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Thursday, 20 May 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, 1 June 2021 at 4.00 pm

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

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

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

AGENDA

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18. 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.

NOTES:-

A Briefing Meeting will be held in Room F1, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Planning Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** Broadcast from the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Tuesday, 27 April 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 T Smith, Councillor K Walker and Councillor Mrs Y Woodhead

335 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs S Saddington declared prejudicial interest in Agenda Item 9 - Southwell Racecourse, Station Road, Rolleston 20/02508/FULM as she had been involved with the application as a County Councillor.

Councillor M Skinner declared a personal interest in Agenda Items 8- 293 Bowbridge Road, Newark 20/00580/FULM and 11- Community & Activity Village, Lord Hawke Way, Newark 21/00275/S73M as he was a Director of Active 4Today.

Councillors R Crowe, L Goff and M Skinner declared a personal interest in Agenda Item 7- Park View Caravan Park, Tolney Lane, Newark 20/02394/S73 as they had attended a planning committee of Newark Town Council as Town Councillor but would consider the application with an open mind.

Councillor Mrs M Dobson declared a personal interest in Agenda Item 5- International Export Packages Ltd., PA Freight International, Farndon Road, Newark NG24 4SP 20/01813/FUL as she knew a neighbour to the site.

Councillor Mrs P Rainbow declared a personal interest in Agenda Item 5- International Export Packages Ltd., PA Freight International, Farndon Road, Newark NG24 4SP 20/01813/FUL as she had a family owned freight company.

Councillor Mrs L Dales and I Walker declared a personal interest as she was the Council's appointed representative on the Trent Valley Internal Drainage Board and Upper Witham Valley Drainage Board.

336 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

337 MINUTES OF THE MEETING HELD ON 30 MARCH 2021

AGREED that the minutes of the meeting held on 30 March 2021 were approved as a correct record of the meeting, to be signed by the Chairman.

338 INTERNATIONAL EXPORT PACKAGES LTD., PA FREIGHT INTERNATIONAL, FARNDON ROAD, NEWARK NG24 4SP 20/01813/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the permission for the Erection of a gantry structure, crane to run along the gantry and enclosed frame on existing industrial site. The application was retrospective. The application site related to an existing logistics, warehousing and distribution centre, occupied by PA Freight.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development. In discussion, some members raised concerns about the size of the trees around the property and impact of these, and noise, on neighbours. However, it was noted that no complaints had been received regarding noise and that a second temporary permission would not be reasonable.

A motion to refuse fell with 9 votes against and 4 votes for. A proposal to approve planning permission, in line with officer recommendation was then taken.

AGREED (with 8 votes For and 5 Votes Against) that full planning permission be approved subject to the conditions and reasons contained within the report.

339 BANKWOOD FARM, OXTON ROAD, THURGARTON 21/00379/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought residential development of a farm complex comprising 5 new dwellings and residential conversion of a traditional stone barn.

Members considered the presentation from the Senior Planning Officer 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.

Members discussed the application, with concerns raised regarding highways safety along the access road. Members sought an informative to encourage the applicant to consult with NCC Highways on ways to slow traffic at the northern end of the private access road.

AGREED (Unanimously) that full planning permission be approved subject to the conditions and reasons contained within the report and subject to an additional Informative stating the view of the Committee about the safety concerns with additional vehicles travelling north along the private access road towards Oxtan Road

and the traffic leaving the Hollybeck Nurseries site. Members would encourage the applicant to enter into discussion with the NCC Highway Authority and NCC Rights of Way to provide options to slow traffic down as it nears the junction with Hollybeck Nurseries.

340 PARK VIEW CARAVAN PARK, TOLNEY LANE, NEWARK 20/02394/S73

The Committee considered the report of the Business Manager – Planning Development, which sought variation of condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent.

Members considered the presentation from the Senior Planning Officer, 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.

Members discussed the application acknowledging the desire of the applicant to reside on site, however, other Members cited an objection from the Environment Agency with regard to flooding.

AGREED (8 votes for, 7 votes against) that planning permission be refused for the reasons set out in the report.

341 293 BOWBRIDGE ROAD, NEWARK 20/00580/FULM

Councillor Mrs Y Woodhead left the meeting during the consideration of this item.

The Committee considered the report of the Business Manager – Planning Development, which sought Planning Permission for the erection of 87 dwellings on a site, which had been allocated for housing, along Bowbridge Road.

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

After discussion, a vote to approve the application fell with 9 votes for and 5 against. It was subsequently proposed to defer the application pending further information from Environmental Health regarding noise and dust impact on the proposed site.

AGREED (Unanimously) that the application be deferred to enable further consideration of noise and dust impact with Environmental Health.

342 SOUTHWELL RACECOURSE, STATION ROAD, ROLLESTON 20/02508/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the replacement of existing racing surface material with associated works to sub surface arrangements at Southwell Racecourse.

Members considered the presentation from the Senior Planning Officer, 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 Committee discussed the application noting Parish Council objections relating to HGV movements and flooding on the site. Members were sympathetic to these concerns, but acknowledged that the site was of national significance and it was important to maintain a safe racing surface.

AGREED (12 votes for and 2 abstentions) that full planning permission is approved subject to the conditions set out in the report and subject to the amended conditions on the late Items Schedule and an amendment to Condition 7 to read “hours of 0830 to 1630 Hours Monday To Friday inclusive and 0830 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.”

343 SEVEN HILLS TEMPORARY ACCOMMODATION, QUIBELLS LANE, NEWARK 20/02410/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for the demolition of all existing buildings and replacement with new facility to include 20 temporary accommodation units and 1 communal building, with access to be relocated and footpath improved. The site was at Seven Hill Temporary Accommodation, Quibells Lane, Newark and the Council was the applicant.

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

AGREED (unanimously) 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.

344 COMMUNITY & ACTIVITY VILLAGE, LORD HAWKE WAY, NEWARK 21/00275/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought 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 at the Community and Activity Village, Lord Hawke Way.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development. The application was presented to the Committee for consideration, as the land was under the control of the District Council.

AGREED (unanimously) that planning permission is approved subject to the conditions and reasons detailed in the report.

345 PLANNING APPLICATION VALIDATION CHECKLIST

The Committee considered the report of the Business Manager- Planning Development, regarding the Planning Application Validation Checklist, which had been subject to an 8 week public consultation during which 26 responses had been received. The checklist had been prepared to provide guidance on the information required to be submitted with a planning application to assist a timely decision.

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

AGREED (unanimously) 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 in the report]; and
- c) the checklist is reviewed every 2 years to take account of changes to legislation or other requirements.

346 ANNUAL REVIEW OF THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

The Committee considered the report of the Chief Executive which detailed the exempt business considered by the Committee for the period 22 September 2020 to date. One report had been taken during exempt business entitled: Planning Appeal, at the meeting on 30 March 2021. The opinion of the Report Author was that the information remained confidential.

AGREED (unanimously) that the report entitled: Planning Appeal remain confidential.

347 PROPOSED RESPONSE TO THE DOWN TOWN DESIGNER OUTLET RE-CONSULTATION

The Committee considered the late report of the Business Manager- Planning Development, which had not been available at the time of agenda dispatch and as the timescales involved in determination of the application were not clear and it was necessary to formulate and submit a response as efficiently as possible.

The report sought consultation for Outline planning permission for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floorspace comprising retail units (A1), restaurants and cafes (A3), and storage at Downtown Garden Centre, Great Gonerby.

AGREED (unanimously) that

- a) an objection based on the comments of the Business Manager is brought together, in consultation with the Chair and Vice Chair of Planning Committee, and submitted to SKDC as the formal response of NSDC.
- b) Formally request attendance by both an Officer and elected Member to speak at South Kesteven District Council's Planning Committee to set out the reasons Newark and Sherwood District Council are objecting to the scheme (due to the retail impact on Newark town centre as per advice set out by Carter Jonas as retail consultant to Newark and Sherwood District Council).

348 APPEALS LODGED

AGREED that the report be noted.

349 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.04 pm.

Chairman

PLANNING COMMITTEE – 1 JUNE 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 was deferred from the previous meeting on April 27th 2021 to allow Officers to discuss the implications of developing the site with Environmental Health Officers. The following response has been offered by Environmental Health colleagues:

Bowbridge Road scheme (20/00580/FULM)

"I have discussed this case with Brian Beddows Senior Environmental Health Officer, who submitted the comments on the initial consultation, in relation to noise. We have both listened to the debate at Planning Committee when this application was discussed and would make the following additional comments.

The site is designated for housing development and therefore the comments below have taken that into account as a major consideration as to whether the steps put forward by the developer are suitable and sufficient to mitigate the impacts of noise and dust from the adjacent industrial sites on the dwellings.

Noise

The installation of mechanical ventilation, in some of the properties, acoustic fencing and the positioning of the dwellings is recognised as appropriate steps to take to mitigate noise disturbance. The original scheme has been amended to take account of previous comments made by the environmental health officer. I see no reason to doubt that the measures proposed will achieve a reduction in noise levels to the internal area of the properties.

Dust

The site is located next to industry which has the potential to produce and release dust from their sites. It is unlikely that the residents of the properties will experience particulate levels above the UK air quality objectives. However, that does not mean that the levels of dust will not have the potential to give rise to complaints.

Summary

The site is not ideal for residential development and would probably have given rise to an objection on both noise and dust grounds had the site not been allocated for residential development. However, taking this into account, the proposed layout and mitigation measures are such that they go as far as is reasonably practicable in addressing the issues of noise. There is very little the developer can do to address the cause of any dust.

Because of the fact that residential development has been agreed in principal at this site I see no defensible objection to the proposals."

In addition, colleagues in Planning Policy have also offered the following comment:

At the time that the Allocations & Development Management DPD was being developed it was clear that a number of brownfield sites within this part of Bowbridge Road were becoming vacant and being promoted for residential development. Clearly given the nature of the uses on the neighbouring sites the Council envisaged that this would require two significant things to occur namely the resolving of the existing environmental issues on neighbouring sites and the construction of the Southern Link Road. It was with these provisos that the sites were allocated. The Allocations were considered at an Examination in Public before a Planning Inspector appointed by the Secretary of State. The Plan including these allocations was found sound and Adopted by the District Council on the 16th July 2013. At the time of adoption the front part of the allocation had an extant permission for a Care Home on it as referenced in the allocation text.

With regard to the Tarmac site to the east of the application site; Tarmac have continued to put their site forwards as a potential housing site as part of the Strategic Housing & Employment Land Availability process and the Council has identified the site as an Opportunity Area (for future residential development) as part of the Plan Review process.

As is set out in the appraisal below (which remains unchanged from the report presented in April), Officers consider that the applicant has demonstrated that appropriate mitigation can be provided to address the potential environmental issues arising from neighbouring land uses. In the context of the Southern Link Road, although this is yet to be completed, NCC Highways have not objected to the current application on highways grounds.

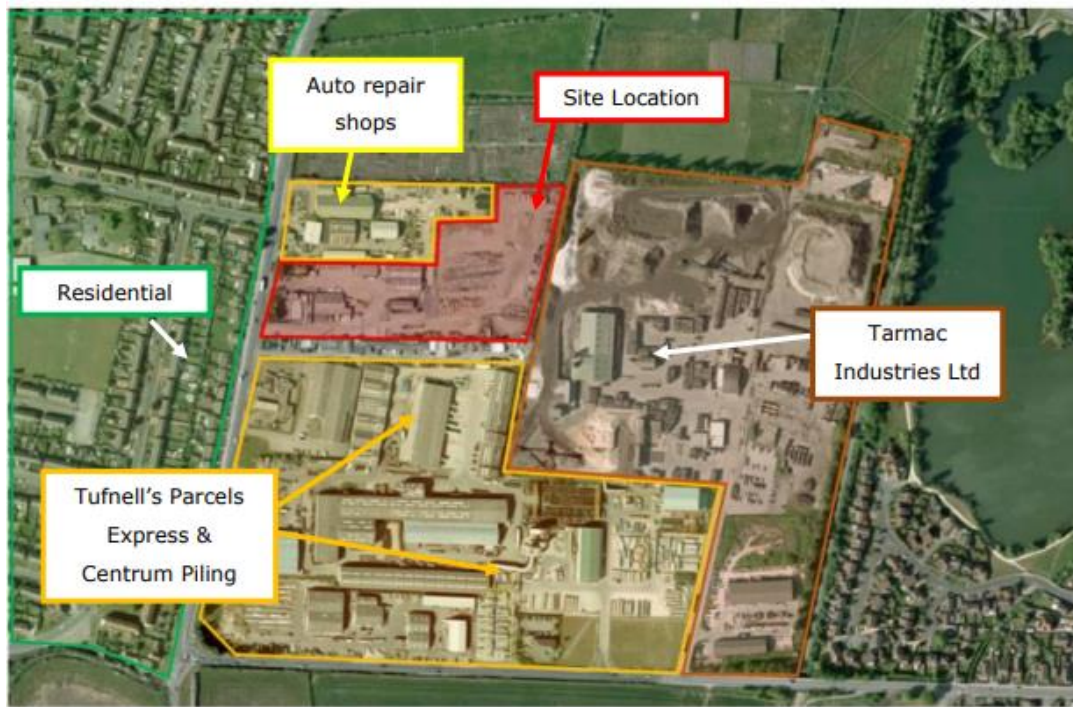
The position of Officers therefore remains that there would be no robust grounds to refuse the application on either environmental or highways safety impacts.

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 EXI 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 24hours 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 $L_{Aeq,16hour}$	
	Dining Room/Area	40 dBA $L_{Aeq,16hour}$	
	Bedroom	35 dBA $L_{Aeq,16hour}$	30 dBA $L_{Aeq,8hour}$

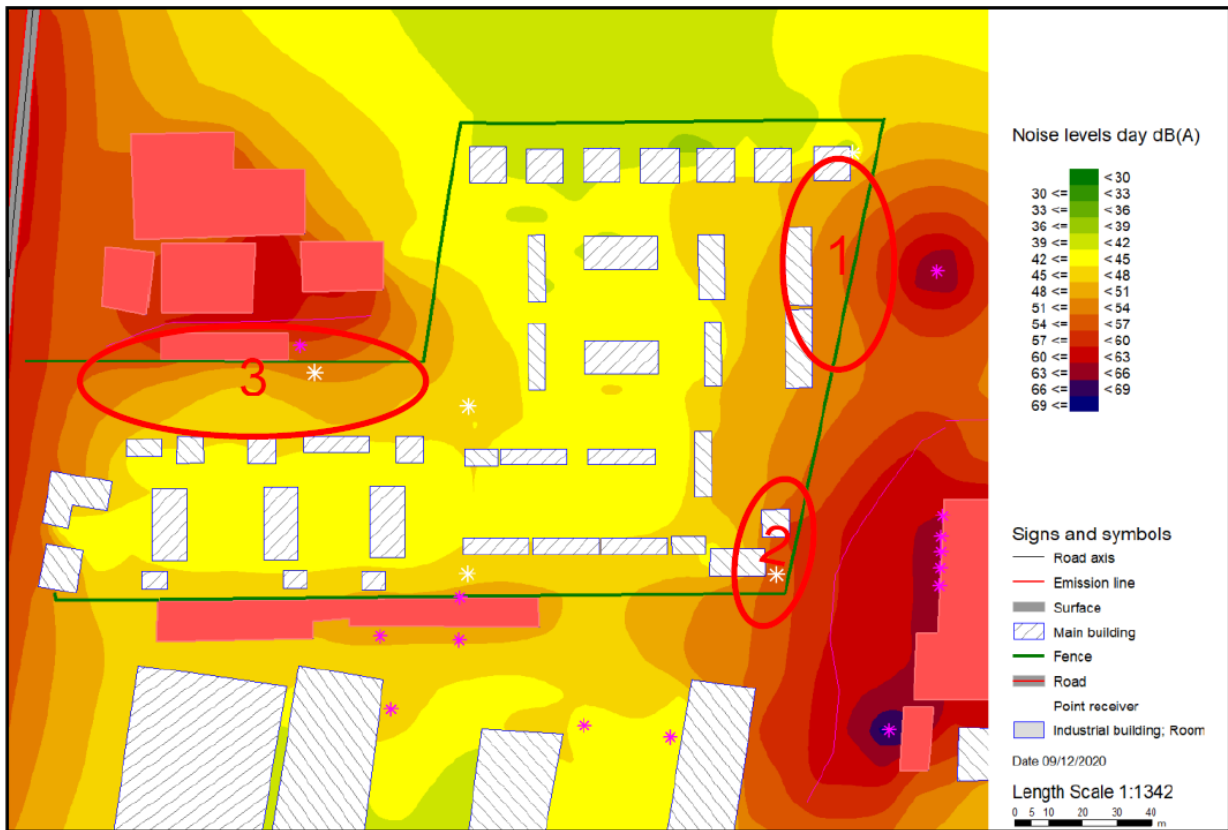
The guidelines go on to acknowledge that if relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation.

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.

