retail development (A1)	800 sq m or more	1500 sq m
Financial and professional services development (A2)	1000 sq m or more	2500 sq m
Restaurant and cafes development (A3)	300 sq m or more	2500 sq m
Drinking establishments (A4)	300 sq m or more	600 sq
Hot food takeaway (A5)	250 sq m or more	500 sq m
Offices and light industry (B1)	1500 sq m or more	2500 sq m
General industry development (B2)	3000 sq m or more	5000 sq m
Storage and distribution (B8)	3000 sq m or more	5000 sq m
Hotels, guest and boarding houses (C1)	Number of bedrooms exceeds 75	Number of bedrooms exceeds 100
Residential institutions (C2) hospitals, nursing homes etc.	Over 30 beds	
Residential institutions (C2) – educational institutions	Number of students exceeds 50	Number of students exceeds 150
Residential institutions (C2) – other institutions	Number of residents exceeds 250	Over 400 residents
Residential development (C3)	Number of residents is 50 or more	Over 80 residents
Non-residential institutions (D1)	500 sq m or more	1500 sq m

Assembly and leisure development (D2)	500 sq m or more	1500 sq m
For other forms of development not listed, please seek advice direct from Nottinghamshire County Council Highways Authority.		
* Please note the Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.		
<p>Details of what should be included</p> <p>The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment:</p> <ul style="list-style-type: none"> • information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport); • information about neighbouring uses, amenity and character, existing functional classification of the nearby road network; • data about existing public transport provision, including provision/ frequency of services and proposed public transport changes; • a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site; • an assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years); • data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network; • an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area; • an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas); • measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms; • a description of parking facilities in the area and the parking strategy of the development; • ways of encouraging environmental sustainability by reducing the need to travel; and • measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads. <p>In general, assessments should be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). Projections should use local traffic forecasts such as TEMPRO drawing where necessary on National Road Traffic Forecasts for traffic data.</p> <p>The timeframe that the assessment covers should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. However, in circumstances where there will be an impact on a national transport network, this period will be set out in the relevant government policy.</p> <p>Other Information</p> <p>The Highways Authority is based at Nottinghamshire County Council. Contact: Highways North Area Office, Nottinghamshire County Council, Welbeck House, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9FF. Tel 0300 500 8080 Website: www.nottinghamshire.gov.uk</p> <p>Planning Practice Guidance National Planning Policy Framework</p>		

35. Travel Plan

Threshold/Trigger

All developments that generate significant amounts of transport movement should be supported by a Travel Plan. This includes:-

Proposal *	Gross Floor Area (GFA) sq m	No. of bedrooms	No. of Students or Residents	No. of Dwellings
Food retail development (A1)	In excess of 800			
Non-food retail development (A1)	In excess of 1500			
Financial and professional services (A2)	In excess of 2500			
Restaurant and cafes development (A3)	In excess of 2500			
Drinking establishments (A4)	In excess of 600			
Hot food takeaway (A5)	In excess of 500			
Offices and light industry (B1)	In excess of 2500			
General industry development (B2)	In excess of 4000			
Storage and distribution (B8)	In excess of 5000			
Hotels, guest and boarding houses (C1)		Exceeds 100		
Residential institutions (C2) hospitals, nursing homes etc.		Exceeds 50 beds		
Residential institutions (C2)			In the case of educational institutions where no. of students exceeds 150 or for other institutions where no. of residents exceed 400	
Residential development (C3)				80 or more
Non-residential institutions (D1)	In excess 1000			
Assembly and leisure development (D2)	In excess 1500			

* The Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.

A **Full Travel Plan** should normally be submitted to support a full planning application. This will include clear targets, measures to achieve those targets, and a monitoring & review framework.

An **Interim (Outline) Travel Plan** may be more appropriate for certain applications (particularly outline applications) where there are few occupiers (less than five) and these occupants remains unknown. They should still include clear targets (based on maximum car trips) but some aspects may remain provisional (i.e. details of measures). An important component of the Interim Travel Plan would be a timeframe in which to develop and agree with the local highway authority a full Travel Plan.

A **Framework Travel Plan** can be submitted in the case of large developments with multiple (more than five) occupants and where the occupier(s) remains unknown. It should focus on targets and measures across the whole site and should be administered centrally. As individual occupiers come to the site, they should develop unit Travel Plans that are consistent with the Framework Travel Plan. As large sites can take some time to occupy, the Framework Travel Plan should include as a key component a clear timetable setting out when measures would be enacted.

For other forms of development not listed, please seek advice direct from Nottinghamshire County Council Highways Authority.

Details of what should be included:

Travel Plans need to be proportionate to the type of development they are supporting as set out above. They should identify the specific required outcomes, targets and measures, and set out clear future monitoring and

management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

Travel Plans should set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission vehicles). They should address all journeys resulting from a proposed development by anyone who may need to visit or stay and they should seek to fit in with wider strategies for transport in the area.

They should evaluate and consider:

- benchmark travel data including trip generation databases;
- Information concerning the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development;
- relevant information about existing travel habits in the surrounding area;
- proposals to reduce the need for travel to and from the site via all modes of transport; and
- provision of improved public transport services.

They may also include:

- parking strategy options (if appropriate – and having regard to national policy on parking standards and the need to avoid unfairly penalising motorists); and
- proposals to enhance the use of existing, new and improved public transport services and facilities for cycling and walking both by users of the development and by the wider community (including possible financial incentives).

These active measures may assist in creating new capacity within the local network that can be utilised to accommodate the residual trip demand of the site(s) under consideration.

It is often best to retain the ability to establish certain elements of the Travel Plan or review outcomes after the development has started operating so that it can be based upon the occupational and operational characteristics of the development.

Any sanctions (for example financial sanctions on breaching outcomes/processes) need to be reasonable and proportionate, with careful attention paid to the viability of the development. It may often be more appropriate to use non-financial sanctions where outcomes/processes are not adhered to (such as more active or different marketing of sustainable transport modes or additional traffic management measures). Relevant implications for planning permission must be set out clearly, including (for example) whether the Travel Plan is secured by a condition or planning obligation.

Travel Plans can only impose such requirements where these are consistent with government policy on planning obligations.