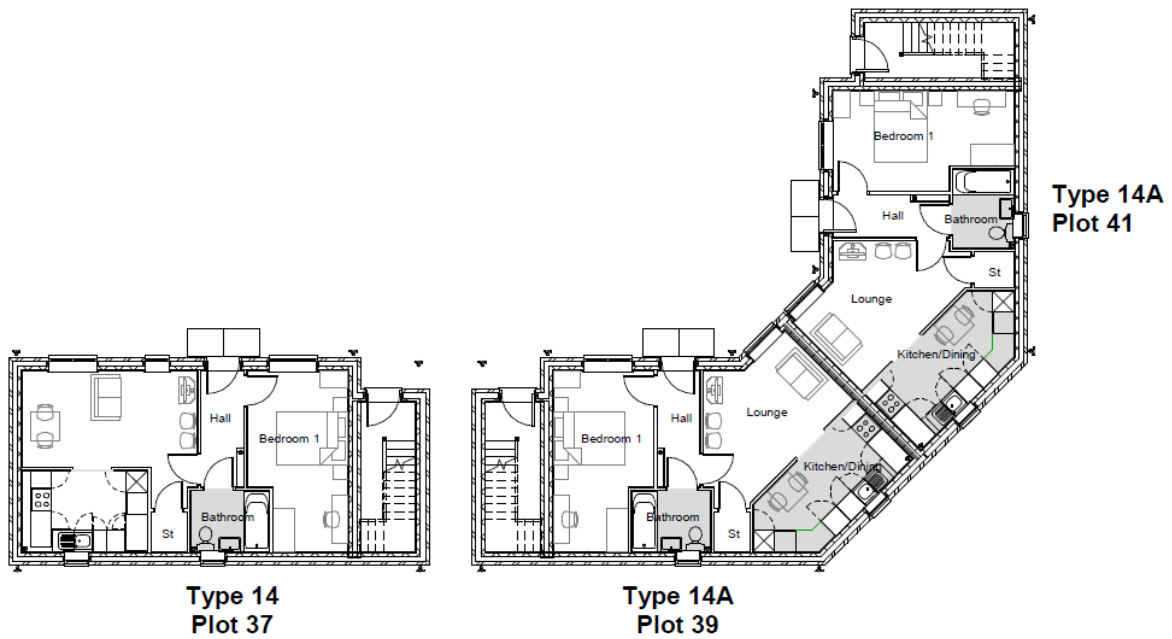
The applicant's noise consultant has responded with a detailed site layout plan showing the noise mitigation requirements for the plots. The explanatory text is useful in terms of understanding how many plots would be affected overall:

"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.

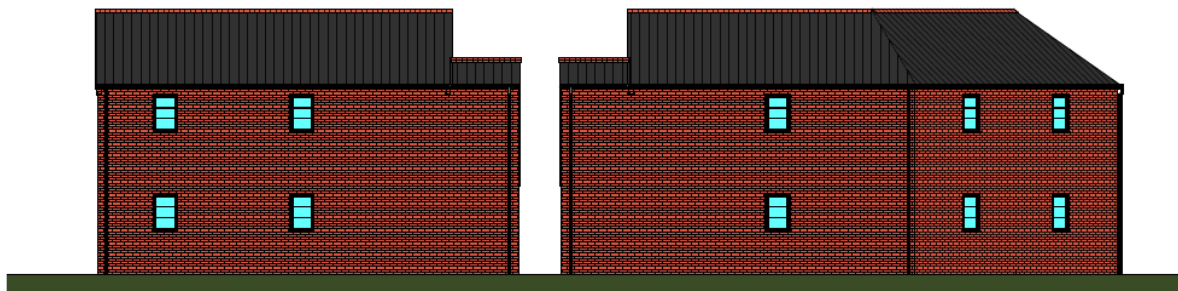
Plot 13 is affected by road traffic noise at night. Glazing as specified in the report with passive acoustic trickle ventilation will be suitable for use at plot 13, though it is likely that the blank gable end facing the road will have no windows and the other affect façade facing the industrial source 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 evolvement 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 evolvement 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
Agenda Page 44

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@nottsc.gov.uk

BACKGROUND PAPERS

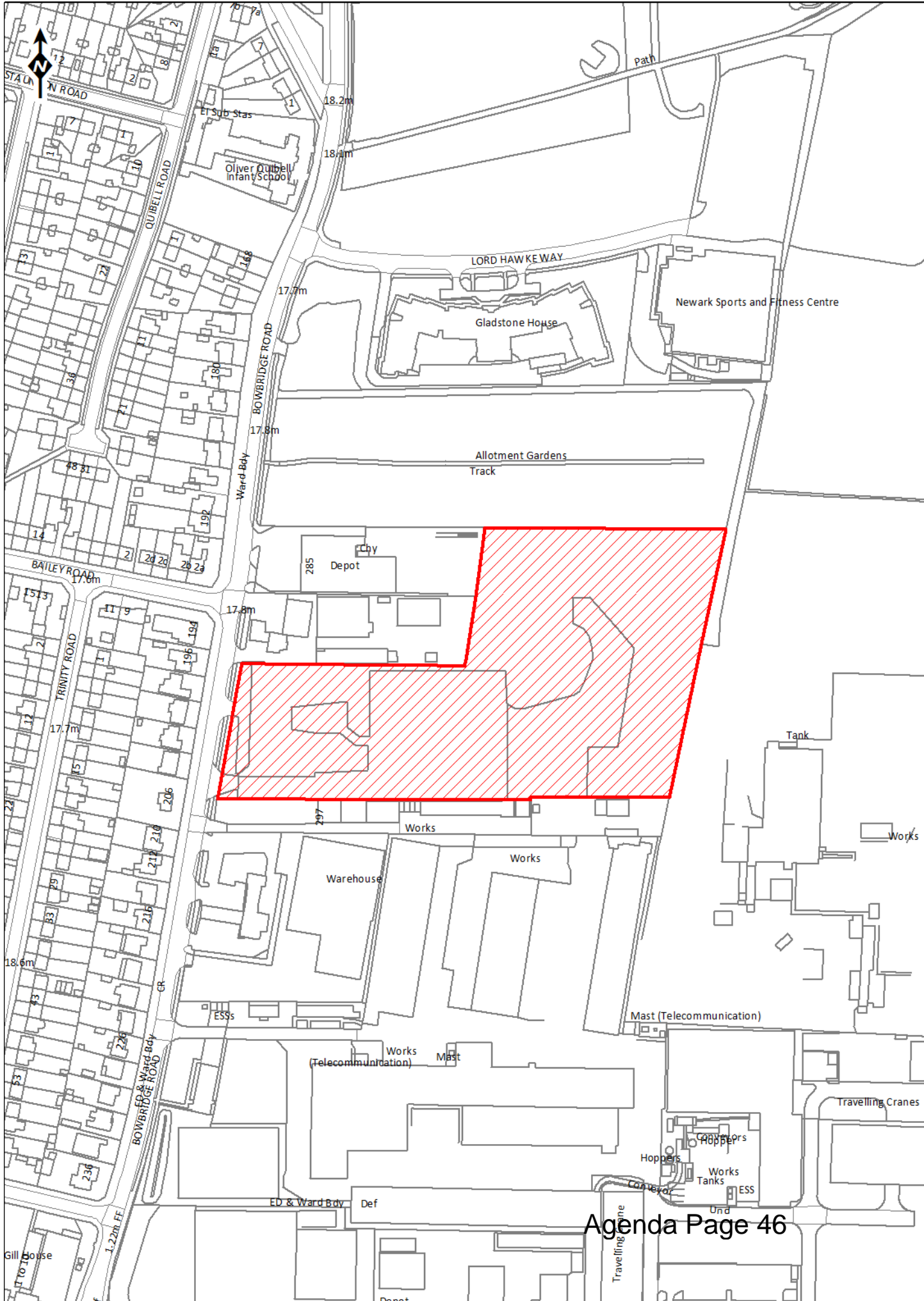
Application case file.

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



PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00553/FULM (MAJOR)	
Proposal:	Change of use of former agricultural land to private residential garden; garden area extension with boundary treatments and associated and ancillary garden buildings (re-submission of 20/01829/FULM)	
Location:	Bankwood House, Oxton Road, Thurgarton, NG25 0RP	
Applicant:	Mr and Mrs C Savage	
Agent:	Martin Hubbard and Associates Ltd	
Registered:	09.03.2021	Target Date: 08.06.2021

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Thurgarton Parish Council support the proposal contrary to the professional officer recommendation.

The Site

The application relates to a dwelling located within the open countryside between the villages of Thurgarton and Oxton, accessed by a private road. The dwelling has a large, open residential curtilage. To the north east of the site are 3no. dwellings and to the north west is Bankwood Farm which was recently granted permission for a residential development of 5no. new dwellings and the conversion of an existing barn which is close to the application site boundary (19/00746/FULM).

The rest of the site is surrounded by open countryside.

Relevant Planning History

20/01829/FULM Change of use of former agricultural land to private residential garden; garden area extension with boundary treatments and associated and ancillary garden buildings – Refused 09.02.2021 for the following reason:

The principle of development for the change of use of agricultural land to residential curtilage and the construction of buildings and a boundary wall, is clearly contrary to Policy DM8 of the Allocations and Development Management DPD and Spatial Policy 3 of the Amended Core Strategy. Furthermore, it is considered the visual impact of the proposed development would harm the open nature and rural character of the countryside contrary to Core Policy 9 of the Amended Core Strategy (2019), Policy DM5 of the Allocations and Development Management DPD (2013), and the NPPF (2019) which is a material consideration.

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.

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 – Granted Permission

17/00084/FUL Erection of ground mounted Photo Voltaic panels for Bankwood House, including alterations to ground levels – Granted Permission

17/00044/NMA Application for a non-material amendment to planning permission 15/01594/FUL amendments to new house (Variation of Conditions 3, 4 and 8 of Planning Permission 15/01014/FUL - Demolition of house and garage and erection of replacement house and garage. Provision of new vehicular access point and improve existing track. Erection of new gates and boundary features. Alterations to existing gardens and planting.) – Granted Permission

16/00912/NMA Application for non-material amendment to planning permission 15/01014/FUL alterations to windows, glazing bars and alterations to the roof slate, increase width of part of the arcade. – Granted Permission

15/01591/NMA Application for a non-material amendment to planning permission 15/01014/FUL for Demolition of house and garage and erection of replacement house and garage. Provision of new vehicular access point and improve existing track. Erection of new gates and boundary features. Alterations to existing gardens and planting. – Granted Permission

15/01594/FUL Variation of Conditions 3, 4 and 8 of Planning Permission 15/01014/FUL - Demolition of house and garage and erection of replacement house and garage. Provision of new vehicular access point and improve existing track. Erection of new gates and boundary features. Alterations to existing gardens and planting. – Granted Permission

15/01014/FUL Demolition of house and garage and erection of replacement house and garage. Provision of new vehicular access point and improve existing track. Erection of new gates and boundary features. Alterations to existing gardens and planting. – Granted Permission

The Proposal

The application seeks permission for the change of use of land previously owned by the adjoining landowner, from agricultural use to residential curtilage for use as garden. The land is approximately 512 sq. metres in area and is located to the east of Bankwood House, to the north of the existing residential curtilage. The land was formally part of Bankwood Farm to the north.

In addition to the change of use, the proposal includes the construction of the following:

- 2.0metre high brickwork boundary wall approximately 51m in length
- 0.93metre high kitchen garden wall
- Potting shed incorporated within the boundary wall with plain clay tile roof and facing brick walls 3m in depth, 4.6m in width, 2.3m to the eaves with a lean to roof, 2.9m (0.4m reduction in ridge height from previous application)
- Greenhouse 6.5m in width, 4.5m in depth, 1.85m to the eaves and 3m in height (0.6m reduction from previous application)

- Raised beds for vegetables, fruit and flowers
- Paving slab pathways and mineral chipping surfaces
- Lawn extension

The resubmission incorporates alterations to the roofs of the potting shed and greenhouse, reducing the overall scale and heights, and a reduction in the mass to the boundary wall to address the visual impact as noted as part of the reason for refusal on the previous application.

Submitted Plans

1194A REV 3 TOPOGRAPHICAL SURVEY
 MH 571 GARDEN 10 REV F BUILDING PLANS AND ELEVATIONS
 MH 571 GARDEN 11 REV E GARDEN PLAN
 571 A SITE LOCATION PLAN
 GREENHOUSE A PLANS AND ELEVATIONS received 8 March 2021

Departure/Public Advertisement Procedure

Occupiers of three 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 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Core Policy 9 -Sustainable Design
 Core Policy 12 - Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

The Parish Council supports the application.

NCC Rights of Way commented:

Thanks for consulting with the Rights of Way Team. We've checked the Definitive Map of recorded Public Rights of Way and can confirm that Thurgarton Public Footpath No.4 runs along the south-eastern boundary of the site edge in red on the layout plan. The proposal will not impact on the Public Footpath. However, we would request that you make the applicant aware that those using both the Public Footpath through the site and Thurgarton Public Bridleway No.1 which follows the private access roadway from Oxton Road should be kept safe and unimpeded at all times. The footpath should remain open, unobstructed at all times. Vehicles should not be parked on the Right of Way or materials unloaded or stored so as to obstruct it.

The Ramblers Society commented:

With the important proviso that there should be no encroachment onto the public right of way (Thurgarton Footpath 4) which skirts this development, we have no objection.

Cadent Ltd commented:

Looking at the above planning application we (Cadent) would not object as the Intermediate and high pressure gas pipelines in the area would not be affected by the application.

No further third party representations have been received to date.

Comments of the Business Manager

Principle of Development

Policy DM12 of the Allocations and Development Management DPD reflects the NPPF in promoting a presumption in favour of sustainable development. The Development Plan is the statutory starting point for decision making. The NPPF states that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.'

The site lies within a rural area and the open countryside and therefore falls to be assessed against Spatial Policy 3 AND Policy DM8 of the Allocations and Development Management DPD. Policy DM8 strictly controls the types of development allowed within the open countryside. Paragraph 7.36 of the DPD justifies the policy stating that that meeting the Core Strategy's target for growth will put pressure on the countryside and the landscapes. Appropriate development can preserve the countryside whilst contributing to the prosperity of the District. Inappropriate development, however, can have an irrevocably harmful effect. Policy DM8 sets out the requirements for developments that are necessary in the countryside and contribute to sustainable growth.

There is no provision within the policy for the change of use from agricultural land to residential. Furthermore, the change of use in land resulting in an increased garden size for Bankwood House is not necessary development and would not contribute to the sustainable growth of the District. Therefore on this basis, the proposal is unacceptable in principle.

The area of land proposed for the change of use is included within the red line of previous planning permission 19/00746/FULM. The land would have been part of the residential garden of the proposed barn conversion and is shown on the plans as a grassed area, with trees lining the boundary. Given that the permission relates to the same land, I consider this extant permission to be a material consideration.

The application (19/00746/FULM) was recommended for refusal by the planning officer due to the open countryside location and failing to comply with DM8, however the decision was overturned by Members at committee. It was considered that the residential scheme would benefit the public through the provision of new housing. Furthermore, the applicant had a potential fallback position of converting some of the agricultural buildings to dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (subject to the Prior Approval process). Despite the open countryside location, the provision of new housing would contribute towards the District's housing targets.

The context of the current application is very different. There would be no public benefit as a result of the increase in residential curtilage as it would solely benefit the occupants of the host dwelling. Secondly, I do not consider there to be a realistic fallback position as permitted development rights were removed from Bankwood House by condition when the replacement dwelling was approved. Therefore, there is no material reason to approve the change of use contrary to the Development Plan.

It should also be noted that since the decision of the previous application, a non-material amendment has been approved on the adjacent site to reduce the red outline of the site to omit the section of land which has changed ownership (the subject of this application) from the approved residential development.

The intended use of the land is to erect garden buildings and a brick boundary wall. Policy DM8 does not support the construction of new residential buildings within the open countryside and as such would be a further reason the proposal is unacceptable in principle. The proposed use of the land as residential within the context of the approved residential development would not be significantly different to its current form, which is open agricultural land, the proposed buildings and boundary treatment would cause harm the character of the open countryside. Taking into consideration the contexts of the separate planning applications, I do not consider the extant permission, 19/00746/FULM, to amount to a material consideration that would indicate permission should be granted contrary to the Development Plan. In addition, it should be noted the extant permission has not yet been implemented. As such, the land continues to be regarded lawfully as agricultural.

The resubmission has not addressed the principle reason for refusal. I therefore do not consider that the application should be approved as it would contravene Policy DM8 of the Allocations and Development Management DPD (2013).

Impact on Visual Amenity, the Conservation Area, and the Character of the Area

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape 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.

Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 127 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.

Part 15 of the NPPF (Conserving and enhancing the natural environment) requires planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The proposed brick wall would be 2m in height and approximately 51m in length. The scale and brick construction would be an incongruous and obtrusive form of boundary development within the character of the open countryside. Suitable boundary treatments within the open countryside would be rural in character such as post and rail fencing and hedgerow, as these would retain the openness rather than divide it. The proposed wall would have a very domestic and urbanised appearance and would dominate the view towards the north, and block the view of the open fields which slope downwards to the south from Bankwood Farm. It is noted that the land benefits from permitted development rights as it is outside of the residential curtilage of Bankwood House which had permitted development removed by condition when constructed as a replacement dwelling in the countryside. Therefore, boundary treatments which did not encroach into the existing curtilage (which does not benefit from permitted development) subject to the limitations as set out in Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 could be implemented without the need for a formal planning application. For legal confirmation of the lawfulness of a boundary wall, a certificate of lawfulness application would need to be submitted. Of course it should be noted that without the lawful use of the land as a garden there would be no need for the wall and therefore I consider it the right approach to consider these as a whole package.

The greenhouse would be sited at an angle, approximately 30m from the main house, and the potting shed would be located to the east end of the boundary wall. Surrounding the greenhouse would be a walled 'kitchen garden' comprising a range of raised planting beds and paths. The greenhouse is quite large in scale with a brick base although has been reduced in height by 0.6m. In comparison to the existing dwelling I consider the greenhouse to be appropriate in scale, however the location is outside of the residential curtilage. As discussed within the principle section, there is no provision within Policy DM8 for the construction of new residential buildings within the open countryside. The buildings would appear overly domestic and would not be in keeping with the rural character of the area. Therefore, the reduction in heights of the greenhouse and the potting shed has not overcome the initial reason for refusal.

The proposal as a whole would significantly alter the current appearance and character of the land. It is considered that the impact would be harmful to the rural character of the countryside contrary to Core Policy 9 of the Amended Core Strategy, Policy DM5 of the Allocations and Development Management DPD and the NPPF, which is a material consideration.

Impact on Residential Amenity

In relation to amenity, Policy DM5 states 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... Proposals resulting in the loss of amenity space will require justification'.

The buildings would be sited a minimum of 74m from any neighbouring dwellings. As such, there would be no impact on neighbouring amenity in terms of overbearing impact, loss of light or loss of privacy.