Other Information

It should be noted that if a development meets the thresholds that trigger the need for a Travel Plan you will also need to provide a Transport Statement/Assessment (See section above)

Nottinghamshire County Council has guidance on their website at www.nottinghamshire.gov.uk/transport/public-transport/plans-strategies-policies/travel-plans and may be contacted via telephone: 0300 500 80 80 or email: transport.strategy@nottscc.gov.uk.

36. Tree Surveys

Threshold/Trigger

A tree survey should accompany all applications where trees may be affected by the proposed development. This includes trees on adjacent land or highways [in addition to Ancient Woodlands or existing woodlands](#)

Details of what should be included

Detailed information as to what to include in a tree survey as per the specification of BS 5837:2012. The survey should be proportionate to the both the amount of development proposed and the number and importance of trees affected by the development.

The location of the trees must be identified on a scaled plan and the planning case officer will also conduct a site visit to check whether trees are present.

If you are unsure whether the development may affect trees you should, as a minimum, submit a site plan to a scale of 1:200 or 1:500 indicating the proposed development and location of tree trunks and the crown spread of all trees within falling distance of the boundary of the application site. Based on this site plan a tree survey may or may not be requested following a desktop review of aerial photographs and other spatial data.

Tree surveys shall include all the information required as per the specification of BS 5837:2012, or by any subsequent updates to this standard.

This includes:

- Location of all existing trees (reference number to be recorded on the tree survey plan) over 75mm in diameter measured at 1.5m above ground level which are:
 - Within the site
 - Overhanging the site
 - Within a distance of the boundary of the site which is less than half the height of the tree; or
 - Located on land adjacent to the development site that might influence the site or might be important as part of the local landscape character.
- Trees which are less than 75mm diameter at 1.5m above ground need not be accurately surveyed but should be indicated;
- Existing buildings/structures;
- Hard surfaces;
- Water courses;
- Overhead cables;
- Underground services including their routes and depths;
- Ground levels throughout the site;
- Location of all existing hedges, a list of the woody species that they contain and details of any features within the hedge, e.g. banks or supporting walls;
- Soil type(s);
- Wildlife features (e.g. birds, nests, bat roosts - see Wildlife and Countryside Act 1981);
- Historical features; and
- Any other hard features.

A Tree Survey shall include a Tree Constraints Plan, a Tree Protection Plan and an Arboricultural Impact Assessment. The tree survey must also include the following information about the trees (that have a diameter greater than 75mm) which are indicated on the plan:

- Species (common and scientific name, where possible);
- Height;
- Diameter of the stem measured at 1.5m above ground level;
- Root Protection Area (RPA);
- Canopy spread of each tree for all four compass points;
- Age Class (e.g. young, semi-mature, mature, over-mature, etc.);
- Assessment of the condition including trunk, crown, roots;
- Life expectancy (e.g. very long, long, medium, short, very short); and
- A full schedule of tree works including those to be removed and those remaining that require remedial works to ensure acceptable levels of risk and management in the context of the proposed development. The method of disposal of all arisings should also be included along with the precautions to be taken to avoid damage to Root Protection Areas and trees to be retained;
- Amenity value- both existing amenity value and proposed amenity value;
- British Standard status - colour coded system identifying suitability for retention; and
- A schedule to the survey should list all the trees or groups of trees.

In assessing the amenity value of trees, regard should be given to three criteria:

- Visibility: The extent to which the trees or woodlands can be seen from a public viewpoint (e.g. a footpath or road);
- Size and Form: Taking into account factors such as the rarity of trees, their potential growth, and their value as a screen;
- Wider Impact: The significance of the trees in their local surroundings taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity; and
- All trees that are surveyed must be clearly tagged on site to enable their identification when considering the tree survey.

Further information on trees, as well as a description of common tree work operations can be found on [The Arboricultural Association website](#).

In the case of Ancient Woodlands and/or veteran trees, wholly exceptional reasons and suitable compensation strategy must be provided as part of the application. The assessment shall include:

- A statement demonstrating whether the ancient woodland is the only place for the proposal;
- The size of ancient woodland to be affected
- Whether any area of woodland will be lost
- How well connected the woodland is
- Whether there will be damage to root protection areas of the woodland or individual trees
- A survey for protected species (see section 12: Ecological and Protected Species Assessment)
- Whether the development has the potential to affect the woodland through changes to air quality or to ground water (pollutants or changes in hydrology). If yes, an assessment and mitigation is required
- Whether access to the woodland will increase
- The current function and planned function, of the land to be lost to development
- Whether any proposed landscaping includes native or exotic species
- Conclusions – of the likely impacts and any mitigation required

Further information on Ancient Woodlands can be found at <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>.

Other Information

For further information please see: *British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations*;
National Planning Policy Framework

37. Ventilation and Extraction Report

Threshold/Trigger

Ventilation or extraction is used to make sure that no nuisance, disturbance or loss of amenity is caused by odour, fumes, food droplets or noise to nearby properties. It is required in the following circumstances:

- Any developments which include the installation of ventilation systems or air-conditioning units. This includes premises in Use Class A3/A4/A5. Use Classes A3/A4/A5 covers that comprise the sale of food and drink for consumption on the premises or of hot food for consumption off the premises. It covers most restaurants, cafes, pubs and premises providing hot food take-away. It may also includes other businesses where the installation of externally mounted air-conditioning units is proposed.
- Should details of the equipment not be known at the time of submission of the application, a condition is likely to be imposed to any grant of permission requiring information detailed below (as appropriate) to be submitted.

Details of what should be included

A suitably qualified and experienced person with specialist knowledge of ventilation schemes should undertake the design and installation of a ventilation system. In circumstances where the end user of the premises is unknown, or where the specific type of food to be cooked is unknown, the installation should be designed to achieve the highest level of odour control in order to cater for a worst case scenario.

1. Information on premises

The following information should be supplied:

- the number of meals to be served per day;
- the method(s) of preparation and cooking;
- the types of meal served, e.g. fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc.; and
- proposed hours of operation of the business and any ventilation plant.

2. Plans and drawings

Provide a scaled plan showing the internal arrangement of the premises and the dimensions/location of the ventilation system. The plan must contain external elevations of the buildings showing:

- dimensions;
- route; and
- exhaust characteristics (i.e. appearance) of the ductwork in relation to the building.

The location of all filters and the fan must be clearly marked. Where the location of a filter is shown the type must be clearly identified and cross-referenced to the detailed product specification.

3. Pre-filters

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name;
- filter name and product code;
- dimensions of the pre-filter; and
- nature of the filter media.
- manufacturer's recommendations on the frequency and type of maintenance of the pre-filter having regard to the conditions that it will be used under.

4. Electrostatic precipitators (where proposed)

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name;
- ESP name and product code;
- dimensions of the ESP; and
- flow rate rating.

Manufacturer's recommendation on the frequency and type of maintenance of the ESP having regard to the conditions that it will be used under.

5. Carbon Filters (where proposed)

The details and type of carbon filter units should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name;
- filter name and product code;
- dimensions of the filter panel; and
- the total number of filter panels in the filter bed.

The following information should also be included:

- the nature of the carbon (including product type);
- the frequency of replacement of the carbon units having regard to the conditions that it will be used under. The assumptions to this calculation must be clearly stated, including the frequency and duration of use. The manufacturer should provide recommendations on the frequency and type of maintenance required;
- total volume of carbon expressed in cubic metres;
- total mass of carbon expressed in kilograms;
- total surface area of the panels exposed to the exhausted air; and
- dwell time of the gases in the filter compartment and the control setting at which this is achieved. The assumptions to this calculation must be clearly stated, and should include the air change rate for the setting quoted.

6. Odour counteractant or neutralising system (where proposed)

The details and type of counteractant or neutralising system should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name;
- name of delivery system and product code;
- counteractant or neutralising chemical to be used;
- COSHH data sheets for chemical to be used; and
- anticipated counteractant or neutralising delivery rate.

7. Cooker hood

The following information on the characteristics of the cooker hood should be supplied that clearly shows the:

- length that the cooker hood overhangs the appliances;
- face velocity at the cooker hood, expressed in metres per second; and
- dimensions of the opening of the cooker hood.

8. System Operation

In addition to the specification of the components the following must be provided about the system:

- extract rate (expressed as m³/s) at the proposed rate of extract;
- dwell time of the gases in the carbon filtration zone;
- volume of the kitchen; and
- efflux velocity

Note: The system performance is dependent upon the extract rate of the air. Where the rate can be adjusted by the use of dampers or a variable speed fan, then the conditions under which the extract rate can be achieved must be described.

9. Flue Design

The height and velocity of the final discharge are the two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. The discharge of air should be at a minimum height of 1m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution.

Where this is not possible (e.g. because of ownership or structural constraints), additional techniques will be required in order to reduce odours, such as an increase in efflux velocity and additional filters, etc.

The final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

10. Noise

Data on the noise produced by the system as a whole should be provided including:

- sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated);
- an octave band analysis of the noise produced by the system should also be provided, where possible; and
- hours of operation of the ventilation system (where this differs from the hours of opening).

11. Maintenance

A schedule of maintenance must be provided including details for:

- cleaning of washable grease filters;
- frequency of inspection and replacement of all filters (grease filters, pre-filters and carbon filters where proposed);
- inspection and servicing of fans; and
- if schedule is not based on manufacturer's instructions include the reasons why.

12. Additional notes for guidance

The air inlets must not permit pests to enter the kitchen. Fly screens are an example of how this can be achieved.

Sufficient air must be permitted into the premises to replace air extracted. The method for supplying this make-up air should be detailed.

The route of the air into the kitchen must not result in its contamination, for example passage through a toilet. Separate provision must be made for ventilation of a toilet.

There must be sufficient access points to permit adequate cleaning of all the ductwork.

Other information

For further information please contact the Council's Environmental Health team on 01636 650000 or email customerservices@newark-sherwooddc.gov.uk

38. Viability and Marketing Statements

Threshold/Trigger

Where applicants do not consider that development schemes would be viable in relation to the policy requirements and/or planning obligations made of them, a viability assessment justifying the reasons for this must accompany the planning application.

Where applicants consider that a building cannot retain its employment or community use and an alternative use is the only viable option.

Where the application proposes the removal of a rural worker occupancy condition.

Details of what should be included

All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.

Where the developer considers that it is not financially viable to enter into an agreement, or that they can make reduced payments, then a clear and robust financial viability assessment must be submitted. This should include the following information:

- Schedule of both gross and net internal floor areas;
- Land purchase price (with proof), and the estimated market value of the site;
- Date of land purchase;
- Schedule of development costs (normals);
- Schedule of development costs (abnormals);
- Proof of development costs (abnormals);
- Reasons why full costs (including abnormals) were not reflected in the purchase price;
- Expected sale price of dwellings/buildings (including at what date/s); and
- Intended profit level/s (including profit type).

In relation to affordable housing the assessment should include all the above and details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision.

Known costs such as site clearance, preparation, retaining walls, piling, infrastructure provision and or diversion, highways works, servicing, flood mitigation measures, archaeology, decontamination/remediation will not be considered as abnormals. Where abnormal costs can clearly be demonstrated, a reduction in the contribution may be agreed on a site by site basis.

For proposals involving the loss of employment or community use and for the removal of a rural worker occupancy condition;-

Applications should be accompanied by appropriate marketing of the building/site. This should include:

- a. copy of the sales particulars prepared;
- b. details of the original price and the new guide price;
- c. schedule of the advertising carried out with copies of the advertisements and details of where the advertisements were placed and when, along with an estimate of the expenditure incurred from advertising;
- d. the confirmed number of sales particulars which have been distributed, along with a breakdown of where the enquiries resulted from, for example, from the "for sale" or "to let" board, advertisements etc.;
- e. details of the number of viewings carried out;
- f. resulting offers and why they were dismissed;
- g. confirmation of whether a "for sale" or "to let" board was erected and the dates displayed, or if not, the reasons behind the decision; and
- h. timetable of events from the initial appointment of the agent to current date.

Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted.