The change of use of the land would increase the amount of amenity space available to the occupants for residential use. I therefore have no concern that the proposal would have a negative impact on amenity for the occupants of the host dwelling.

Highways

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

There are no proposed changes to the existing access or parking arrangements.

Given the above, I do not feel that the proposal would have a detrimental impact on Highways safety and feel that it accords with the above policies.

Ecology Impacts and Loss of Trees

Policy DM7 of the AMDDPD aims to protect, promote and enhance green infrastructure in line with Core Policy 12 of the Amended Core Strategy which seeks to conserve and enhance the biodiversity and geological diversity of the District.

There are no trees which would require removal for the proposal. I consider the application to comply with the above policies.

Other Matters and Material Considerations

The host dwelling was granted permission as a replacement dwelling. Policy DM8 requires replacement dwellings to be of a similar scale and siting to the original dwelling. The approved dwelling has a larger footprint than the original by approximately 70%. Therefore, a significant increase in built form has already been allowed and should be considered the limit for the site to avoid a detrimental impact on the character of the open countryside. A condition was imposed on the permission which removed permitted development rights because of the increase in footprint and the large residential curtilage associated with the dwelling, to restrict encroachment into the open countryside through the addition of outbuildings/extensions and to retain control over any future development on site.

Permission was granted for solar panels, located just outside of the residential curtilage under application reference 17/00084/FUL. Policy DM8 is silent on development for renewable energy, however, the District Council's commitment to climate change is clearly set out by Core Policy 10 of the Amended Core Strategy and Policy DM4 of the Allocations & Development Management DPD. These policies recognise that the support for renewable and low carbon development is key to meeting the challenge of climate change and indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development providing its benefits are not outweighed by any detrimental impacts. The development was small in scale, but the benefits in terms of renewable energy were considered to outweigh any potential harm to character. The visual impact was considered 'less than intensive' given the topography of the site as the solar panels would sit at a lower ground level than the dwelling and would not obstruct the views of the open countryside. Although this permission represents development outside of the residential curtilage, I consider the context to be different to the current proposal as it had a wider

benefit through the production of renewable energy, as well as a lesser visual impact than the proposed buildings, wall and garden area.

Planning Balance and Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed change of use of the land does not accord with the Council's adopted Development Plan which is the starting point in decision making in accordance with Policy DM12. There is no provision with Policy DM8 for the extension of residential curtilage or the construction of residential buildings within the open countryside therefore the development is unacceptable in principle. The revisions made (reductions in height of the buildings) would be an improvement on the previous scheme, but ultimately do not overcome the principle issue or impact to the character of the open countryside.

It is considered that the cumulative impact of the proposed change of use, garden buildings and boundary treatment, would harm the character of the open countryside contrary to Core Policy 9 of the Amended Core Strategy, Policy DM5 of the Allocations and Development Management DPD, and the NPPF. As assessed within this report, I do not consider there to be any other material considerations which indicate that the proposal should be approved contrary to the Development Plan.

For the reasons set out above it is recommended that the application is refused.

RECOMMENDATION

That planning permission is refused for the following reason:

1. The principle of development for the change of use of agricultural land to residential curtilage and the construction of buildings and a boundary wall, is clearly contrary to Policy DM8 of the Allocations and Development Management DPD and Spatial Policy 3 of the Amended Core Strategy. Furthermore, it is considered the visual impact of the proposed development would harm the open nature and rural character of the countryside contrary to Core Policy 9 of the Amended Core Strategy (2019), Policy DM5 of the Allocations and Development Management DPD (2013), and the NPPF (2019) which is a material consideration.

Notes to Applicant

1. List of Refused Plans:
1194A REV 3 TOPOGRAPHICAL SURVEY
MH 571 GARDEN 10 REV F BUILDING PLANS AND ELEVATIONS
MH 571 GARDEN 11 REV E GARDEN PLAN
571 A SITE LOCATION PLAN
GREENHOUSE A PLANS AND ELEVATIONS received 8 March 2021
2. 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/

3. The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, the overall impact of the proposal has been reduced from the original proposal.

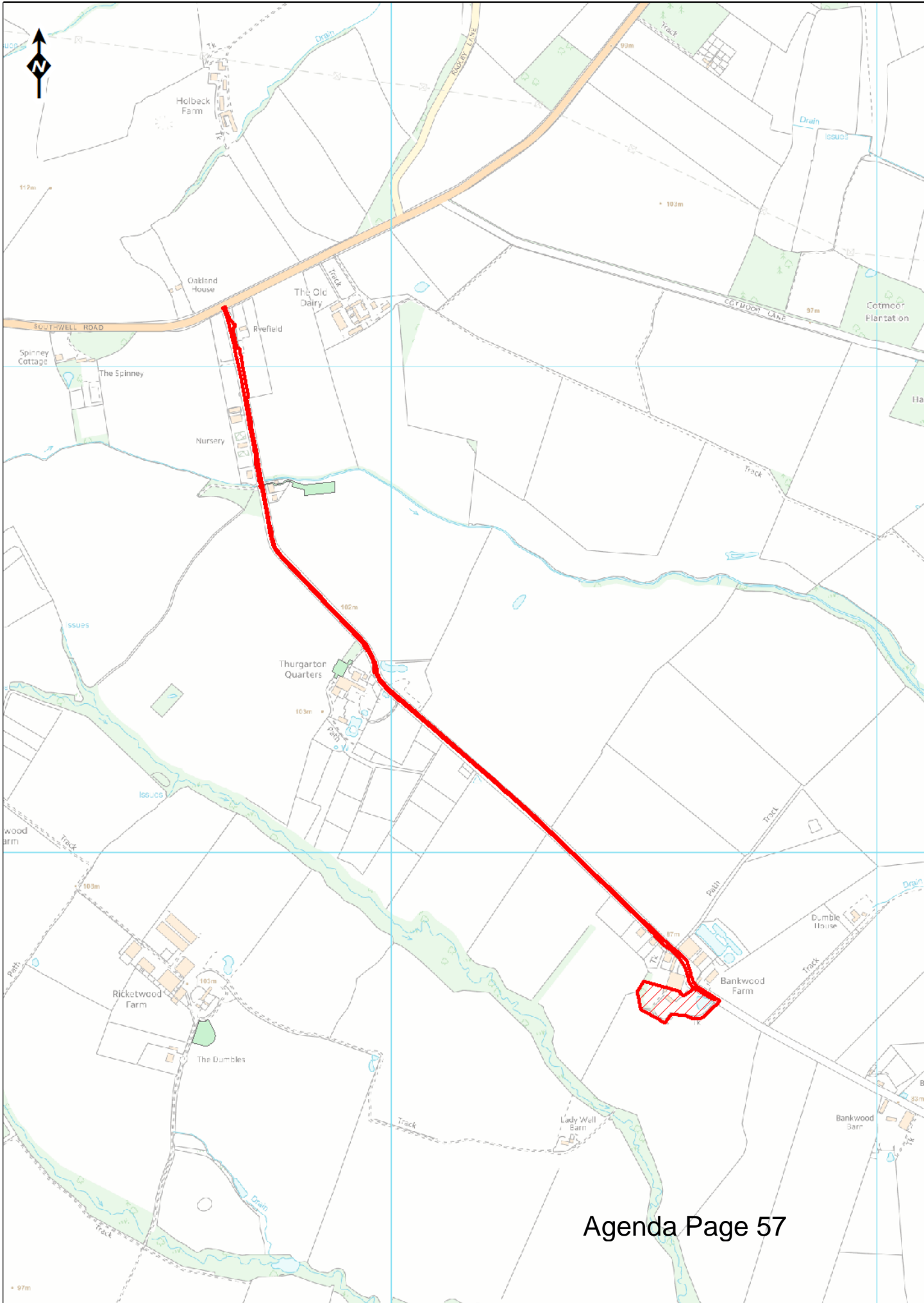
BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on 01636 655907.

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

Lisa Hughes
Planning Manager – Planning and Growth



PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00535/FUL		
Proposal:	Erection of four two bed semi-detached bungalows		
Location:	Land At Coghill Court, Southwell		
Applicant:	Newark & Sherwood District Council		
Agent:	SGA Llp - Mrs Karolina Walton		
Registered:	08.03.2021	Target Date:	03.05.2021
		Extension Agreed to:	04.06.2021
Link to Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QPHI63LBM6300		

This application is being referred to the Planning Committee for determination as the applicant is the Council. In addition, the local ward member Cllr Peter Harris has referred it on the grounds that the application could result in an adverse impact on highways safety and represents poor design.

The Site

The applications site comprises a parcel of land to the south of no's 9-12, 13-16 and 17-20 Coghill Court and a courtyard area in-between no's 1-4 and 5-8 Coghill Court. The site is to the south of Westgate and accessed via the access into Coghill Court and lies to the SE of Holy Trinity Church which is Grade II listed. The site is entirely located in the Southwell Conservation area and is to the north of the Potwell Dyke that spans the length of the southern boundary running broadly east to west. Footpath no. 26 runs along the western site boundary linking Halloughton Road to the Holy Trinity Church and Westgate. The land to the south has been developed recently for 34 residential properties and associated infrastructure including a balancing pond.

Relevant Planning History

None for the application site.

The Proposal

The application seeks permission for the erection of 4no. 2 bed semi-detached bungalows, and re-landscaping of the remaining shared garden areas to Coghill Court.

The site layout plan shows the new dwellings would be positioned c. 11.5m from the rear of Coghill Court on a north-south alignment as two semi-detached bungalows with their principal elevations facing each other within the site. Each block would have a footprint of c. 150m², measuring approx. 16.4m x 9.1m, 6.2m to the ridge and 2.4m to the eaves.

The proposed dwellings are designed to reflect traditional alms-houses and to that effect would be

faced with rust red brick with a voussoir detail over the front windows, a plank and render gable with timber finial to the front elevation and exposed sprockets to the eaves. The roof is to be plain 'Rosemary' tiles with bonnet hip details and brick slip false chimneys. The doors are of a timber plank construction with a fanlight window above and the windows will be painted timber frames with flush casements.

Each unit would comprise a kitchen/dining room, living room, two bedrooms and a bathroom. The units would have c. 63m² GIA and c. 70m² private amenity space which would be provided to the rear of each unit. Two parking spaces per unit are shown to the front of the properties with vehicular access proposed down the side of Coghill Court and into a turning head for the parking area.

The site plans shows c. 11 m separation between the side elevations of the new dwellings and the block to the north and c. 27 m separation between the new dwellings and no.21-24 shown to the south across the Potwell Dyke. Landscaping is shown down to the Potwell dyke where the land level decreases. A number of trees are shown as being removed on the plan submitted to facilitate the access track and new dwellings themselves. Landscaping is also shown between the existing blocks on Coghill Court to provide enhanced external amenity space for these residents.

7 trees or tree groups would be removed, details of which are provided within the main report.

Departure/Public Advertisement Procedure

Occupiers of 30 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (2016)

- Policy SD1: Delivering Sustainable Development
- Policy E1: Flood Risk Assessments and Mitigation
- Policy E2: Flood Resilient Design
- Policy E3: Green Infrastructure and Biodiversity
- Policy DH1: Sense of Place
- Policy DH2: Public Realm
- Policy TA4: Parking Standards
- Policy HE1: Housing Type and Density

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

- Spatial Policy 1 - Settlement hierarchy
- Spatial Policy 2 - Spatial distribution of growth
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 - Sustainable transport
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type and Density
- Core Policy 9 – Sustainable design
- Core Policy 10 - Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment

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
National Design Guide
Housing Needs Survey 2020
Residential Parking Standards and Design Guide SPD

Consultations

Southwell Town Council – Object - by majority for the following reasons:

- It contravenes the Southwell Neighbourhood Plan Policy DH2 7.5 Public Realm -Space between buildings
- over intensification of the land in front of the existing flats, loss of parking spaces, urbanising the rural aspect of the Potwell Dyke,
- out of keeping in the conservation area of Holy Trinity Church
- loss of amenity space
- positioned in an area which flooded in 2013
- no public consultation pre the application

NSDC Conservation Officer – No objection subject to conditions -

Historic England – No objection

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

NCC Highways – No objection subject to conditions

Rights of Way – No comments received at the time of writing the report.

Tree Officer – No objection subject to conditions.

Comments have been received from **one** interested party that can be summarised as follows:

- The arboricultural dwg. indicates sorely needed additional residents parking for neighbouring units to the south of 13 – 16 Coghill Court. Is this to be incorporated in the revised site plan? Currently only 6 off-road car parking spaces are allocated for the 20 current properties.

Comments of the Business Manager

Principle of Development

Southwell is defined as a Service Centre with a good range of local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within Service Centres where services are focused to provide for a large local population and a rural hinterland. I am satisfied that the site is located within the urban boundary of a sustainable settlement which is defined as a 'service centre' and as such, there is no objection in principle to the residential development at the site. However, this is subject to an assessment of the impact upon the character of the area, residential amenity of neighbouring properties, ecology and highway safety.

Housing Mix and Density

I note that this proposal is for affordable housing which is part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt, there is an affordable housing need across the District, which includes Southwell. Policy So/HN/1 also seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need. This drive to secure smaller units is a significant material consideration and must remain so given that this policy is just one of two policies of its type in our district whereby it was felt necessary to intervene in the market to secure smaller dwellings. This remains the case with the more up to date district wide Housing Needs Survey which confirms the most needed housing type remains as two bedrooms. In addition, affordable housing is welcomed in line with CP1, particularly when it could assist in meeting the needs of the aging and less mobile population by providing ground floor accommodation as identified as an objective of Core Policy 3.

I therefore have no objection to the provision of these types of units, which would align with the most up to date evidence in accordance with CP3.

Impact upon Character of Area and Heritage Matters

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complimenting the existing built and landscape environment. Policy DM5 of the DPD sets out the criteria by which all new development should be assessed. It includes (but is not limited to): safe and inclusive access; parking provision; impact on amenity; local distinctiveness and character; and flood risk. In relation to the character of the area it 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.'

Section 12 of the NPPF (Achieving Well Designed Spaces,) paragraph 127 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 130 of NPPF reinforces the above local policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

However, Chapter 11 of the NPPF emphasises that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (para.118.d). Para. 119 explains how LPA's should take a proactive role in identifying and helping to bring forward land

that may be suitable for meeting development needs, such as the supply of affordable housing with para 120 reiterating that planning decisions “need to reflect changes in the demand for land”.

Given that the site is located within the Conservation Area and within the setting of a Grade II listed church, regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. 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).

Paragraph 200 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'. Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application utilises a parcel of land currently used as external amenity space for Coghill Court for the development of 4 dwellings. The site plan shows the new dwellings would be positioned to the south of no's 9-12, 13-16 and 17-20 Coghill Court with their principal elevations facing into the site (east and west). New vehicular access, turning heads and parking spaces would be provided in addition to enhanced landscaping between the two Coghill Court blocks and within the remaining land to the south. Coghill Court itself is a modern two storey development that makes, at best, a neutral contribution to the area and the setting of the grade II listed church to the NW. However, I note that the new development to the south has a strong focus on enhancing the character of the conservation area with good design principles. This application would introduce development into an area which is currently devoid of built form and utilised as external amenity space and thus the scheme will undoubtedly impact the existing appearance of the site. The development, by virtue of being behind Coghill Court, would result in back land development, however Coghill Court itself is designed as stacked rows such that the proposed development would not be out of context with the wider area. Nevertheless, I am mindful that the spaciousness of the land around the Potwell Dyke makes a positive contribution to the character of the area, albeit this has been eroded and enclosed through the development of the land to the south off Nottingham Road.

I note the proposal incorporates an enhanced landscaped area between the northern blocks of Coghill Court, which would compensate for the loss of the area where the new dwellings are proposed. The proposal also incorporates new landscaping to the south of the new dwellings to provide seating adjacent to the dyke. Nevertheless there would still be a significant loss of the existing communal garden area as a result of this proposal. Also included on the plans is the removal of a number of trees as set out in the description of the proposal, which is likely to have a further short term impact on the green character of the area here in addition to the proposed dwellings. The implications on ecology will be considered in a separate section below, however notwithstanding the conclusions of the Conservation Officer I consider the loss of existing vegetation here and the erosion of this green space is likely to have a negative impact on the

character of the area in design terms, particularly in the short term (given any mitigation planting would take time to fully establish), which would weigh negatively in the overall balance.

In terms of a heritage assessment, given the sensitivity of this site the Conservation Officer (CO) has been involved with pre-application discussions. Following this, the properties have been re-designed to reflect traditional almshouses. The CO has reviewed the proposal and advises they raise no objection to the scheme subject to conditions. Their comments note that the existing site provides a positive green space within the setting of the Church, and accept that it would be preferable from a heritage perspective to leave it as such within the corridor of the Potwell Dyke. The spaciousness of the site and its verdant character is also noted to help alleviate the impact of the denser modern blocks to the north. Nevertheless, they conclude that the proposed development is well-considered. The dwellings proposed are single storey and modestly scaled in footprint. The architecture makes reference to traditional almshouses. The detailing and natural palette of materials ensures that the appearance of the development is positive. The tall chimneys with oversailing courses, distinctive timber magpie boarding on the front gable with finials, as well as the use of traditional timber joinery and rosemary tiles all combines to make a pleasant composition. Car parking is discreetly located between the dwellings, allowing the spaciousness and green character of the site to be sustained. The improvement of the hedge to the footpath would also help protect the setting of the Church and reduce the visual impact of the new development.

For these reasons, it is concluded that the development would have a negligible impact on the character and appearance of the CA and setting of the Church. When seen from the footpath and churchyard, only the decorative magpie work on the gable and roof will likely be visible and the modest proportions of the dwellings will ensure that the spaciousness of the site prevails. To further ensure this remains the case the CO has recommended that permitted development rights are removed for householder improvements to the exterior of the building and within the grounds to retain the intended style and design of the dwellings and the space within the site. Overall the CO has concluded that the existing site makes a modestly positive contribution to the special character of the CA and setting of the Holy Trinity Church. The new development would result in no harm to the character and appearance of the CA, nor to the setting of any listed buildings. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The proposal also accords with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Overall, notwithstanding the conclusions of the CO relating to the impact on the conservation area and setting of Holy Trinity Church I consider the development of the existing communal garden area and removal of a number of trees would result in an adverse impact on the undeveloped, green and naturalistic character of the area, particularly in the short term, which would be contrary to policies DM5 of the ADMDPD, CP9 of the Core Strategy and DH1 of the SNP. This will weigh negatively in the overall planning balance.

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 and 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 site layout allows for sufficient distance between the proposed dwellings and existing neighbours to avoid any direct overlooking, overshadowing or overbearing impacts. The distance between existing properties and those proposed being c. 11 metres to the north (which would be a rear to side elevation relationship with one window proposed on the side elevations of the dwellings) and 27 metres to the south. I am conscious that the relationship between the block to the north and Plots 1 and 3 would be close with regard to the relationship between first floor windows on Coghill Court and the gardens of the new dwellings. However given the staggered alignment I do not consider the impact would be so severe it would be fatal to the scheme. I am also mindful that any future occupiers would be aware of this relationship prior to occupation.

The units would have c. 63m² GIA and c. 70m² private amenity space. The private amenity space is considered to be sufficient and commensurate with the size of the dwellings. The National Government has published the 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. The standards have not been rigidly adopted by Newark and Sherwood District Council but they nevertheless form a benchmark which is material and should be followed in most circumstances. The units would provide c. 63m² GIA which meets the minimum GIA for a 2 bedroom, 3 person, single storey dwelling (61m²) and thus the units would be acceptable in accordance with the national space standards.

In terms of existing occupiers, I am mindful that the scheme would eat into the existing shared residential amenity space. At present, there is approx. 410m² of amenity space between the two existing blocks and approx. 2778m² to the south where the new dwellings are proposed. The area between the existing blocks is proposed to be retained and re-landscaped to provide areas of grass, benches and planting and the remaining land to the south (c. 935m²) is proposed to be re-landscaped to provide a path leading down to the dyke with seating areas. Considering the number of residents these areas would serve, I consider the communal garden would remain of a reasonable size. All existing properties within the control of the applicant would continue to have access to some external garden space that is appropriate to the unit within which they occupy and this development would not appear to deprive anyone of a garden. I therefore do not consider there would be an unacceptable amenity impact in this regard.

I have also considered issues of overbearing and overshadowing, however, given separation distances and the dwellings being single storey I am satisfied that there would not be any unacceptable impact upon existing occupiers. I am mindful that the two-storey built form of Coghill Court directly to the north could be imposing on the proposed bungalows, however given the separation distance and relative orientation I am satisfied that this relationship would not result in such a detrimental amenity relationship that would warrant withholding permission on this basis. Overall, I therefore consider the proposal to accord with policy DM5.

Impact upon the Highway

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

8 parking spaces are proposed to be provided to the front of the proposed new dwellings via an extended access road and turning head. No alterations are proposed to the existing parking spaces associated with Coghill Court which lie to the north of block 1-8. I note the comments from the

Highway Authority (HA) state that parking provision should take account of the needs of existing Coghill Court residents/visitors as well as for the new dwellings (and I note a comment from an interested party in this regard). However there are no amendments proposed to the existing parking situation at Coghill Court and it would not be reasonable for the proposed development to have to improve any existing shortfall in provision if indeed there is one. The HA have also noted the proposal's proximity to the adjacent public footpath, however this proposal would not alter the existing footpath line save for reinforcing the existing boundary hedgerow here.

The proposed plans show an extension to the existing access road, which the HA have noted would not be adopted as it is not designed to adoptable standards. However, they have raised no objection to the proposed extension to the road to access the properties on any highways safety grounds. The private driveways are noted by the HA to be in line with current Highways Design Guide standards and the level of parking proposed is in accordance with the Council's draft Parking SPD. Comments made by the HA regarding proposed bin storage and access for a refuse lorry have been noted and in response, the applicant has relocated the bin collection point so that it is next to the existing collection point for Coghill Court. This is only 30m from the proposed new dwellings and accessible by the footpath network proposed such that I consider it to be acceptable and would be accessible for refuse vehicles as existing.

The HA comments note that pedestrian access is poor and raise concerns about the existing footpath down the side of block 1-4 and 17-20 – to this I would highlight that this footpath is existing and is not proposed to be altered by the development at hand. I also note that a new footpath is proposed down the side of no. 9-12 to access the development on foot and that the applicant has amended the plans to better consider pedestrian desire lines to add a footway along the side of Plot 1 in response to the HA comments. Whilst I note the comments from the HA about pedestrian links from the new dwellings to the communal garden area between the two Coghill Court Blocks I would highlight that these new dwelling have their own private amenity spaces and on this basis I do not consider it necessary to require amendments to the existing footways between the Coghill Court blocks to facilitate improved pedestrian access from the new dwellings to this area. In any event, there would be footways provided along the proposed access which are considered to be acceptable.

There would be an adequate level of parking provided for the four new dwellings and adequate space to manoeuvre into and out of the parking spaces. The applicant has addressed the initial concerns raised by the Highways Authority, who have raised no objection to the development on highways safety grounds and therefore, subject to the conditions recommended by the HA I consider the proposal would accord with Spatial Policy 7 and Policy DM5 in this regard.

Impact on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

I note that the southern portion of the site is laid to lawn and there are a number of trees, particularly clustered along the southern boundary near the Potwell Dyke. A number of trees appear to be proposed for removal as part of this proposal as described in the description of the proposal - whilst these trees are not protected by tree preservation orders they are afforded some protection by virtue of being sited within a conservation area. Ultimately, it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect surrounding trees.

7 trees or tree groups would be removed as follows: Apple T7, Cypress T9, Elder and Ash G13, Ash T14, Willow T19, Yew G20 and Birch T21 (all Category C trees). T7 requires removal as it is situated in the footprint of a proposed new residential property. T9, T10, G13 and T14 require removal as they are situated in the footprint of proposed new footpaths or would overhang the proposed new footpaths. T19, G20 and T21 require removal as they would be situated in the gardens of proposed new residential properties and would be unsuitable to retain within the gardens. All of the trees are category C trees with low amenity value – the arboricultural survey concludes that whilst their collective removal will have some negative impact in the short term, new landscape plantings at the site as part of the proposal would mitigate for the required tree removals in the longer term. Whilst the loss of these trees would be regrettable, the Tree Officer has raised no objection to the development subject to conditions and does not consider the trees proposed for removal are of sufficient quality to warrant their protection by a TPO. On this basis I do not consider an objection could be sustained due to the proposed loss of trees. I also note that the application proposes a scheme for mitigation planting which is welcomed and would ensure that the character of the area can be enhanced in the longer term.

Overall, whilst the loss of existing trees is regrettable, I consider subject to conditions, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Other matters

I note the comments received from Southwell Town Council and these have duly been taken on board throughout this appraisal. However, to clarify, the proposal does not seek to reduce any on-site parking provision or impact the space to the front of the existing.

They have commented that the properties would be positioned in an area which flooded in 2013 – the site is located within Flood Zone 1 and as such there is no requirement for the development to be assessed against the sequential test and no indication that the development would be at an increased flood risk or increase flood risk to third parties to justify an objection on this basis.

Similarly, comments state there was no public consultation prior to the application. However I understand from the applicant that they did undertake public consultation with the local ward members and residents ahead of submitting this application. Not undertaking consultation, if this had been the case, would not be a reason for withholding permission.

The Archaeological advisor has commented on this application given the proximity to the Holy Trinity church and they have advised that the site lies in an area of archaeological potential primarily associated with the medieval and post-medieval development of Southwell as a Minster town. Two scheduled monuments lie between 400m and 500m to north-west of the proposed development and comprise a large Romano-British villa complex and the later medieval Bishop's Palace formally associate with the Minster. This highlights the lengthy history of settlement and development in this area since the Roman period. The full extents of this settlement activity are still not fully defined, particularly in regard to the separation of settlement, Minster and agricultural activity in the medieval period and there is potential for evidence of all three aspects to extend onto the site. They conclude that the proposal for residential development has the potential to impact on any surviving archaeological deposits present and this should be investigated further so that appropriate mitigation can be implemented if necessary prior to any development activity taking place – subject to the suggested conditions the proposal is considered to be acceptable in relation to archaeology.

Planning Balance and Conclusion

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

Notwithstanding the conclusion of the Conservation Officer that the development, subject to conditions, would result in no harm to the character and appearance of the CA, nor to the setting of any listed buildings in accordance with the objective of preservation required under sections 66 and 72 of the Act, heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF, I have concluded that the erection of these four dwellings in the land to the south of Coghill Court would result in a minor degree of harm to the green, naturalistic and undeveloped character of site adjacent to the Potwell Dyke. This would be contrary to CP9 of the Core Strategy, DM5 of the ADMDPD and DH1 of the SNP. As such a small amount of weight can be applied negatively against the proposal, albeit I also recognise that the design of the dwellings is appropriate in this context and is sympathetic to the historic context of the site.

However, on the other hand the proposal would provide four affordable units that would accord with the need within the Southwell area for smaller properties. The proposal is part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years and it is indisputable that there is an affordable housing need across the district, which includes Southwell, and these four dwellings would help to meet this need within the district which is a central thrust of the government's approach to the delivery of housing nationally. I also note that there would be no unacceptable impact on neighbouring amenity, highways safety, archaeology or ecology as a result of these new dwellings, subject to conditions.

Therefore, having considered all matters, I conclude that the public benefit of providing four affordable dwellings in a location where there is an identified need would outweigh the very minor harm on the character of the area. The proposal will see the erection of four dwellings that would contribute to the affordable housing need for the district which I consider overrides the level of harm that would occur. I therefore consider, on balance, that the application should be approved.

RECOMMENDATION

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

Conditions

01

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

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

02

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

Site Location Plan – Ref. 00001 Rev. P01

Revised Proposed Site Plan - Ref. 00002 Rev. P03
Ground Floor Plan - Ref. 00004 Rev P01
Elevations - Ref. 00005 P01

Reason: So as to define this permission.

03

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

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

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

- External windows 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
- Magpie timber gable and finials
- Exposed sprockets
- Rainwater goods
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimney(s)

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

For the avoidance of doubt no dry fix roof shall be installed on the dwellings hereby permitted (instead copings should be bedded in mortar).

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 8.0 m behind the

highway boundary with highway boundary clearly demarcated in accordance with approved plan reference 548-SGA-150- SL-DR-A-00002 rev. P03. Titled: Proposed Site Plan, dated: Feb 21.

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

07

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

08

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan reference 548-SGA-150-SL-DR-A-00002 rev. P03. Titled: Proposed Site Plan, dated: Feb 21. The parking and turning areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of highway safety.

09

The communal garden areas as shown on plan Revised Proposed Site Plan - Ref. 00002 Rev. P03 shall be provided prior to the first occupation of the four new dwellings hereby permitted in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate private amenity space is provided for occupiers in the interests of residential and visual amenity.

10

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;

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

Reason: In the interests of visual amenity and biodiversity.

11

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

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

12

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 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 arboricultural method statement and tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

13

During the construction period the following activities must not be carried out under any circumstances.

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

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

14

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a phasing scheme for works to ensure existing residents have access to external amenity space throughout the construction period.

Reason: In the interests of residential amenity.

15

No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall 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; and
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. 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. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Part 3

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 archaeological works hereby approved being commenced. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site all in accordance with the National Planning Policy Framework.

16

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.

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) in order to safeguard the amenity of neighbours and character and setting of the conservation area and listed building.

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 understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

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 with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

04

Notes from the Conservation Officer:

- 1) No trickle vents will be allowed on windows facing the front elevation;
- 2) No ventilation through the roof unless on the rear roof slope;
- 3) Window casements must comprise flush fitting frames.

BACKGROUND PAPERS

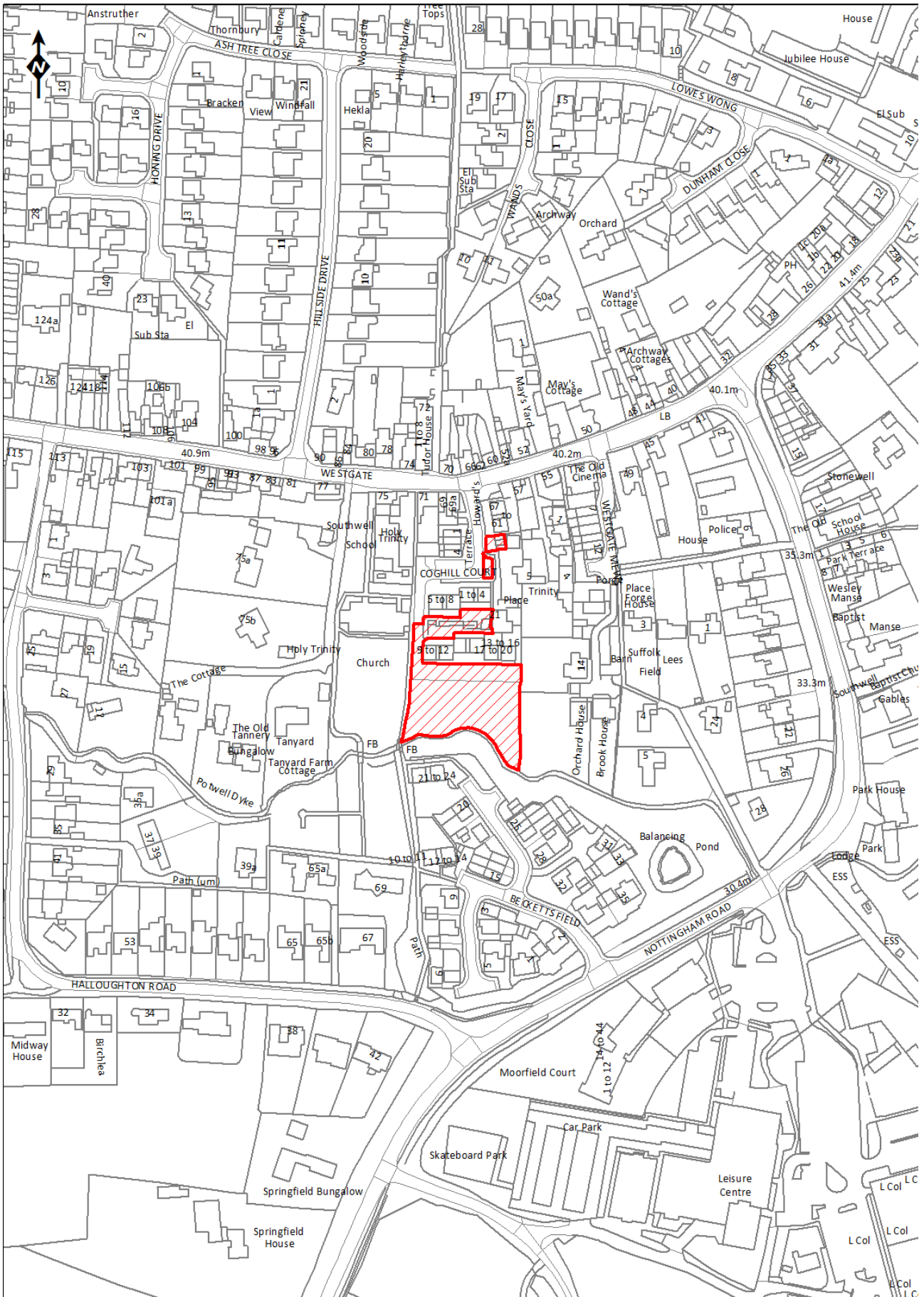
Application case file.

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

Committee Plan - 21/00535/FUL



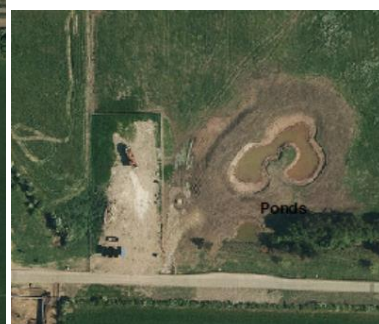
PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00295/FULM	
Proposal:	Erection of commercial storage units and erection of new office with associated parking.	
Location:	Staunton Industrial Estate, Alverton Road, Staunton In The Vale NG13 9QB	
Applicant:	Pete Norris Ltd, Midland Feeds	
Agent:	Grace Machin Planning & Property	
Weblink:	21/00295/FULM Erection of commercial storage units and erection of new office with associated parking. Staunton Industrial Estate Alverton Road Staunton In The Vale NG13 9QB (newark-sherwooddc.gov.uk)	
Registered:	17.02.2021	Target Date: 19.05.2021
	Extension of Time Agreed Until 04.06 2021	

This application is presented to the Planning Committee for determination given that it is major scheme which has the potential to generate employment and the officer recommendation is for refusal.

The Site

The site is situated at the long established Staunton Industrial Estate, approximately 750m to the north-west of Staunton-in-the-Vale which is located in the open countryside to the south of the district. This part of the industrial estate comprises a mix of compacted bare ground, improved grass and tall ruderals vegetation. This and the wider field to the north and east appears agricultural in character. There is a balancing pond located to the east, fed by a culvert that runs parallel with the drive that serves the industrial units.



JP Concrete is the business occupying the unit and associated land immediately adjacent (west) of the site. Midland Feeds occupy the larger unit (with a square footprint) west of that along with the land to the south, east and west of it where they produce animal feeds.

The proposed development site is located approximately 150m to the east of existing industrial buildings within the Estate. An existing industrial estate access lies to the south of the application site and connects to the public highway C3 (Grange Lane) that runs parallel with the A1 to the east.

The site lies within flood zone 1 although lies in an area that is prone to superficial deposit flooding according to the EA maps.