Other Information

Any viability assessment should be prepared on the basis that it will be made publicly available in accordance with national guidance. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

Should an exemption from publication be sought, the Local Planning Authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.

An executive summary prepared in accordance with data standards published by government and in line with the template will present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements. Further information is available on their website at www.gov.uk/guidance/viability

Further information is also available at:

www.gov.uk/government/publications/department-for-communities-and-local-government-appraisal-guide and www.rics.org

Part 4 - Application Types

The following list provides a list of the most common application types and information required to be submitted. The links will provide access to the relevant descriptions and information within this checklist.

Advert Consent

For proposals to display an advertisement or sign which requires advert consent the following information will be required.

Always required

- Application form
- Fee
- A scaled plan identifying the location of the site [by reference to at least two named roads](#), and proposed position of advertisement

Sometimes required*

- Existing and proposed elevations [to a scale of 1:50 or 1:100](#);
- Photo montages -to show the sign in its proposed location
- Scaled details of the sign [at 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used. This includes the font size, colour and appearance](#);
- [height above ground of the advert](#);
- [extent of projection by scaled section](#) and details of method and colours of illumination (if applicable);
- [Site block plan - if the sign is not located on an existing building](#)
- [where plans are submitted, these shall include individual drawing numbers with revision numbers where applicable; and](#)
- [include a scale bar](#)

*Please note that the information listed above is often required in order to assess the impact upon highway safety and public amenity. Whilst not required in order to submit a valid application, this information will often be required in order to assess the proposal. It is advised this is submitted as part of the initial application to minimise the risk of the application being refused due to insufficient information being provided.

[The Planning Portal provides a useful Guidance Note 12](#)

Householder

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished or alterations to be undertaken that affect the floor area
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.

Sometimes required:

- Agricultural Justification - an application for an extension to an existing rural worker's dwelling.
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- Ecological and Protected Species Assessment - Where protected species are present on or near the site. This can include:-
 - Applications relating to barns and other buildings capable of supporting protected species
 - Where development is within or adjacent to a wildlife corridor or area of natural open space
 - Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
 - Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway [or a public right of way is within or alongside the site](#)
- Tree Survey - applications where trees may be affected

[The Planning Portal provides a useful Guidance Note 01](#)

Full Planning Permission

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan

Sometimes required:

- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.
- Existing Roof Plans – where an extension to an existing building is proposed
- Proposed Roof Plans – where a new building or extension is proposed
- Affordable Housing Statement
- Agricultural Justification - an application for a new agricultural rural worker's dwelling.
- Air Quality Assessment
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Bin /Waste Management Information
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination Survey
- Daylight and Sunlight Assessment
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Economic Statement
- Environment Impact Assessment (EIA) / Environmental Statement
- External Lighting Details
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:

- Involves a listed building
- Is within the setting of a listed building
- Is within a conservation area
- Is within the setting of a conservation area
- Involves a scheduled ancient monument
- Is within the setting of a scheduled ancient monument
- [Is a local interest building](#)
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway [or a public right of way is within or alongside the site](#)
- Landscape and Visual Impact Assessment
- Landscaping Scheme – applications which are proposing new landscaping or removal of existing
- Noise Impact Assessment
- Open Space Assessment
- Parking Plan – for all development which result in a change in parking requirements or loss of parking provision
- Planning Obligations Pro Forma Statement /Draft Head(s) of Terms
- Planning Statement and Additional Supporting Information
- [Rights of Way](#)
- Schedule of Works
- Statement of Community Involvement
- Street Scene Plans
- Structural Survey
- Telecoms Supporting information
- Town Centre Uses Assessment
- Transport Statements / Assessments
- Travel Plan
- Tree Survey - applications where trees may be affected
- Ventilation and Extraction Report
- Viability and Marketing Statement

[The Planning Portal provides a useful Guidance Note 04](#)

Hedgerow Removal Notice

Always required

- Site location plan identifying the hedgerow(s) to be removed
- Application form (preferably) or a written notification in the form as set out in Schedule 4 to the Hedgerow Regulations
- Statement of reasons for the works, confirming whether the applicant is the owner, tenant or manager of the hedgerow, or the relevant utility company eligible to remove it
- Evidence that the hedge is less than 30 years old [or is not of archaeological or ecological importance.](#)

https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-hedgerow_removal_notice.pdf

Listed Building Consent

Always required:

- Application Form
- Ownership Certificate
- Heritage Impact Assessment
- Listed Building Design and Access Statement
- Location Plan
- Site Plan
- Plans, elevations and sections of the building, as existing [relevant to the proposed alteration](#)

- Plans, elevations and sections of the building to show the alterations proposed ([as relevant to the proposal](#))

Sometimes required:

- Schedule of Works
- Photographs of all elevations of the building (to convey its general character) and detailed photographs (internal or external) of those parts where alterations or extensions are proposed. If available, old photographs may be particularly valuable
- In the case of Grades I and II* and, exceptionally, some Grade II listed buildings, specific internal details at a scale of 1:10, 1:5 or 1:1 may be requested.

The following additional information will be needed where the structural condition of the building requires it or where the building is to be converted to a new use:

- A building surveyor's or structural engineer's report and methodology statement, indicating on measured drawings of the building, as existing, any structural problems and a clear methodology for their rectification or alteration, including a proposed sequence of works and details of temporary works and propping.
- Joinery details - details of, for example, doors and windows should be shown to a larger scale of 1:10, 1:5, or 1:1 as appropriate.

[The Planning Portal provides a useful Guidance Note 11](#)

Non-material Amendment

Always required:

- Application form
- Fee

Sometimes required (Information required will be dependent upon the non-material amendment being sought):

- Existing and proposed elevations
- Existing and proposed floor plans
- Site block plan

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with all Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space

- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - [Is a local interest building](#)
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway [or a public right of way is within or alongside the site](#)
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with some Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required (dependent on matters that have not been reserved):

- Proposed Floor Plans
- Proposed Elevation Plans
- Affordable Housing
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species

- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - [Is a local interest building](#)
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway [or a public right of way is within or alongside the site](#)
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 05](#)

Planning Permission for Relevant Demolition in Conservation Area

Always required

- Application Form
- Site Location Plan
- Block Plan
- Heritage Impact Assessment
- Existing Floor Plans
- Existing Elevations Plans

Sometimes required

- Photographs - this needs a bullet point but I can't add one

[The Planning Portal provides a useful Guidance Note](#)

Reserved Matters

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required depending on the Reserved Matters being sought:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site. This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - [Is a local interest building](#)
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway [or a public right of way is within or alongside the site](#)
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 23](#)

Approval of Details Reserved by Condition (Discharge of a Condition(s) on a Planning Permission)

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 27](#)

Removal or Variation of Conditions

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 25](#)

Lawful Development Certificate for Existing Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Supporting evidence e.g. affidavits, historic photos, utility bills/official documents.

[The Planning Portal provides a useful Guidance Note 14](#)

Lawful Development for Proposed Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Site block plan
- Existing and proposed elevations
- Existing and proposed floor plans

[The Planning Portal provides a useful Guidance Note 15](#)

Prior Approval / Notification

The following procedures apply to the applications set out below for prior approval or change of use:

Agricultural buildings to dwellinghouses	Enlargement, improvement or other alteration of a dwellinghouse
Agricultural buildings to state-funded school or registered nursery	Installation or alteration etc of stand-alone wind turbine on domestic premises
Agricultural buildings to a flexible commercial use	Offices to dwellinghouses
Agricultural development on units of 5 hectares or more and forestry	Premises in light industrial use to dwellinghouse
Business, hotels etc. to state-funded schools or registered nursery	Provision of a temporary state-funded school on previously vacant commercial land
Click and collect facilities	Retail or betting office or pay day loan shop to assembly and leisure
Communications	Retail, betting office or pay day loan shop or casino to restaurant or café
Demolition of building(s)	Retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
Demolition of buildings and construction of new dwellinghouses in their place	Retail, takeaways and specified sui generis uses to dwellinghouses
Dwellings on detached buildings in commercial/mixed use	Specified sui generis uses to dwellinghouses
Dwellings on detached dwellings	Storage or distribution centre to dwellinghouses use
Dwellings on flats	Temporary use of buildings or land for film making purposes
Dwellings on terraced buildings in commercial/mixed use	Toll collection
Dwellings on terraced dwelling	

Agricultural buildings to dwellinghouses

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development

- a statement specifying (i) the number of smaller dwellings proposed; (ii) the number of larger dwellings proposed; (iii) whether previous development has taken place under Class Q within the established agricultural unit, and if so the number of smaller and larger dwellinghouses development under Class Q
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural buildings to state-funded school or registered nursery

Agricultural buildings to a flexible commercial use

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural development on units of 5 hectares or more and forestry development

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site
- the materials to be used
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note 16](#)

Retail or betting office or pay day loan shop to assembly and leisure

Retail, takeaway, betting office, pay day loan shop, and launderette uses to offices

Business, hotels etc. to state-funded schools or registered nursery

Installation or alteration etc. of stand-alone wind turbine on domestic premises

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Retail, betting office or pay day loan shop or casino to restaurant or café

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Click and collect facilities

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building operations proposed

- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Specified sui generis uses to dwellinghouses

Retail, takeaways and specified sui generis uses to dwellinghouses

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- statement specifying the net increase in dwellinghouses proposed by the development
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Offices to dwellinghouses

Premises in light industrial use to dwellinghouses

Temporary use of buildings or land for film making purposes

These application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- statement specifying the net increase in dwellinghouses proposed by the development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

Storage or distribution centre to dwellinghouses

Provision of a temporary state-funded school on previously vacant commercial land

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

Communications

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the proposed location
- any fee required to be paid
- the developer's contact details
- developer's email address if content to receive communication electronically

- a notice of development²
- a notification of the proposal³
- where the development is within 3km of the perimeter of an aerodrome, evidence must be provided of notification with the Civil Aviation Authority, the Secretary of Defence or the aerodrome operator as appropriate

[The Planning Portal provides a useful Guidance Note 20](#)

New dwellinghouses on detached blocks of flats

New dwellinghouses on detached buildings in commercial or mixed use

New dwellinghouses on terrace buildings in commercial or mixed use

New dwellinghouses on terrace buildings in use as dwellinghouses

New dwellinghouses on detached buildings in use as dwellinghouses

These application must be accompanied by:

- a written description of the proposed development, which must include details of any dwellinghouse and other works proposed under these Classes comprising:
 - i. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
 - ii. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
 - iii. works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
 - iv. works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.
- a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;
- floor plans which are drawn to an identified scale and show the direction of North indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;
- a written statement specifying the number of new dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the building immediately prior to development (that is, additional to any dwellinghouses in the existing building);
- a list of all addresses of the flats within the existing block of flats any flats and any other premises in the existing building;
- the developer's contact address;
- the developer's email address if the developer is content to receive communications electronically
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010
- any fee required to be paid.

² The developer must give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application.

³ Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application.

Demolition of buildings and construction of new dwellinghouses in their place

The application must be accompanied by:

- the address or location of the development;
- a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3) of the Town and Country Planning (General Permitted Development)(England) Order 2015. These operations are provided below.
- a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;
- drawings prepared to an identified scale and showing external dimensions and elevations of
 - the building proposed for demolition,
 - the building scheduled as replacement, and, in the direction of North, the positioning of each, together with
 - where the building proposed as replacement is a block of flats—
- the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it,
- the dimensions and use of all habitable and other rooms in each dwellinghouse in it;
- where the building proposed as replacement is a single dwellinghouse—
- the position and dimensions of the windows, doors and walls in it, and
- the dimensions and use of all habitable and other rooms in it.
- a written statement specifying
 - the number of dwellinghouses in the building proposed for demolition, and
 - the number of new dwellinghouses proposed in the building proposed as replacement,
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- a written statement in respect of heritage and archaeological considerations of the development;
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010;
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically;
- any fee required to be paid.

The operations in question are:

- a. operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
- b. works for the removal of plant servicing the old building;
- c. works for the disconnection of services from the old building;
- d. works for the removal of any means of access to and egress from the old building;
- e. works for the removal of storage and waste from the old building;
- f. works for the installation of plant to service the new building;
- g. works for the installation of services to be connected to the new building;
- h. works to enable access to and egress from the new building, including means of escape from fire;
- i. works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
- j. the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period:
 - i. starting with their installation no earlier than one month before the beginning of those operations, and
 - ii. ending with their removal no later than one month after the completion of those operations.