Relevant Planning History

Wider site including this application site

94/51746/LDC – Use of site (Staunton Works British Gypsum Ltd) for general industrial purposes within Use Class B2. Certificate issued 04.12.1995.

94/51747/LDC – Retention of existing buildings (non-compliance with planning conditions requiring removal of such buildings) certificate issued 04.12.1995.

94/51748/OUT – Demolition of some existing buildings and replacement with new buildings and use of site for B1, B2 and B8. Approved 18.09.1995.

Land to south-west

12/00224/AGR – Prior notification for proposed open cattle area, prior approval not required 23.04.2012

97/51912/CMM – Restoration of land to agricultural. NCC were decision makers.

Land to west

09/00995/FULM - Proposed change of use for storage and associated haulage for Farrell Transport Ltd, refused on 17.02.2010 (on grounds of impact on living conditions upon occupiers living alongside the local highway) but appeal was allowed 27.07.2010 under appeal ref APP/B3030/A/10/2126156.

02/02452/FUL – Proposed extension for storage of Glulan & I Beams, approved 19.12.2002

98/51825/FUL – Change of use of agricultural land for open storage, approved 25.08.1998.

The Proposal

Amendments (involving omitting a previously proposed triple bay feed store) have been submitted during the lifetime of the application in an attempt to overcome officers concerns.

Full planning permission is now sought for new commercial development by Midlands Feeds who already occupy a unit on the Staunton Industrial Estate to allow them to relocate their other site

and staff from Bottesford (within Melton Mowbray borough) and consolidate and expand their business. The business is for animal feed storage.

The applicants existing site at Bottesford is said to comprise c10,000 sq ft (c929m²) of storage. The applicant has advised that they currently operate or store at six different sites and this application will allow the company to consolidate down to two sites (this one and the other at Claypole; just across the Lincolnshire border into South Kesteven) with all staff moved to the Staunton site.

The development proposals includes storage buildings and an office, detailed as follows:

An office building (24.68m x 9.68m x 3m eaves x 6.35m ridge) is proposed comprising an open plan office space of 239m², reception, server room, toilet/shower room, lobby and small kitchen, additional lobby, kitchen, store, plant room, office and board room. This would be located at the southern part of the site adjacent to the site access that serves the estate. This would be constructed of profiled metal coated cladding, glazed roof lights, with metal windows and doors.

Parking for 19 cars to the west of the office is proposed and the access road would loop around the office and parking (a weigh bridge is proposed to the north also).

To the north of the office and in the center of the site, a double bay feed store is proposed (c38.36m x 25m x 8.75 ridge x 5.6m eaves) giving 2 x storage areas of 466.63 m² and 466.62m². A further 4 parking spaces would be provided adjacent. This would be constructed in a portal steel frame, with dark brickwork, profiled pvc coated metal cladding and metal roller shutter doors.

A service yard to the north of the site is proposed now instead of the previously proposed triple bay feed store.

A weighbridge 18m long with 3m ramps at either end is also proposed between the offices and the two bay feed store.

The application form is noted as having 16 full time and 2 part time employees. However these employees would be existing staff relocated from Melton Mowbray.

The application has been assessed on the basis of the amended plans and documents listed in the Note to Application no. 1 at the end of this report.

Departure/Public Advertisement Procedure

Occupiers of 16 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 given that this is a major development and a potential departure from the development plan. Re-consultation has taken place on the amended plans

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

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

National Planning Policy Framework
NPPG
Landscape Character Assessment SPD, 2013

Consultations

Staunton Parish Meeting – (on 07.05.2021 in response to amended plans) **Object** (6 objections, 4 support). The reasons for objection remain the same as our original response below. In addition some felt aggrieved that a building has been erected without planning consent adjacent (within the existing industrial estate) and this would have been a suitable area for this development. Those in support felt the proposed development, including landscaping, would improve the look of the industrial estate in this rural area.

Previous comments (on 08.03.2021 in response to original submission) **Object** (7 against, 3 support, 2 abstentions) due to the following reasons:

- They did not wish to see Staunton Industrial estate expand into open countryside, as designated in the local plan.
- Such expansion into a grass field would negatively impact the rural landscape and could set a precedent for further expansion into open countryside
- There was concern over increase traffic to the new offices and industrial units including heavy goods vehicles
- There was unanimous concern (including those in support) regarding light pollution. Those in support wished this to be subject to low level lighting on the new development only. (The high level bright all night lighting on the recently erected building at Farrell Transport adjoining continues to cause significant concern within the village)

- There are existing foul and surface water drainage problems at Staunton Industrial estate. There are worries that this additional development could add to these problems and that the applicant should submit more detailed plans on how this issue will be addressed should the development go ahead.

NCC Highways Authority – (14.05.2021) **Object**; Insufficient information received for them to remove their holding objection. They comment that whilst the size of the unit has been reduced to one where a Transport Assessment isn't required, impacts are considered cumulatively. They have concerns that the parking may be insufficient given the unsustainable location and as the site is situated within an existing Environmental Weight Limit, it causes some concern as even with less traffic, the development would increase the numbers of HGVs using the roads subject to this weight limit and an acceptable routing agreement would be required with routing to the south, through the villages to the north of the A52 unlikely to be acceptable.

NCC Lead Local Flood Authority – 31.03.2021 – Confirmed no objection based on the drainage plans submitted which addressed their previous holding objection and they have confirmed there is no objection in respect of the amended plans on 05.05.2021.

Natural England – No comments to make

NSDC (Environment Health, Land Contamination) - Advice Note - The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newarksherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

Representations have been received from 4 local residents/interested parties in response to the original proposals (no comments received in respect of the amendments); 3 of these support and 1 objects which are summarized below:

Support:

- It would make positive contribution to area in terms of aesthetics and by helping encourage business to the area;
- It will help with screening the existing buildings from the village as long as there is adequate landscaping;
- The style and look of the new buildings will in my opinion be an improvement to what is already there.

Object

- This further extension of an industrial site would continue to negatively impact this part of the Vale and would be detrimental to local environment;
- Amenity is already severely impacted in terms of both light and noise pollution from the existing businesses operating out of Staunton Works;
- We do not need additional Industrial or Warehousing or even office space locally. There is no shortage locally and there are much better sites where this sort of development would have no or little impact to both the local community and environment;

- Would mean further increased traffic and heavy goods lorry use of Grange Lane which rightly has a 7.5T weight restriction upon it. Grange Lane already suffers from excessive traffic from heavy goods vehicles from both Farrells and other local businesses exempt from the existing weight restrictions and other traffic illegally using it as a short cut from A1 to A52/A46;
- There has been a noticeable increase in general traffic over the last few years along Grange Lane at speeds seemingly well in excess of the prevailing national speed limit (60mph) which resulted in a local petition and application (2018/19) requesting a 40mph speed restriction from the junction of Grange Lane with turning for Staunton in the Vale up to the junction with Valley Lane (for Long Bennington);
- This development would mean expansion into the open countryside and would also set a precedent for potential further expansion into open countryside adjoining the site in the future leading to a further degradation of the environment for the local community;
- There are new structure on the Staunton Industrial Estate owned by the applicant which does not seem to have had any planning permission.

Comments of the Business Manager

The Principle

Development of this scale in this location requires some justification. This proposal, if permitted, would effectively extend Staunton Industrial Estate despite there being undeveloped land within its current boundary and a more than adequate supply of available land suitable for employment uses elsewhere in the District.

The spatial strategy seeks to focus employment development in the sub-regional centre, Service Centres and Principal Villages, with a range sites having been made available in such locations. The Development Plan seeks to ensure that development in the open countryside is strictly controlled (through policies SP3 and DM8) and it is important that any permissions granted do not set a precedent that undermines the ability of the District Council to resist inappropriate development proposals elsewhere.

Policy DM8 (Development in the Open Countryside) strictly controls development in the open countryside limiting it to certain exceptions of which there are 12. Exception no. 8 'Employment Uses' is considered the most applicable to this proposal. This states:

'Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.'

I therefore assess the scheme against this exception having regard to two key factors; 1) whether the proposal can be considered to be small-scale, and 2) whether the proposal is considered a proportionate expansion of an existing business.

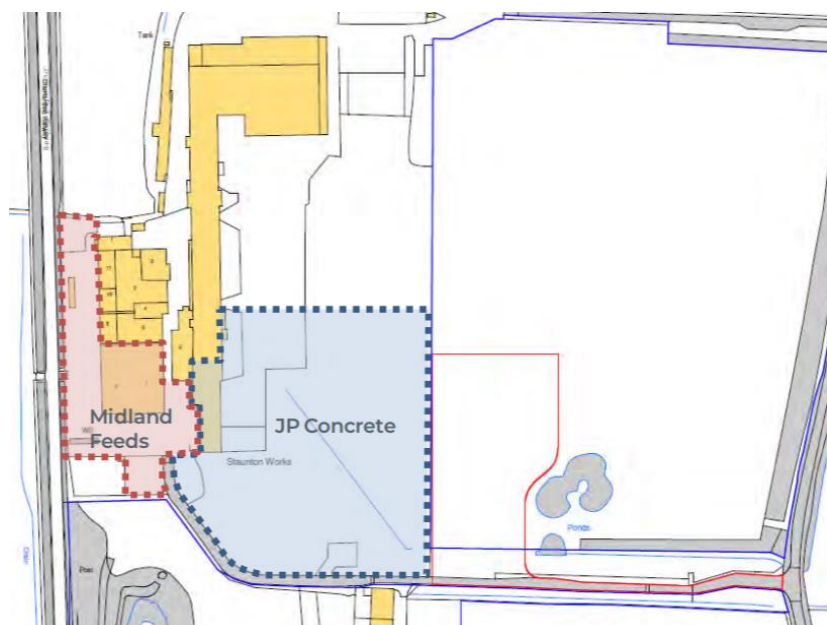
Small Scale

As originally submitted the scheme proposed 2,589m² of new floor space which has been reduced to 1,172m² by the omission of the triple bay feed store. Nevertheless this this amount of

development and with a land take of 1.04 hectares, I would say that this is not a small-scale development. Major developments in planning terms are defined by government as those having a floor area of 1,000 m² or above, or those exceeding 1 hectare in land area. This scheme exceeds both and constitutes a major development. Policy DM8 is silent on large-scale employment developments simply because it is expected that these would be located on sites allocated for employment type uses; only development demonstrated as necessary is permitted in the open countryside in line with the sequential approach to site selection.

Is it an Expansion and is it Proportionate?

Core Policy 6, underpinning Policy DM8, requires that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. Policy DM8 refers to proportionate expansion, so a judgement needs to be reached as to whether the scale of this proposal is acceptable and proportionate. There is no definition in policy DM8 as to what is meant by a 'proportionate' expansion of an existing business. While proportionality should be considered in relation to the existing Midland Feeds Ltd. site, it is reasonable to view this in the wider context of the whole Industrial Estate.



As can be seen from the plan extract, the application site does not sit immediately adjacent to the existing business which is seeking to expand and there is a separate business on the intervening land between the sites. Whether we can consider this proposal as an expansion of the existing business at all (rather than a separate business operating independently) is a matter that needs to be carefully considered.

Midland Feeds Ltd is a company that produces animal feeds by blending and processing grains and cereals for cattle and sheep. It stores these on-site and delivers nationwide. While a rural setting seems appropriate for such a business, it is still important to be satisfied that this is the correct location for it and that the location is sufficiently justified compared with other locations which would be more consistent with the spatial strategy. The site is neither within the established Staunton Industrial Estate (in the sense that it is undeveloped land) nor adjacent to the existing Midland Feeds site and the impacts of the proposed development would be akin to a new business venture being established in the open countryside. As such I take the view that it is appropriate to undertake a sequential approach to site selection. The necessity of this location, and the unsuitability of alternative available land elsewhere will need to be understood (including but not necessarily limited to allocated employment sites).

In this regard the applicant has been asked why the business needs a rural location and how the existing unit and proposed site at Staunton interrelate together as it appears that both elements of the business could operate independently as they do currently on different sites. They have

responded as follows:

“A rural location is essential for the business for a number of reasons. We have customers coming in to collect (feed) in a variety of transportation, ranging from small trailers to large tractors and trailers, as well as HGV lorries. We currently carry out all processing at the Claypole site (which is essentially an old farm, situated outside of Claypole village). To ensure the short, medium and long term viability of the business, expansion at Staunton is critical in order to store finished material and raw materials for blending. There is currently no plan to process at the new site, in order to keep it as “clean” as possible. However, there is a small amount of dust produced when for example we load a lorry (our feed is 90% dry) therefore being positioned on a ‘urban’ commercial site in a location with other operators where you have people coming for meetings (offices), dropping cars off for repair (i.e. you have a human interface within a reception area, etc) is simply unworkable.”

Whilst it is understood that the variety of vehicles being able to collect the feed might be better suited to a rural location, it should be remembered that the office element of the scheme is exactly the type of urban commercial site that the applicant says would be unworkable. I am not convinced that a rural location is necessary and consider that the applicant has not fully demonstrated a compelling need to be sited here as opposed to on the ample employment land we have allocated within the Development Plan; for example the Newark Industrial Estate which is close to the applicant’s other site in Claypole and with arguably better transport links.

In terms of whether the ‘expansion’ is proportionate, on a simple mathematical comparison, the existing business occupies a land area of approximately 0.672ha whilst the proposed site relates to 1.04ha which represents a 154.7% increase in land take which I do not consider to be proportionate to the existing business.

The applicant has been asked why existing industrial units at Staunton Industrial Estate cannot be acquired for the expansion of the feed stores and office. They have commented that currently all units and space is occupied by other businesses and that in any case none of the other units are suitable for HGV access, nor lend themselves to being suitable to the feed business as they are mainly workshops with small offices. The applicant has also been asked what benefits this relocation would bring to the business already operating. They have said:

“The biggest benefit and the main reason for relocating is that the business has continually grown over the last 5 years and we are now at a situation where we need more room/space. Proportionate growth at Staunton will make the business a more efficient operation with a less dispersed array of sites to minimise unnecessary car journeys. There will be less vehicle movements internally by relocating from Bottesford. We want to invest in Newark and Sherwood and help in bringing prosperity and jobs to the District.”

The applicant also indicates that the other auxiliary stores around the country that they use would no longer be needed by the business which would reduce the amount of vehicle movements between these sites and this one.

Whilst this is all noted, the same statement could be true for alternative land available at Newark Industrial Estate which is where we would expect to see such growth which also has good (I would suggest better) site access from major transport links to the applicant’s other site at Claypole given it is just off the A1.

Policy DM8 requires schemes to demonstrate a contribution to providing or sustaining rural employment to meet local needs. The application form notes the proposal would have 16 full time and 2 part time employees. However the Planning Statement submitted in support of this application makes clear in paragraph 2.4 that the staff would be existing employees currently based in other locations. As currently set out there would be modest, if any, benefits in terms of local employment although of course in the future it is possible that local residents could find work here and the scheme would at least 'sustain' employment (though notably a move to Newark Industrial Estate would equally).

Of course there would be benefits to the district from the inward investment and the overall aim of Core Policy 6 is to strengthen and broaden the economy of the District so in that regard the proposal would align with the Development Plan.

In terms of general sustainability the site is not well served by public transport. The business is clearly dependent on the use of motor vehicles, including lorries, by both staff and customers. 23 car parking spaces are proposed and it is inevitable that there will be some impact on the local road network. Paragraph 84 of NPPF states that 'planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport'. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

The applicant has indicated that, if permission were granted, they would be willing to accept a condition restricting the use of the site to Midland Feeds Ltd, so the suitability of the site for other potential future users may be less of an issue than would otherwise be the case. Even so, it could be difficult to resist alternative future uses of comparable scale if the impacts were considered similar, as the principle of this type of development in this location would have been established. Equally, a further application to expand the business by building on the service yard I suspect would also be difficult to resist if this were to be approved.

The proposal is for brand new buildings in the field beyond the existing business in the open countryside. This is encroachment into good quality agricultural land. This is of relevance in that the final paragraph of Policy DM8 requires that where the loss of the most versatile areas of agricultural land is proposed, that a sequential approach to site selection is taken and implies that environmental or community benefits must outweigh this harm. The NPPF sets out at paragraph 170 that planning decisions should contribute to the natural and local environment by ' (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*' emphasis added.

Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in

response to inputs and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 5 land and very limited amounts of Grade 4 land which is located north of Girton and Besthorpe and near North Clifton. Of the Grade 3 land, there is no database to distinguish between whether a site is formed by Grades 3a or 3b land.

The applicant is not able to confirm whether the land is either 3a or 3b graded land. No soil analysis has been undertaken to understand the versatility of the soil albeit the agent notes that the land was restored by British Gypsum prior to their ownership.

Without the soil analysis to confirm either way, I have taken a precautionary approach and assumed the field in which the new building is proposed should be considered as 3a quality land. The existing site comprises an area of c0.672ha however an additional 1.04ha of land, representing an increase in site area of 154.7% increase in curtilage. The loss of an additional 1.04ha of Grade 3 agricultural land is a negative factor in the overall planning balance. However without knowing what proportion of other land within the district is 3a and 3b it is difficult to quantify its true impact and in reality it is questionable as to whether the land could or would be actively farmed commercially given it is within the confines of an established industrial estate.

Landscape and Visual Impacts

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the Landscape Character Appraisal (LCA).

A LCA has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone 10 (Alverton Village Farmlands) within the South Nottinghamshire Farmlands Regional Character Area. Here landform is predominantly flat with the landscape being in a mix of arable and pastoral farmland. The landscape condition is described as very good with its sensitivity described as moderate giving a policy action of 'conserve'. In terms of built features this means conserve what remains of the rural landscape by concentrating new development around existing settlements of Alverton, Kilvington and Staunton in the Vale.

The proposed grain store building is large in scale at 8.74m to ridge and with a large footprint of over 900m² with the office building being smaller in scale at 6.35m to ridge height and having a footprint of 238.90 m² (2571.49sq ft). These substantial buildings would be seen with industrial buildings as a backdrop albeit further forward towards the roadside on currently undeveloped rural land.