Enlargement, improvement or other alteration of a dwellinghouse

The application must be accompanied by:

- a written description of the proposed development or application form including-
 - how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse
 - the maximum height of the enlarged part of the dwellinghouse; and
 - the height of the eaves of the enlarged part of the dwellinghouse
- location plan with showing proposed site
- plans showing the proposed development
- the addresses of any adjoining premises
- the developer's contact details
- appropriate fee

[The Planning Portal provides a useful Guidance Note](#)

Demolition of building(s)

The application must be accompanied by:

- a written description of the proposed development or application form
- a statement that a notice has been posted⁴
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note](#)

Toll road facilities

The application must be accompanied by:

- a. written description of the development
- b. plans and elevations of the proposed development
- c. any fee required to be paid

Permission in Principle

These applications are an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposed development from the technical detail of the development. Find out more by visiting www.gov.uk/guidance/permission-in-principle.

Always required

- Application Form
- Fee
- Location Plan
- Site block plan

Technical Details Consent (in relation to Permission in Principle)

Following the granting of Permission in Principle (PIP) an application for Technical Details Consent can be made, validation requirements are the same as for a planning application - so please refer to the relevant development type. Please note you must make reference to the PIP application number in your submission.

Find out more by visiting www.gov.uk/guidance/permission-in-principle.

⁴ *The application requires the applicant or agent to erect a site notice for no less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority. Following this, a statement will need to be submitted to the Local Planning Authority with a description of where the site notice was put and date it was displayed.*

Works to Trees in Conservation Area

Always required

- Application Form – whilst not legally required we recommend the form available on the Planning Portal. If you chose not to use the application form, the following minimum information will be required:
 - Your contact details
 - Owners details
 - Site address (location of tree/s)
 - Information on the works to proposed, including species (e.g.: felling of 2 Silver Birch trees (T1 and T2))
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree(s) relative to surrounding buildings/roads.

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g. ‘crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)’. Alternatively you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on the following website <https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-tree-work-terminology-and-definit>

Sometimes required:

- Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings;
- Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety; and
- Replanting information, where applicable.

Works to Trees Subject to a Tree Preservation Order (TPO)

Always required

- Application Form;
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree/s;
- Tree assessment – species, spread, roots and position of trees; details of the works you propose; why the works are necessary and any proposed replacement trees. Details can also be found within BS 5837:2012; and
- Tree felling - Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety (to be provided by a relevant engineer, building/drainage surveyor or other appropriate expert)

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g. ‘crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)’. Alternatively you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on the following website <https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-tree-work-terminology-and-definit>

Sometimes required:

- Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings;
- [Appropriate evidence describing any structural damage to property or in relation to tree health or safety](#)
- Replanting information, where applicable.

Urgent works to Protected Trees (presents an immediate risk of serious harm)

Where a tree presents an immediate risk of serious harm (for example injury to a passing pedestrian due to the tree falling) and work is urgently needed to remove that risk, tree owners or their agents must give written notice to the local authority as soon as practicable after that work becomes necessary. **Work shall only be carried out to the extent that it is necessary to remove the risk.**

The applicant/owner is still required to notify the local authority of the works and must provide the following:

- Contact details of person reporting the risk
- Owner details
- Site address of location of tree/s
- Species of tree
- TPO reference
- Evidence of the immediate risk, including details of risk/damage/condition
- Supporting information/justification from a suitably qualified professional – photographs can be provided showing damage.

You may be required to plant a replacement tree to ensure the ongoing presence of trees at the site.

If the danger is not immediate the tree does not come within the meaning of the exception, 5 working days prior written notice must be given to the local authority before cutting down or carrying out other work on a dead tree. The authority's consent for such work is not required.

The exceptions also allow removal of dead branches from a living tree without prior notice or consent.

Part 5 – Development Types

Residential New Build	Residential Conversions
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological and protected species assessment • Environmental impact assessment • External lighting details • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Highway information • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision • Planning obligations pro-forma statement • Planning statement • Rights of Way • Statement of community involvement • Transport statement/assessment • Travel plan • Tree survey 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage information • Ecological and protected species assessment • Environmental impact assessment • External lighting details • Flood Risk Assessment • Heritage impact assessment • Highway information • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision (see planning obligations pro forma statement) • Planning obligations pro-forma statement • Planning statement • Rights of Way • Statement of community involvement • Structural survey • Transport statement/assessment • Travel plan • Tree survey • Viability and marketing statement
Commercial, industrial and non-residential	Change of Use
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Fee • Location plan

<ul style="list-style-type: none"> • Fee • Location plan • Site block plan • Parking information <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Bin/waste management information • Contamination risk assessment • Community Infrastructure Levy Form • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological and protected species assessment • Economic statement • External lighting details • Environmental impact assessment • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Parking information • Planning statement • Retail assessment • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Tree survey • Ventilation and extraction report • Viability and marketing statement 	<p>Sometimes required</p> <ul style="list-style-type: none"> • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage statement • Ecological and protected species assessment • Economic Statement • Existing and proposed elevations • Existing and proposed floor plans • External lighting details • Flood Risk Assessment • Heritage impact assessment • Landscape scheme • Noise impact assessment • Open space provision • Planning statement • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Ventilation and extraction report • Viability and marketing statement
<p>Agricultural Development (e.g. new buildings, engineering works etc.)</p>	<p>Telecoms (requiring planning permission)</p>
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Design and access statement • Drainage information 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Telecommunications supporting information <p>Sometimes required</p> <ul style="list-style-type: none"> • Design and access statement • Drainage information

<ul style="list-style-type: none">• Flood Risk Assessment• Landscape scheme• Noise impact assessment• Non-mains drainage (Foul drainage assessment form)• Parking information• Planning statement• Statement of community involvement• Tree survey	<ul style="list-style-type: none">• Flood Risk Assessment• Planning statement• Statement of community involvement• Tree survey
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Appendix 1 Flood Risk Advice

Essential infrastructure

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.

Highly vulnerable

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure').

More vulnerable

- Hospitals.
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short let caravans and camping, subject to a specific warning and evacuation plan.

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

Water-compatible development

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.

- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

Flood Risk Assessment Information

Further information regarding flood risk assessments for planning applications is available on the [Environment Agency's website](#). The website also provides details as to how to find out which flood zone a location is in, as part of land-use planning.

Flood risk assessment in flood zone 1 and critical drainage areas.

Plans

You need to provide a location plan showing:

- street names;
- any rivers, streams, ponds, wetlands or other bodies of water;
- other geographical features, e.g. railway lines or local landmarks such as schools or churches

You also need to provide a site plan showing:

- the existing site
- your development proposal
- any structures that could affect water flow, e.g. bridges, embankments

Surveys

You need to provide a survey showing:

- existing site levels.
- the levels of your proposed development.
- your site in relation to its surroundings.

You may be able to find Ordnance Datum information from the Ordnance Survey. If not, you'll need to pay for a land survey carried out by a qualified surveyor.

Assessments

Assess what the risk would be to your development if there was a flood. Consider flooding from other sources (e.g. surface water drains, a canal) as well as from rivers and the sea. You should also consider climate change in your assessment.

Surface Water Drainage

You also need to assess surface water runoff on the site and provide:

- an estimate of how much surface water runoff your development will generate.
- details of existing methods for managing surface water runoff, e.g. drainage to a sewer.
- your plans for managing surface water and for making sure there's no increase in the volume of surface water and rate of surface water runoff.

Surface water runoff describes flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.

Developments on or near main rivers

State in your assessment if you need Environment Agency flood defence consent and if you've applied for it if so.

Flood risk assessment in flood zones 2 and 3:

Before you start a flood risk assessment, check if you need to carry out a sequential test. A sequential test compares your proposed site with other available sites to show which one has the lowest flood risk.

You need to carry out a sequential test if one hasn't already been done for the type of development you plan for your proposed site.

If the sequential test shows there aren't suitable alternative sites, you may need to carry out an exception test. The exception test shows how you'll manage flood risk on and off the site.

You'll need to carry out an exception test if your development is:

- highly vulnerable and in flood zone 2
- essential infrastructure in flood zone 3a or 3b
- more vulnerable in flood zone 3a

In your exception test, you need to show that the sustainability benefits of the development to the community outweigh the flood risk.

You also need to show that the development will be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere. You need to refer to your flood risk assessment and your local authority's strategic flood risk assessment in your response.

Plans

You need to provide a location plan showing:

- street names
- any rivers, streams, ponds, wetlands or other bodies of water
- other geographical features, e.g. railway lines or local landmarks such as schools or churches

You also need to provide a site plan showing:

- the existing site
- your development proposal
- any structures that could affect water flow, e.g. bridges, embankments

Surveys

You need to provide surveys showing

- the existing site levels and the levels of your proposed development
- a cross section of the site showing finished floor or road levels and any other levels that inform the flood risk, e.g. existing raised banks and flood defence walls
- your site in relation to its surroundings

Site levels need to be stated in relation to the Ordnance Datum (the height above average sea level).

Assessments

You should consider the following aspects of flood risk in your assessment.

Assess flood risk

Assess what the risk would be to your development if there was a flood. Consider flooding from other sources (e.g. surface water drains, a canal) as well as from rivers and the sea and include an allowance for climate change.

State in your assessment the estimated level for your site, i.e. the 1 in 100 year river flood level or the 1 in 200 year tidal flood level.

You need to include an estimate of the:

- duration of a flood

- rate of surface water runoff
- order in which areas of the site would be flooded
- consequences for people living on or using the site
- details of past floods where this information is available

Assess surface water runoff

You need to assess surface water runoff from the site and provide:

- an estimate of how much surface water runoff (excess water that flows over surfaces) your development will generate – both the volume and the rate of the runoff
- details of the existing methods for managing surface water runoff, e.g. drainage to a sewer
- your plans for managing surface water and for making sure there's no increase in the level of surface water runoff

Surface water runoff describes flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.

Managing the flood risk

You need to state in your assessment:

- details of existing flood resistance and resilience measures on your site – ask the Environment Agency or your lead local flood authority about these
- the capacity of drains or sewers (existing and proposed) on your site – ask your local water company about this

State how your proposed design will reduce flood risk. Include details of how people will leave buildings during a flood and an explanation of how:

- raised flood embankments or changes to ground levels could affect water flow
- your development could affect rivers and their floodplain or coastal areas

Also explain what the residual risks will be to your site after any necessary flood defences have been built and how you plan to manage these risks.

Check if you need to carry out extra flood resistance and resilience measures to reduce flood risk and state this in your assessment if so (see below).

Developments on or near main rivers

State in your assessment if you need Environment Agency flood defence consent and if you've applied for it if so.

Sites within the functional flood plain

If your site falls within the functional flood plain (land where water has to flow or be stored in times of flood), you need to state this.

Only water compatible developments or essential infrastructure developments that have met the requirements of the exception test are allowed in the functional floodplain.

Show that any water compatible or essential infrastructure developments have been designed to:

- stay safe and operational during a flood
- avoid blocking water flows or increasing flood risk elsewhere
- avoid loss of floodplain storage (i.e. loss of land where flood waters used to collect).

Extra flood resistance and resilience measures

Areas at little or no risk of flooding from any source should always be developed in preference to areas at

higher risk. You must make every effort to locate your development in an area that has little or no risk of flooding.

When developments can't be located in a lower flood risk area, you need to consider flood resistance and resilience measures if you can't raise your development's ground floor levels above the estimated flood level for the site.

Which flood resistance and resilience measures you need to take depends on the estimated depth in metres (m) that flood water will reach in your building.

State that you have met the necessary requirements in your flood risk assessment.

Water depth up to 0.3m

Design your building or development to keep water out as much as possible. Do this by using materials that have low permeability (i.e. materials that water cannot pass through such as impermeable concrete).