Current view towards the site from the main C3 highway



The proposal goes against the landscape actions and objectives (conserve) set out in the SPD and CP13 in that it does not limit development to around the settlements. It could be argued that this doesn't limit development to around the industrial unit. As existing the industrial estate is reasonably compacted in a linear arrangement to the west. This scheme would be notably separate being in the adjacent field over from the built development and would represent

encroachment into the countryside, which may set a precedent for the remainder of this field to be developed. I do acknowledge that the site is reasonably well screened from the road and the applicant has stated they could propose further landscaping to increase screening and improve biodiversity in the local area if required. This would go some way to mitigate the proposals but cannot completely mitigate the impacts from encroachment and in summary I conclude there would be a level of harm from encroachment in the landscape and it would be contrary to CP13, CP9 and DM5.

Highway Impacts

Together Spatial Policy 7 and Policy DM5 seek to ensure that new development minimises the need for travel, provide safe and convenient accesses for all, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

The site has access onto the C3 road which links Newark to the north with the A52 at Elton-on-the-Hill to the south. The proposal would utilise the existing access arrangements on site.

A Transport Statement (TS) was submitted with the original application which included an additional grain store. NCC raised a number of concerns and sought some clarification in terms of what is actually being applied for and whether there would be a retail element as the submission indicates customers visit the site. They raised concerns that the scheme was not considered sustainable as it would encourage the use of private motor vehicles. The raised concerns that the TS deducted the vehicles movements to the existing Bottesford site but they don't accept this as the existing site at Bottesford could continue to operate, either with the existing or a new occupier. Significant concerns were also raised with the data with the trip rates used and that the parking provision showed a shortfall of 40% and showed no customer parking.

In an attempt to address the concerns officers raised amended plans have been received removing the triple grain store which takes the scheme to a development below which a Transport Statement needs to be provided. As the impacts are considered cumulatively, NCC concerns haven't been fully addressed. It remains a concern that given the unsustainable site location, a need for further parking provision is required in order to avoid potential parking on the access road which would inhibit HGV's from being able to safely enter and exit the site.

The industrial use would require 17 parking spaces under current highway guidelines and the office layout shows workstations for 13 staff such that 30 spaces would be required for these two elements and there is no provision for customers (given the office shows a payment lobby) it is assumed there will be a need for customers to visit the site to collect their goods). Only 23 parking spaces are shown which is considered inadequate risking parking on the access road which may be obstructive to the highway. In addition there is an existing Environmental Weight Limit which causes some concern as even with less traffic, the development would increase the numbers of HGVs using the roads subject to this weight limit. NCC have stated they would require an acceptable routing agreement to be submitted and that it is unlikely that routing to the south, or through the villages to the north of the A52 would be acceptable. For these reasons the scheme is considered to be contrary to the development plan.

Residential Amenity

The nearest residential neighbours are some distance from the site, almost 700m away from the site. As such I have no concerns that the scheme would give rise to impacts such as overlooking, overlooking, loss of light etc. Concern has been expressed regarding general disturbance from noise and light pollution which it is said are already occurring from uses already operating closer to the objector in question. The concerns regarding light pollution from the Parish Meeting regarding light pollution are also noted. However I consider that in the event of an approval, low level lighting could be secured by condition. I do not expect that noise from the proposal would be an issue here given the distances involved and as such it would comply with Policy CP9 and DM5 in this regard.

Drainage and Flood risk

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

The application has been accompanied by Flood Risk Assessment and Drainage Strategy to show how both surface water would be managed. This has been revised to address concerns raised by the Lead Local Flood Authority. In order to ensure flood risk is minimised the strategy makes a number of recommendations which could be secured by condition in the event of an approval. The LLFA as technical experts have now confirmed they have no objection to the scheme and therefore the scheme complies with the relevant policies in terms of drainage and flood risk.

Ecological Impacts

CP12 and DM7 seek to protect, promote and enhance the environment through site development proposals and requires developments affecting sites of regional or local importance, sites supporting priority habitats, priority species, or where they contribute to the ecological network, to be supported by an up to date ecological survey.

An ecological appraisal has been undertaken and submitted in support of the application. The scope of this appraisal relates to the application site and the wider agricultural field within which it lies.

This concludes that given the lack of direct access from the site to the nearest local wildlife sites (of which there are 3) there would be no negative impacts. Given the land is under intensive agricultural management there is low ecological value. No evidence on site was found of protected species, such as badgers, water voles, great crested newts. Plants were found on site that are food for some species of Section 41 butterfly which would be lost to the development. However the ecologist considers that this would not be a significant impact.

The appraisal recommends the following in order to provide a new high-quality foraging opportunities for locally present bat and bird species, enhancing the overall ecological value of the site.

- New planting should incorporate native tree and shrub planting, including flower, fruit and nut bearing species.
- Any grassland areas should consider native seed mixes that maximise their benefit to biodiversity. Amenity areas could for example be seeded with a flowering lawn mix and managed appropriately achieving a tidy appearance whilst enhancing nectar sources for invertebrates. Overseeding with a species-rich native meadow mix should be considered for areas of retained grassland habitat.
- Inclusion of ecological enhancement features within the development such as bat, bird and invertebrate boxes on retained trees.
- A suitable lighting scheme implemented to reduce lighting to the minimum required for safety and security.

Having assessed the scheme against the Natural England Standing Advice and against the Development Plan, it appears to me that the scope and findings of the appraisal is fair, appropriate and in accordance with the development plan. The recommendations outlined above also appear appropriate and could be secured by planning condition.

Planning Balance and Conclusion

Having assessed the scheme carefully, I am not convinced that the proposal is an expansion of the business in the truest sense in that the business is not immediately attached to the existing unit occupied by the applicant and it appears to me that the two planning units would be capable of being operated independently. The sequential approach to site selection is therefore relevant and again I am not persuaded that the site needs a rural location. Additionally given the size and scale of the development, at 154.7% increase in site area, it is hard to see this as being a proportionate expansion in any event.

On the other hand, the proposal would bring about inward investment to the District, bringing with it short term benefits to the construction industry and the local economy. It would sustain existing employees of the business through their relocation, though not in the first instance offer any new employment opportunities at the site once operational. By the applicant's own admission it appears that that main benefit to them is that they simply need more space to make it a more efficient operation but one where I am not convinced needs to be in a rural location. It is likely to

be better fulfilled within a more sustainable settlement with better transport links. Whilst the loss of grade 3 agricultural land could be a negative through a loss of a resource, its true impact is difficult to quantify given it is not known if this is 3a or 3b land and nor is it clear whether the land is likely to be in active agricultural use given its location adjacent to an industrial estate. It remains that the encroachment into the countryside, occupying what appears to be good quality agricultural land, has been demonstrated as necessary nor would it safeguard the best and most versatile land as required by policy.

There would also be some landscape harm arising from the encroachment into the open field adjacent to the industrial estate which could set a precedent for similar forms of development which the LPA could find difficult to resist.

Furthermore there are highway concerns with this scheme regarding the sustainability of the site generally with some of the specific concerns not having been fully addressed. As submitted the scheme does not provide for sufficient onsite parking for the end use, which could result in displacement parking and risks highway safety through HGV's being unable to safely enter/exit the site. The routing of traffic is also of concern including how this is controlled given the weight restrictions on the surrounding roads and that the data provided with this Transport Statement is not robust. These outstanding concerns are a strong negative which tips the balance even further towards refusal.

However notwithstanding the neutral and positive impacts, I have concluded that the proposal is contrary to the Development Plan and when balancing the impacts and considering other material considerations I find that the harm firmly outweighs the benefits and therefore I must recommend refusal.

Recommendation

That planning permission is refused for the following reasons

Reason for Refusal

01

In the opinion of the Local Planning Authority the proposal does not represent a proportionate expansion of an existing business and the need for a rural location has not been demonstrated. The proposal therefore represents unjustified and unsustainable development in the open countryside and it has not been demonstrated that this would not sacrifice the best and most versatile agricultural land in the district. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Amended Core Strategy (adopted March 2019) and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD, which together form the up to date Development Plan for the district alongside the NPPF a material planning consideration.

02

In the opinion of the Local Planning Authority the development would be contrary to the landscape actions and objectives (conserve) set out in the Landscape Character SPD and Core Policy 13 (Landscape Character) of the Amended Core Strategy (ACS). The proposal which is of a significant scale, does not limit development to around the settlements and the existing

established industrial estate is reasonably compacted in a linear arrangement whereas this development would be notably separate being in the adjacent field, representing encroachment into the countryside. This encroachment would represent a material consideration for the remainder of this field to be developed the cumulative impacts of which would be significantly harmful and unsustainable. The development is therefore considered to be contrary to CP13 and Core Policy 9 (Sustainable Design) of the ACS, Policy DM5 of the A&DM(DPD) as well as the SPD on Landscape Character, a material planning consideration. The harm from the encroachment cannot be fully mitigated and there are no positive impacts that would outweigh the harm identified.

03

In the opinion of the Local Planning Authority the proposal represents an unsustainable form of development that risks highway safety through its insufficient levels of parking to meet the needs of the development proposed as displacement parking on the access road would inhibit HGV's from being able to enter and exit the site safely. There are also concerns that the data provided within the Transport Assessment is not robust providing an unreliable basis for proper assessment of the impacts and that given the existing Environmental Weight Limit on roads in the vicinity of the site that would increase the number of HGV's using the road and an acceptable routing plan has not been provided to avoid villages. For these reasons the scheme is considered to be contrary to Spatial Policy 7 (Sustainable Transport) of the adopted ACS and Policy DM5 (Design) of the A&DM(DPD) in that it fails to ensure that new development minimises the need for travel, provides a safe and convenient access, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

Notes to Applicant

01

The application was refused on the basis of the following plans and documents:

- Topographical survey, drawing no. 20-202-01 & 20-202-02
- General arrangement, feed store 2 plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DR-A-2011 P02
- General Arrangement, office plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DR-A-2012 P01
- General Arrangement external works, location plan, 8952-CPMG-oo-ZZ-DR-A-7001 P03
- General Arrangement external works, proposed site plan, 8952-CPMG-oo-ZZ-DR-A-7010 P02
- Design and Access Statement P4
- Planning Statement
- Ecological Appraisal, FPCR, December 2020
- Flood Risk Assessment and Drainage Strategy Rev P03, BSP Consulting, 12 March 2021
- BSP Consulting written response to NCC LLFA objection
- Transport Statement, BSP Consulting, January 2021
- General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00-ZZ-DR-A-2013 Rev P1

02

The application is clearly contrary to the Development Plan and other material planning

considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively by giving the applicant the opportunity of addressing the concerns.

03

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/

BACKGROUND PAPERS

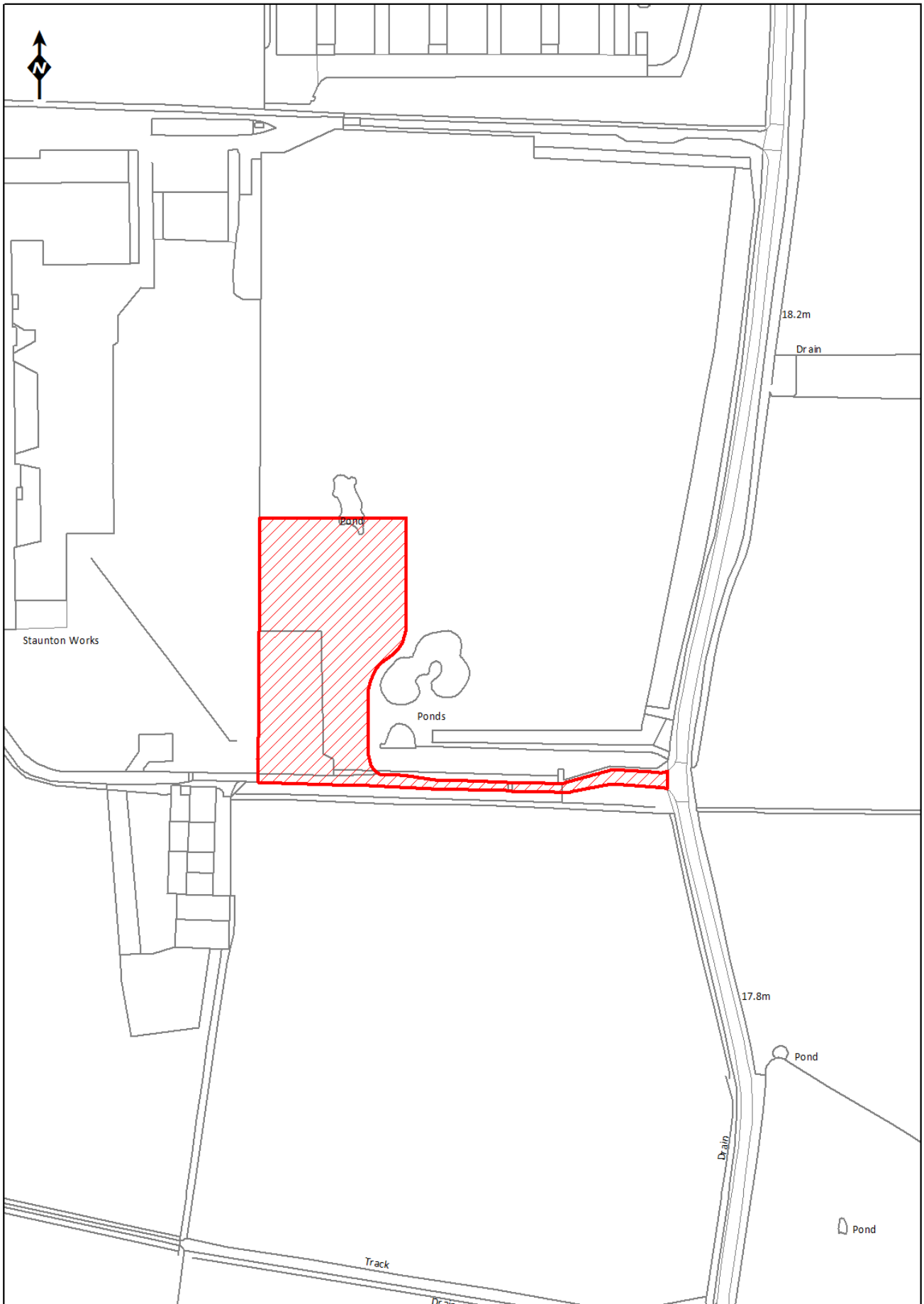
Application case file.

For further information, please contact Clare Walker on ext 5834.

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 - 21/00295/FULM



PLANNING COMMITTEE - 1 JUNE 2021

Application No:	20/01405/FUL	
Proposal:	Material change of use of land for stationing of caravans for residential occupation with associated development (new access, hard standing, utility block) – part retrospective	
Location:	Land off Main Street, Balderton	
Applicant:	Mr Patrick Doherty	
Agent:	Heine Planning Consultancy – Mrs Alison Heine	
Registered:	3 August 2020	Target Date: 28 September 2020
	Extension of time agreed until 3 June 2021	
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Background

Members will recall that the above application was presented at the meeting of 2 March 2021. Members resolved to approve the application for a temporary period of 3 years, subject to the completion of a S106 legal agreement within 3 months of the date of the Planning Committee to secure the access to the site following the removal of the requirement to secure the provision of two off-site footways either side of Hollowdyke Lane on grounds of cost and reasonableness on the basis of the temporary consent.

Members will recall that they were minded to grant a temporary permission for three years on the basis of the identified harmful impact from the considerable nearby noise sources of the A1 trunk road and main line railway which means that noise levels are in excess of recognised standards and the health implications of living at the site in exposure to consistently high background noise levels is a significant concern. However, the weight attached to the noise impact is reduced due to the fact that the identified harm would only be felt for a limited, temporary period until a more appropriate site becomes available through the development plan process, given the total lack of alternative available sites and in the best interests of the children.

These considerations remain unchanged.

The application has been brought back to Members for consideration for two reasons. Firstly details of the site's vehicular access can be secured by condition rather than through a S106 and secondly a number of the conditions that were agreed to be imposed now require amendment due to works that have been undertaken on the site since the March resolution and to simplify and consolidate requirement triggers.

For clarity, the full officer report presented to the March Committee can be viewed by clicking on the links in the background papers list attached at the end of this report and set out below are the proposed additions/alterations to the conditions indicated in bold and underlined/crossed through text.

RECOMMENDATION

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

Conditions

01

The use hereby permitted shall be for a limited period up to 30 March 2024 or the period during which the land is occupied for its permitted use, whichever is the shorter. When the land ceases to be occupied or on 30 March 2024 whichever shall first occur, the use shall cease and all caravans, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under Condition 7 hereof.

Reason: The nature of the caravans and their proximity adjacent to major transport routes make it unsuitable for permanent permission.

02

No more than 2 caravans (one static and one tourer), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

03

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

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

04

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

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

Management DPD (July 2013).

05

Within three months of the date of this permission, the solid close boarded fences erected along the boundaries with Main Street and Hollowdyke Lane on the site shall be reduced to a maximum of 1m in height and the resultant debris removed from the site in accordance with the details submitted as part of the application.

Reason: In the interests of improving the visual amenities of the area and improving the cohesion of the development within the area in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

06

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

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

07

Within three months of the date of this permission, a scheme for the restoration of the site and a timetable for restoration when the use ceases, to its condition before the development took place shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the agreed timetable. At the end of the period for which planning permission is granted for the use or the vacation of the site, whichever is the sooner, the site shall be restored in accordance with the approved scheme and the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

08

Within ~~one~~ three months of the date of this permission details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage facilities' design, siting and materials. The bin storage facilities shall be provided within one month of approval in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of

residential and visual amenity.