Water depth from 0.3m to 0.6m

Design your building or development to keep water out (unless there are structural concerns) by:

- using materials with low permeability to at least 0.3m
- using flood resilient materials (e.g. lime plaster) and design (raised electrical sockets)
- making sure there's access to all spaces to enable drying and cleaning

Water depth above 0.6m

Design your building or development to allow water to pass through the property to avoid structural damage by:

- using materials with low permeability to at least 0.3m
- making it easy for water to drain away after flooding
- making sure there's access to all spaces to enable drying and cleaning

Flood Risk Standing Advice

Minor extensions standing advice:

You need to provide a plan showing the finished floor levels and the estimated flood levels.

Make sure that floor levels are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. If your floor levels aren't going to be 300mm above existing flood levels, you need to check with your local planning authority if you also need to take flood resistance and resilience measures.

State in your assessment all levels in relation to Ordnance Datum (the height above average sea level). You may be able to get this information from the Ordnance Survey. If not, you'll need to get a land survey carried out by a qualified surveyor.

Your plans need to show how you've made efforts to ensure the development won't be flooded by surface water runoff, e.g. by diverting surface water away from the property or by using flood gates.

If your minor extension is in an area with increased flood risk as a result of multiple minor extensions in the area, you need to include an assessment of the off-site flood risk. Check with your local planning authority if this applies to your development.

Make sure your flood resistance and resilience plans are in line with the guidance on improving the flood performance of new buildings. Refer to following website for further information:

www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

Vulnerable developments standing advice

For all relevant vulnerable developments (i.e. more vulnerable, less vulnerable and water compatible), you must follow the advice for:

- surface water management
- access and evacuation
- floor levels

Surface water management

Your plans for the management of surface water need to meet the requirements set out in either your local authority's strategic flood risk assessment.

They also need to meet the requirements of the approved building regulations Part H: drainage and water disposal. Read section H3 rainwater drainage.

You need to get planning permission to use a material that can't absorb water (e.g. impermeable concrete) in a front garden larger than 5 square metres.

Access and evacuation

You need to provide details of your emergency escape plans for any parts of a building that are below the estimated flood level.

Make sure that your plans show:

- single storey buildings or ground floors that don't have access to higher floors can access a space above the estimated flood level, e.g. higher ground nearby
- basement rooms have clear internal access to an upper level, e.g. a staircase
- occupants can leave the building if there's a flood and there's enough time for them to leave after flood warnings

Floor levels

You need to provide both the:

- average ground level of your building
- finished floor level of the lowest habitable room in your building

Ground floor levels should be a minimum of whichever is higher of:

- 300 millimetres (mm) above the general ground level of the site
- 600mm above the estimated river or sea flood level

State in your assessment all levels in relation to Ordnance Datum (also known as height above average sea level). You may be able to get this information from the [Ordnance Survey](#). If not, you'll need to get a land survey carried out by a qualified surveyor.

If you cannot raise floor levels above the estimated flood level, you need to consider extra flood resistance and resilience.

PLANNING COMMITTEE

27 APRIL 2021

ANNUAL REVIEW OF THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

1.0 Purpose of Report

1.1 To provide the Planning Committee with a list of the exempt business considered by the Committee for the period 22 September 2020 to date.

2.0 Background Information

2.1 The Councillors' Commission at their meeting held on 25 September 2014 proposed a number of changes in respect of exempt information, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May'. This was ratified by the Council on 14 October 2014.

2.2 Members will also be aware that the Council agreed a review mechanism for exempt items which was incorporated into the Access to Information Procedure Rules. Rule 18 provides Members with a mechanism to request a review of exempt information with a view to this being released into the public domain should there be substantive reasons to do so.

3.0 Proposals

3.1 The following table provides the exempt business considered by the Planning Committee for the period 22 September 2020 to date:

Date of Meeting	Agenda Item	Exempt Paragraph	Opinion of Report Author as to current status of the report
30.03.21	16. Planning Appeal	Paragraph 3	Information remains exempt

4.0 RECOMMENDATION:

That Members consider whether the content of the report entitled: Planning Appeal, should be released into the public domain.

Reason for Recommendation

To advise Members of the exempt business considered by the Planning Committee for the period 22 September 2020 to date and those items which can now be released into the public domain.

Background Papers - Nil

For further information please contact Nigel Hill, Business Manager – Elections & Democratic Services on Ext: 5243.

John Robinson
Chief Executive

PLANNING COMMITTEE – 27 APRIL 2021

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.

2.0 RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application>

or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 13 March 2021 and 12 April 2021)

Appeal reference	Application No.	Address	Proposal	Procedure	Appeal Against
APP/B3030/W/21/3267519	20/00553/OUT	The Cottage Lincoln Road Newark On Trent NG24 2DB	Outline application for residential development consisting of 5 new dwellings including the demolition of the existing dwelling	Written Representation	Refusal of a planning application
APP/B3030/C/21/3268786	20/00109/ENF	15 Hickman Grove Collingham Newark On Trent NG23 7QU	Without planning permission, the material change of use of open countryside land to residential use (C3), with facilitating operational development including, but not limited to, the erection of a terraced steps and platform/decking, and the regrading of the land	Written Representation	Service of Enforcement Notice
APP/B3030/W/21/3270426	20/00886/FUL	Garage Off Bull Yard Southwell	Replace existing garage with a self-contained unit to provide additional guest accommodation	Written Representation	Refusal of a planning application

Appendix B: Appeals Determined (between 13 March and 12 April)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
19/00348/ENF	Field Reference Number 8037 Main Street Upton	Appeal against - Without planning permission 'development' consisting of the erection of a building (agricultural) and concrete base, as shown on photograph 1			Appeal Withdrawn	17th March 2021
20/01157/FULM	Redroofs Farm Great North Road Weston NG23 6TS	Construction of agricultural building to accommodate tractors and implements with secure workshop (revised application of 19/01522/FULM)	Delegated Officer	Not applicable	Appeal Dismissed	26th March 2021
20/00582/OUT	Land South Of 6 Sycamore Lane Bleasby NG14 7GJ	Erection of new dwelling and associated works	Delegated Officer	Not applicable	Appeal Dismissed	26th March 2021

RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

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

Anna Hughes
Business Manager – Planning Development