09

Within three months of the date of this permission ~~The erection of the amenity block and timber access gates hereby approved shall not take place until~~

a) samples of the materials ~~to be~~ used in the construction of the external surfaces and details of the triple glazing to the windows and doors of the **amenity** building; and
b) the **scale/design/appearance and finish of the gates across the vehicular access shall be** ~~have been~~ submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

010

Within one month of the date of this permission, the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

011

Within three months of the date of this permission, the access shall be constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

012

Within one month of the date of this permission, a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include an outline of the existing/proposed method of construction, risk assessment in relation to the railway and construction traffic management plan and the use of any vibro-compaction machinery. The construction works shall be implemented in accordance with the agreed details.

Reason: In the interests of railway safety.

~~013~~ 012

Within three months of the date of this permission drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. All disposal shall be diverted away from Network Rail property and there shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including

earthworks, bridges and culverts. The scheme shall be implemented in accordance with the approved details within two months of the date of its written approval.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with the requirements of Core Policy 9 and in the interests of safety on Network Rail land.

~~014~~ 013

Within ~~two~~ **three** months of the date of this permission full details and the precise positioning of 2 bat boxes and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall then be installed within two months of approval in accordance with the agreed details prior to occupation and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

~~015~~ 014

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

- Location Plan – Drawing No: Plan 1;
- Proposed Site Layout – Drawing No: Plan 2 Rev A;
- Proposed Utility Block.

Reason: So as to define this permission.

~~016~~ 015

Notwithstanding the hedgerow details submitted, and within ~~one~~ **three** months of the date of this permission, a revised soft landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in accordance with Condition 6. These details shall include: full details of every tree and hedge to be planted (including its proposed species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity.

~~017~~

~~Within three months of the date of this permission, details of a scheme to limit the existing informal access in the south west corner of the site for pedestrian use only shall be submitted for approval to the Local Planning Authority in writing. The approved scheme shall be fully implemented on the site within two months of the date of approval and retained for the lifetime of the development.~~

~~Reason: In the interests of highway safety and visual amenity.~~

016

Within 3 months of the date of this permission, a scheme on a scaled plan to secure details of the width, position, radii and construction of the access and to secure a bound material for the access for a distance of 5m into the site shall be submitted to in writing to the Local Planning Authority for approval. Within 3 months of approval, the access to the site shall be completed in full accordance with the approved details and plan.

Reason: In the interests of highway safety.

Notes to Applicant

~~01~~

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

~~02-01~~

~~In order to carry out the offsite works required (new footways), 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. Please contact David.Albans@nottscc.gov.uk for details.~~

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

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

~~03~~

~~The full comments of Network Rail are attached for your information.~~

~~04 02~~

The occupiers of the caravan site will be required to apply for a caravan site licence.

~~05 03~~

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).

06 04

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

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

BACKGROUND PAPERS

Officer Report to 2 March 2021 Planning Committee and list of proposed conditions:

<https://democracy.newark-sherwooddc.gov.uk/documents/s10170/4.%20FINAL%20-%2020.01405.FUL%20-%20Main%20Street%20Balderton%20GT%20Mar%202021.pdf>

<https://democracy.newark-sherwooddc.gov.uk/documents/s10171/4a.%20Appendix%20A%20Resolution%2020.01405.FUL.pdf>

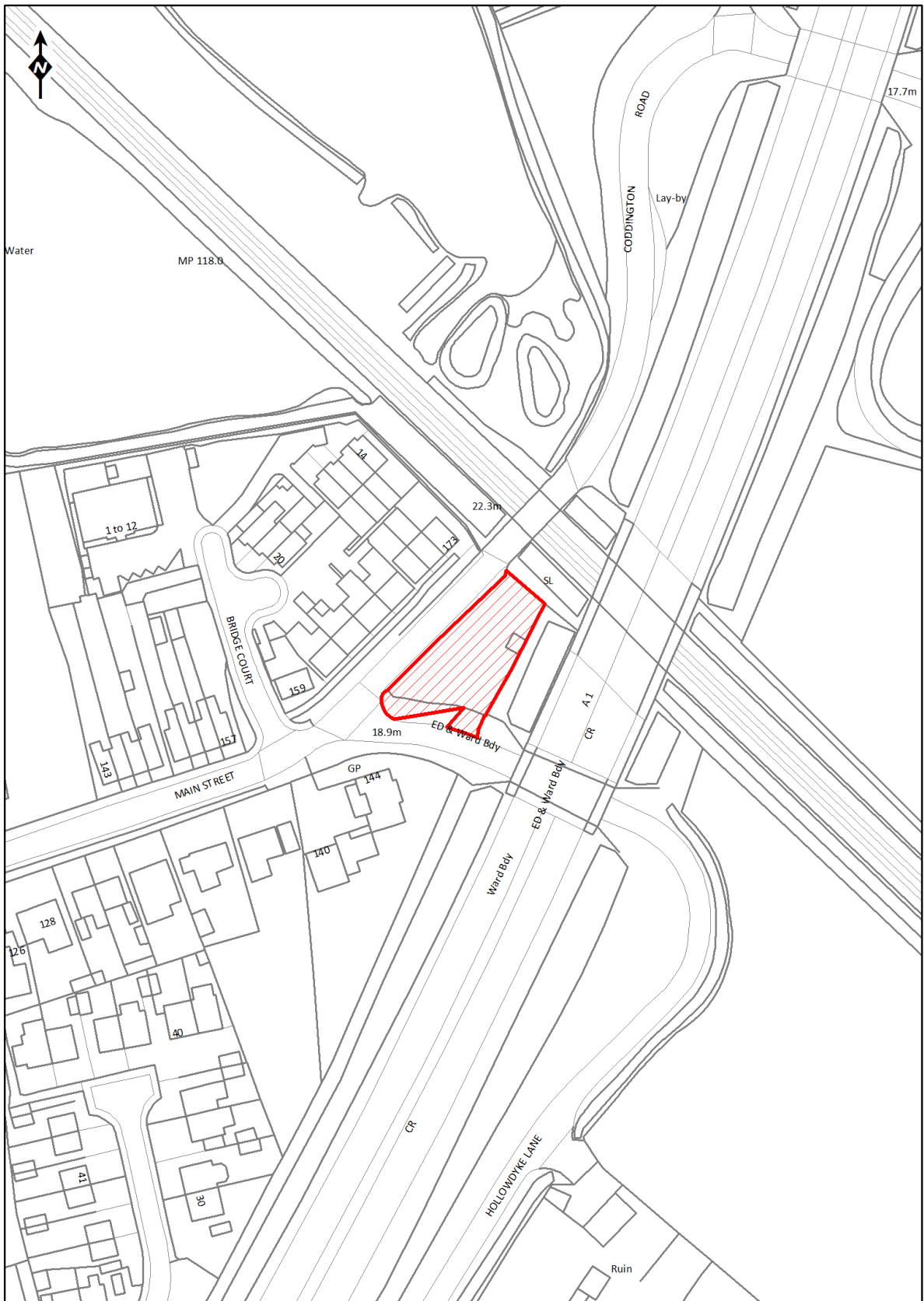
Application case file.

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

Committee Plan - 20/01405/FUL



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PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00246/DEM	
Proposal:	Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings	
Location:	Andreas, Great North Road, Newark On Trent, NG24 1BY	
Applicant:	Mr Robert Churchill - Newark and Sherwood District Council	
Agent:	Mr Chris Houldsworth - William Saunders	
Registered:	07.05.2021	Target Date: 04.06.2021
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QNWCIXLB OEPO0	

The application is being referred to Planning Committee Newark and Sherwood District Council are the applicant.

The Site

The 0.04Ha application site contains a two storey detached dwelling located within Newark Urban Area. Its external surfaces comprise brick, render and a tiled roof. Great North Road (B6326) is located to the west, council offices and parking areas are located to the south and the former Newark Livestock Market and lorry park is located to the north and east. The nearest residential dwellings are located on the other side of Great North Road to the west and south west of the site.

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Station Masters House and Railway Station building which are both Grade II Listed to the south of the site and a Grade II Listed culvert located to the north of the site.

Relevant Planning History

There is no site history of relevance to this application.

The Proposal

Prior notification is sought for the demolition of the dwelling including associated garage and outbuildings. It is envisaged that the demolition would take place 16th August 2021 – 8th October 2021.

The following documents have been submitted in support of the application (superseded documents not referenced):

- Drawing No 12197 - WMS - ZZ - XX - DR - C - 39002 - S2 - P1 Site Location Plan
- Copy of Site Notice Posted 5th May 2021
- Covering letter Dated 7th May 2021
- Application Form Dated 7th May 2021
- 'Environmental Management during Demolition' report (12197/5 rev A) (additional document received 19.05.2021)

Public Advertisement Procedure

The agent has submitted a copy of the notice of the proposed demolition, which has been posted for a period of 21 days by the applicant expiring on 26th May 2021 in accordance with the requirements of Part 11, Schedule 2 of the Town and Country Planning (general Permitted Development) Order 2015 (GPDO).

Legislation

This is a Prior Notification application, submitted under Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Therefore, the Development Plan is not applicable to this application.

Environmental Impact Assessment

Demolition is capable of being an 'urban development project' within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The development has therefore been subject of a separate screening opinion under application no 21/SCR/00004 which concludes that that the effects of the proposed demolition would not be so significant that they would be of more than local importance and Environmental Impact Assessment (EIA) is not required.

Consultations

NSDC Environmental Health officer (contamination) - The application form states that crushing of demolition materials is to be carried out at the application site which may require an Environmental Permit under the Environmental Permitting Regulations 2016. An informative note advising the Applicant of the potential requirement is recommended.

NSDC Environmental Health Officer (reactive) - No objection subject to development being undertaken with the submitted 'Environmental Management during Demolition Report'.

Comments of the Business Manager

The developer must, before beginning the development apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. It is important to note that the method of demolition and any proposed restoration of the site are the only matters relevant to the consideration of this prior notification application.

The submitted application form states that demolition is required to facilitate the economic regeneration of the site. Details of this regeneration are currently unknown and no planning application has been submitted to date. The method of demolition would comprise a conventional deconstruction methodology by an experienced demolition contractor. Materials would be salvaged/repurposed where economically feasible.

The Environmental Health Officer (EHO) initially requested that additional information be provided with regards to how the developer would mitigate noise and dust nuisance given the close proximity of residential properties to the site. An 'Environmental Management during Demolition' report has subsequently been submitted which includes mitigation measures in relation asbestos, noise, dust, vibration, control of substances hazardous to health, contaminated land and concrete crushing. The EHO raised no objection to the proposal on this basis.

The submitted documents state that a watching brief would be undertaken by a qualified ecology professional prior to demolition. An informative regarding protected species would be attached to any decision notice to ensure that the applicant takes appropriate measures in the case of protected species.

In terms of restoration, the site would be levelled to existing ground levels and crushed rubble arising would be retained on site for future use. The submitted 'Environmental Management during Demolition' report states that the rubble would *'be stockpiled within the site in stockpiles not exceeding 3m in height, located to the North West of the site between the line of the current Livestock Market building and the Lorry Park access road. The site and stockpiles will be screening with timber hoarding to the perimeter. The stockpiles will be retained pending future development subject to separate future planning applications, though it is anticipated that commencement of the site development will be within the next two years. Should that not be the case, the stockpiles will be removed from site'*.

Subject to compliance with the submitted 'Environmental Management during Demolition' report', the proposed method of demolition and proposed restoration of the site is considered acceptable as proposed.

RECOMMENDATION

That prior approval is required and approved for the demolition of the building subject to the conditions and reasons shown below.

Conditions

01

The demolition shall not begin later than five years from the date of this approval.

Reason: In order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

02

The development shall be carried out in accordance with the details submitted with the application including the approved measures set out in the 'Environmental Management during Demolition' report (Ref 12197/5 rev A).

Reason: In order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Note to Applicant

01

The prior notification application as submitted is acceptable. In issuing written notice that at such prior approval is not required, the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

If crushing of demolition materials is to be carried out at the application site by the use of a mobile crusher, then under the Environmental Permitting Regulations 2016, an Environmental Permit is required. The permit would contain conditions designed to control how the crusher is operated so that any potential dust emissions are kept to a minimum. The applicant is required to submit a copy of the permit to NSDC Environmental Health for their approval prior to any crushing operations commencing on site. Furthermore, a schedule of works giving dates that crushing is intended to be carried out is also necessary so that an officer from this section is able to visit the site and observe the crusher in operation.

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

PAPERS

Application case file.

For further information, please contact Helen Marriott on ext 5793

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

Lisa Hughes
Business Manager – Growth and Regeneration



PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00247/DEM	
Proposal:	Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences	
Location:	Newark Livestock Market, Great North Road, Newark On Trent	
Applicant:	Mr Robert Churchill - Newark and Sherwood District Council	
Agent:	Mr Chris Houldsworth - William Saunders	
Registered:	07.05.2021	Target Date: 04.06.2021
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QNWDNTLBOEP00	

The application is being referred to Planning Committee Newark and Sherwood District Council are the applicant.

The Site

The 1.05Ha application site contains the former single storey, steel framed Newark Livestock Market building and structures located within Newark Urban Area. Great North Road (B6326) and a residential dwelling called 'Andreas' are located to the west, council offices and parking areas are located to the south and Newark lorry park is located to the north and east. The nearest residential dwellings are located on the other side of Great North Road to the west and south west of the site.

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Station Masters House and Railway Station building which are both Grade II Listed to the south of the site and a Grade II Listed culvert located to the north of the site.

Relevant Planning History

There is no site history of relevance to this application.

The Proposal

Prior notification is sought for the demolition of the single storey steel framed cattle market buildings, including associated single storey office buildings, livestock pens and fences. It is envisaged that the demolition would take place 16th August 2021 – 8th October 2021.

The following documents have been submitted in support of the application (superseded documents not referenced):

- Drawing No 12197 - WMS - ZZ - XX - DR - C - 39001 - S2 - P1 Site Location Plan
- Copy of Site Notice Posted 5th May 2021
- Covering letter Dated 7th May 2021
- Application Form Dated 7th May 2021
- 'Environmental Management during Demolition' report (12197/5 rev A) (additional document received 19.05.2021)

Public Advertisement Procedure

The agent has submitted a copy of the notice of the proposed demolition, which has been posted for a period of 21 days by the applicant expiring on 26th May 2021 in accordance with the requirements of Part 11, Schedule 2 of the Town and Country Planning (general Permitted Development) Order 2015 (GPDO).

Planning Policy Framework

This is a Prior Notification application, submitted under Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Therefore, the Development Plan is not applicable to this application.

Environmental Impact Assessment

Demolition is capable of being an 'urban development project' within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The development has therefore been subject of a separate screening opinion under application no 21/SCR/00004 which concludes that that the effects of the proposed demolition would not be so significant that they would be of more than local importance and Environmental Impact Assessment (EIA) is not required.

Consultations

NSDC Environmental Health officer (contamination) - The application form states that crushing of demolition materials is to be carried out at the application site which may require an Environmental Permit under the Environmental Permitting Regulations 2016. An informative note advising the Applicant of the potential requirement is recommended.

NSDC Environmental Health Officer (reactive) – No objection subject to development being undertaken with the submitted 'Environmental Management during Demolition Report'.

Comments of the Business Manager

The developer must, before beginning the development apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. It is important to note that the method of

demolition and any proposed restoration of the site are the only matters relevant to the consideration of this prior notification application.

The submitted application form states that demolition is required to facilitate the economic regeneration of the site. Details of this regeneration are currently unknown and no planning application has been submitted to date. The method of demolition would comprise a conventional deconstruction methodology by an experienced demolition contractor. Materials would be salvaged/repurposed where economically feasible.

The Environmental Health Officer (EHO) initially requested that additional information be provided with regards to how the developer would mitigate noise and dust nuisance given the close proximity of residential properties to the site. An 'Environmental Management during Demolition' report' has subsequently been submitted which includes mitigation measures in relation asbestos, noise, dust, vibration, control of substances hazardous to health, contaminated land and concrete crushing. The EHO raised no objection to the proposal on this basis.

The submitted documents state that a watching brief would be undertaken by a qualified ecology professional prior to demolition. An informative regarding protected species would be attached to any decision notice to ensure that the applicant takes appropriate measures in the case of protected species.

In terms of restoration, the site would be levelled to existing ground levels and crushed rubble arising would be retained on site for future use. The submitted 'Environmental Management during Demolition' report states that the rubble would *'be stockpiled within the site in stockpiles not exceeding 3m in height, located to the North West of the site between the line of the current Livestock Market building and the Lorry Park access road. The site and stockpiles will be screening with timber hoarding to the perimeter. The stockpiles will be retained pending future development subject to separate future planning applications, though it is anticipated that commencement of the site development will be within the next two years. Should that not be the case, the stockpiles will be removed from site'*.

Subject to compliance with the submitted 'Environmental Management during Demolition' report', the proposed method of demolition and proposed restoration of the site is considered acceptable as proposed.

RECOMMENDATION

That prior approval is required and approved for the demolition of the building subject to the conditions and reasons shown below.

Conditions

01

The demolition shall not begin later than five years from the date of this approval.

Reason: In order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

02

The development shall be carried out in accordance with the details submitted with the application including the approved measures set out in the 'Environmental Management during Demolition' report (Ref 12197/5 rev A).

Reason: In order to comply with Class B, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Note to Applicant

01

The prior notification application as submitted is acceptable. In issuing written notice that at such prior approval is not required, the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

If crushing of demolition materials is to be carried out at the application site by the use of a mobile crusher, then under the Environmental Permitting Regulations 2016, an Environmental Permit is required. The permit would contain conditions designed to control how the crusher is operated so that any potential dust emissions are kept to a minimum. The applicant is required to submit a copy of the permit to NSDC Environmental Health for their approval prior to any crushing operations commencing on site. Furthermore, a schedule of works giving dates that crushing is intended to be carried out is also necessary so that an officer from this section is able to visit the site and observe the crusher in operation.

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

BACKGROUND PAPERS

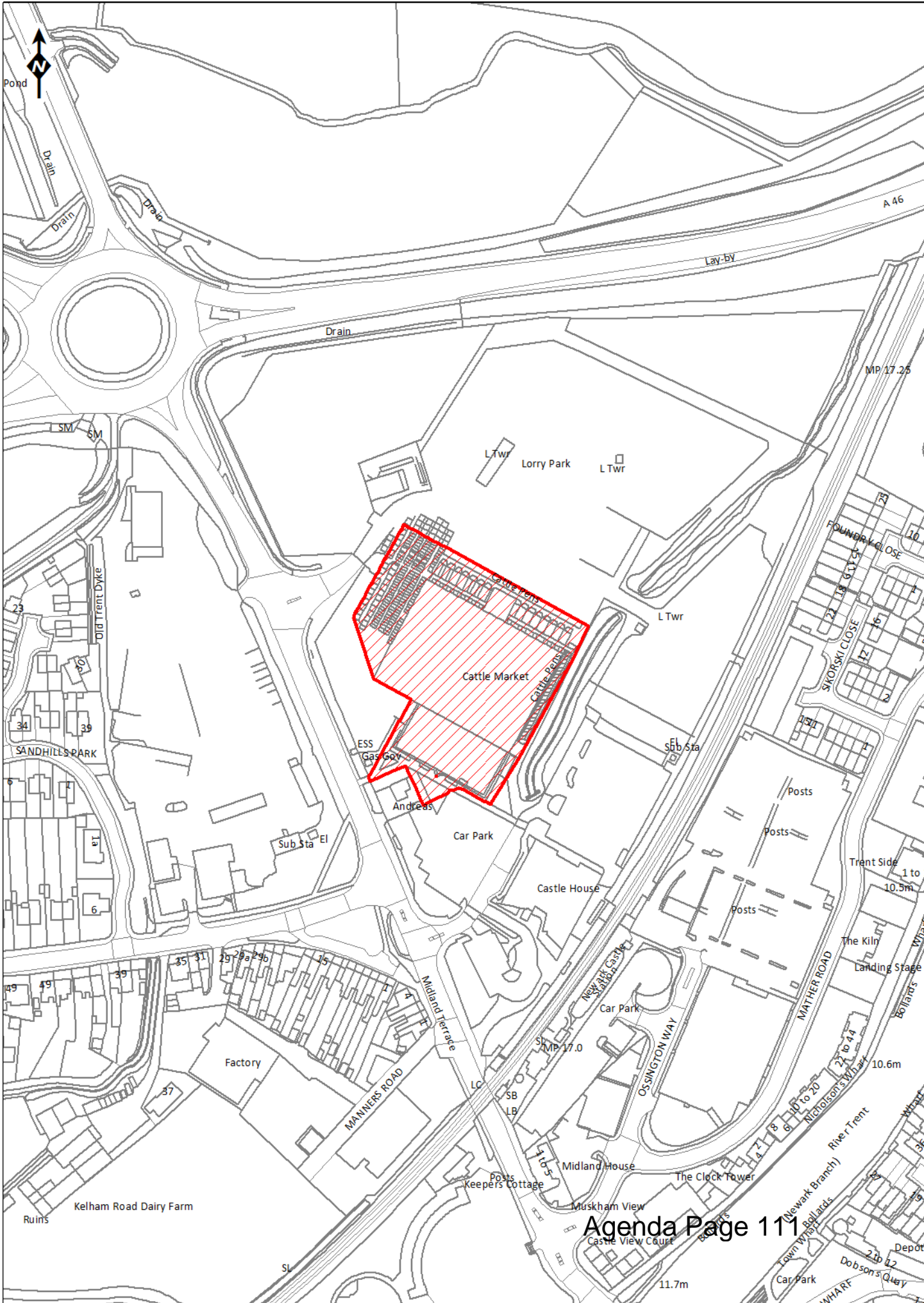
Application case file.

For further information, please contact Helen Marriott on ext 5793

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

Lisa Hughes
Business Manager – Growth and Regeneration

Committee Plan - 21/00247/DEM



PLANNING COMMITTEE – 1 JUNE 2021

Application No:	21/00936/HPRIOR	
Proposal:	Householder prior approval for single storey rear extension. The length that the extension extends beyond the rear wall of the original house: 6.38 metres Eaves height of the extension: 2.4 metres Maximum height of the extension: 3 metres	
Location:	1 Beacon Hill Road, Newark on Trent, NG24 1NT	
Applicant:	Clare Walker	
Registered :	22 April 2021	Target Date: 3 June 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QRYFGBLB04Q00	

In line with the Constitution the application is referred to members of the Planning Committee for determination as the applicant is an officer of the Council.

The Site

The application site comprises of a two storey detached dwelling within the defined Newark Urban Area. The dwelling is set back from the highway by approximately 16 metres, allowing for off road parking and also benefits from modest front and rear garden areas. The site is adjoined by residential garages to the east and other residential properties to the north and west.

Relevant Planning History

No planning history.

The Proposal

The application notifies the Local Planning Authority of the householder's intention to erect a single storey extension which would project 6.38 metres beyond the rear wall of the original dwellinghouse. The proposed extension would be a rectangular shape with a parapet roof and a lantern roof light with an eaves height of 2.4 metres and total height at 3 metres (including the roof lantern).

The application has been submitted with the following plans:

- Site Location Plan at scale 1:1250 received 22 April 2021;
- Proposed ground floor plan and rear elevation at scale 1:100 received 22 April 2021.

Departure/Public Advertisement Procedure

Occupiers of 4 properties have been notified by letter and a site notice has been displayed.

No letters of representation have been received.

Material Considerations

Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Comments of the Business Manager

This application, as noted, is a prior approval proposal for a large householder development. It is, as a matter of fact, only possible to consider the criteria and conditions as set out in the above referenced legislation. Such applications if they meet this criteria must be approved. It is not possible (lawful) to consider the development plan and therefore, for example if the design isn't liked Members are not able to consider this. Equally, on the basis that no objections or comments have been received from neighbours, it is not possible to consider matters such as amenity.

The main issues, therefore, are whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Officers have prepared a summary table to assess such applications, the details of which are provided within Appendix 1. Although there is no planning history, the property has been extended with a single storey rear extension forming a study /bedroom and it also appears it may have been extended with a utility room. It has therefore been necessary to consider these as not forming part of the original dwellinghouse. With reference to the table, the proposal has been assessed as meeting all of the criteria and would thus, subject to being constructed in materials that are of a similar appearance, the development is lawful.

Additionally, given there are no neighbour objections, it is not necessary (lawful) to assess the impacts on neighbouring residential amenity.

RECOMMENDATION

That the application is determined as prior approval is not required, subject to the following conditions:

Conditions:

1. The extension must be built in complete accordance with the submitted drawings, reference, proposed ground floor plan and rear elevation at scale 1:100 received 22 April 2021.

Reason: To comply with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2. The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Reason: To comply with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

3. The developer must notify the Local Planning Authority of the completion of the development as soon as reasonably practicable after completion. This must be in writing and must include (a) the name of the developer; (b) the address or location of the development, and (c) the date of completion.

Reason: To comply with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Notes to Applicant

1. The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

If you require any further information regarding the above notification, please telephone our Customer Services Team on 01636 650000 quoting the above application reference.

BACKGROUND PAPERS

Application case file.

For further information, please contact Danielle Peck on ext 5314.

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 - 21/00936/HPRIOR



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Appendix 1

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
Have permitted development rights been removed	N	N
Is the property a dwellinghouse	Y	Y
Is it detached?	Y	
Is it semi-detached or terraced?	N	
Is it within a conservation area	N	N
A.1 Development is not permitted by Class A if –	N	N
(a) Has permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)		
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N	N
(c) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse	N	N
(d) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse	N	N
(e) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N	N
(f) would the enlarged part of the dwellinghouse have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y	(prior approval process necessary)
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	Y	Y
(g) cont. would it have a single storey (previous extensions to the rear need to be taken into account)	Y	Y
(i) would it extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N	N (6.38 metres)
Have any representations been received from adjoining premises	N	N
(h) would the enlarged part of the dwellinghouse have more than a single storey and:- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	N/A	N

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse		
(i) would the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres	N	N
(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and:- (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse	N	N.
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)	N	N
(k) it would consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N	N
A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted if:- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N	N
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse	N	N
(ca) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)	N	N
A.3 Development is permitted by Class A subject to the following conditions:- (a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Y	Y
(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be:-	N/A	N/A

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
(i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;		
(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse	N/A	N/A

PLANNING COMMITTEE – 1 JUNE 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 Development 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@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 9 April 2021 to 18 May 2021)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/21/3267529	20/01057/FUL	Mill Barn Main Street Maplebeck NG22 0BS	Construction of a timber stable, agricultural storage barn and 30m x 40m manège for private use, including change of use of part of site from agricultural to recreational use	Written Representation	Refusal of a planning application
APP/B3030/D/21/3269216	20/02412/HOUSE	42 Hawton Road Newark On Trent NG24 4QB	Proposed two storey rear extension and garage conversion	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/3271251	20/02279/FULM	Land Adjacent 2 Gainsborough Road Winthorpe Newark-on-Trent	Change of use of land for the siting of 5 no. holiday lodges, erection of timber decking structures, formulation of new internal access tracks, and creation of new vehicular access from Gainsborough Road	Written Representation	Refusal of a planning application
APP/B3030/W/21/3271296	20/02429/FUL	Poultry Houses Adjacent Holme Hall High Street Holme NG23 7RZ	Erection of 2 no. Dwelling Houses	Written Representation	Refusal of a planning application
APP/B3030/W/21/3271484	21/00108/FUL	Fern Bank Nottingham Road Thurgarton NG14 7GZ	Siting of 1no. caravan to be used as a dwelling in association with the dwelling known as Fern Bank	Written Representation	Refusal of a planning application
APP/B3030/D/21/3272242	20/02349/HOUSE	20 Churchfield Drive Rainworth NG21 0BJ	Erection of a detached double garage after demolition of the existing semi-detached outbuilding and timber shed (re-submission of 20/01847/HOUSE)	Fast Track Appeal	Refusal of a planning application

PLANNING COMMITTEE – 1 JUNE 2021

Appendix B: Appeals Determined (between 09 April 2021 and 18 May 2021)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
20/00253/FUL	Stonewold Gravelly Lane Fiskerton NG25 0UW	Demolition of existing dwelling and garages. Construction of new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping	Planning Committee	Committee Overturn	Appeal Allowed	26th April 2021
20/00593/FUL	Chapel Farm Newark Road Wellow NG22 0EJ	Erection of 8no holiday accommodation with swimming pool	Planning Committee	Committee Overturn	Appeal Allowed	15th April 2021
20/00163/FUL	Cranfield House Church Street Southwell NG25 0HQ	Proposed erection of 1no. dwellinghouse	Delegated Officer	Not Applicable	Appeal Dismissed	13th May 2021
20/02047/HOUSE	Glenfield Lodge Honeyknab Lane Oxton NG25 0SX	Demolition of outbuilding; new single storey and two storey rear extensions. Alterations to existing vehicular access.	Delegated Officer	Not Applicable	Appeal Dismissed	23rd April 2021
20/01851/HOUSE	Manor Barn Manor Farm Main Street Thorpe NG23 5PX	Alterations and Extension to Existing Dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	21st April 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@nsdc.info quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development



Appeal Decision

Site visit made on 19 January 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/B3030/W/20/3261489

Stonewold, Gravelly Lane, Fiskerton, NG25 0UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Terry against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00253/FUL, dated 11 February 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the Demolition of existing dwelling and garages. Construction of new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and garages and construction of a new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping at Stonewold, Gravelly Lane, Fiskerton, NG25 0UW in accordance with the terms of the application 20/00253/FUL, dated 11 February 2020, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Due to amendments made to the scheme during the application stage, the original description of development as shown on the application form was changed. I have therefore used the description of development as shown on the appeal form and decision notice, as this is an accurate description of the proposal.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area, and whether the proposal would preserve or enhance the character and appearance of the Fiskerton Conservation Area.

Reasons for the Recommendation

5. The appeal site consists of a detached bungalow situated on Main Street, on the southern edge of the village of Fiskerton. The site lies outside the Fiskerton

- Conservation Area (CA) and is in a residential area that is characterised predominantly by two-storey dwellings with a small number of bungalows. Permission is sought to replace the existing bungalow with a one-and-a-half-storey dwelling with a self-contained annex.
6. The properties along Gravelly Lane consist of detached two-storey properties along one side and semi-detached, two-storey, properties along the other. The appeal site and the adjacent bungalows are sited to the rear of some of the semi-detached properties, with limited visibility through gaps between the properties along Gravelly Lane. The rear of the appeal site backs on to agricultural land and is visible from Main Street, the main road into the village from the south-west where it is seen against the backdrop of the other 20th century housing.
 7. The boundary of the CA is largely linear, following the historic part of the village between Main Street and the River Trent. The character is derived from the agricultural origins of the village but also by the significant influence of the navigable river, with associated wharf and industrial scale buildings such as the malthouse. Whilst some modern housing is included within the boundary, the majority of the 20th century development on the fringes of the village is excluded, including the housing in the vicinity of the appeal site.
 8. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. While the appeal site lies outside of the CA, the CA boundary runs along Main Street to the south of the site. As the site is visible from the CA it is considered to be within the setting of the CA. However, as noted by the Council's Conservation Officer the 20th century housing in the vicinity plays little role in understanding the origins or evolution of the CA and does not contribute to the essential character and appearance that the designation seeks to preserve.
 9. The proposed dwelling would be considerably larger and taller than the existing bungalow, although the scale of the proposed dwelling would be in keeping the two-storey dwellings along Gravelly Lane and to the adjacent property 'Clairedale House', which was granted planning permission in 2019¹. While the exterior materials would not match the majority of the properties in the surrounding area, they would provide a modern and attractive appearance to the property and would be similar to those used for 'Clairedale House' and therefore would not appear out of place in the area.
 10. Before the construction of 'Clairedale House', the existing bungalows with the two-storey properties behind would have provided a stepped appearance to the edge of the village when viewed from Main Street. However, the construction of 'Clairedale House' has largely eliminated the stepped appearance and the proposal needs to be considered in the context of the established pattern of development. While the proposed dwelling would be more prominent than the existing bungalow when viewed from Main Street, it would be viewed in conjunction with 'Clairedale House' and as such it would blend in with the current setting.
 11. A map showing 'Character Area 4: Gravelly Lane, Longmead Drive, Green Drive & Marlock Close' as part of the Neighbourhood Character Profile has been submitted by the appellant. This map does not indicate any notable views from

¹ Planning application ref. 18/02204/FUL

Main Street in the direction of the appeal property. Therefore, while the proposal would partially restrict views from Main Street of some of the properties in Gravelly Lane, it would not interfere with any notable view.

12. In addition, the fact that the dwelling would be visible does not equate to harm. The outward appearance of the dwelling would not be unattractive and the structure would be seen against the backdrop of other modern two-storey housing on the edge of the village. It would not look unusual in that context and I see no reason why the proposal should be dismissed simply because it would be more prominent than the existing house. The design of the bungalow itself is not reflective of the historic origins of the CA and it does not make a positive contribution. Whilst the dwelling would be larger it would effectively replace one modern form of housing for another and would not significantly alter the setting of the CA or the general character of this part of the village.
13. Therefore, as the proposed dwelling would not be unduly prominent and would be in keeping with its surroundings, the dwelling would not alter the setting of the CA in a way that would cause harm to the character and appearance of the designated asset.
14. Consequently, for the reasons above the proposed replacement dwelling would not cause any harm to the character or appearance of the area or the setting of the CA. The proposal would therefore comply with the policy SP3 (Rural Areas) of the Newark and Sherwood Amended Core Strategy (2019), policies DM5 and DM8 of the Allocations and Development Management Development Plan Document (2013) and policy FCM5 of the Fiskerton Cum Morton Neighbourhood Plan. These policies all seek, amongst other things, to ensure that development does not have a detrimental impact on the character and appearance of the area.

Other Matter

15. I acknowledge the concerns regarding potential disruption from building works. However, the development is small in scale and any disruption would be of a temporary nature. There is no indication that work would take place outside the normal working day and I am satisfied that the impact would be acceptable in those circumstances. Furthermore, environmental health legislation allows the Council to investigate any unreasonable actions, including construction work at anti-social hours.

Conditions

16. The Council suggested a number of conditions, which I have considered in the light of the advice in the National Planning Policy Framework and Planning Practice Guidance. In some cases I have edited the suggested condition for clarity and enforceability.
17. I have imposed the standard time limit condition and in the interests of certainty specified the approved plans. To reduce the risk of flooding, conditions requiring that the proposal is carried out in accordance with the details of the Flood Risk Assessment and for details of surface water drainage to be submitted and approved are necessary
18. As full details have not been provided, conditions requiring details of exterior materials, landscaping and boundary treatments are necessary to ensure the development does not cause harm to the appearance of the area.

19. To prevent any loss of privacy to the adjacent property, a condition is required to ensure the proposed first floor side bathroom window is obscure-glazed and non-opening up to a height of 1.7m above floor level. The Council's suggested condition to prevent the attached annexe from being turned into a separate dwelling is unnecessary as a further planning application would be required for such a change of use.
20. The Planning Practice Guidance advises that conditions to withdraw permitted development rights may not pass the tests of reasonableness or necessity. There is no indication that additions or alterations to the roof are likely and any such addition under permitted development would be required to be of a similar exterior material to the existing property which would help to ensure it would be of satisfactory appearance. I also note that such a condition was not attached to the permission for 'Clairedale House' As such I do not consider suggested condition 10 to be necessary or reasonable.

Conclusion

21. For the reasons given above the proposal conforms to the policies of the development plan and, having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions in the attached schedule.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions in the attached schedule.

Chris Preston

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no. (02)01, Site Plan and Plans As Proposed drawing no. (20)01 revision C, Sections and Elevations As Proposed drawing no. (20)02 revision A.
- 3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2020, by Ward Cole Consulting Engineers, reference number 19/707 and the following mitigation measures detailed within the FRA: a) Finished floor levels are set no lower than 15.30m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

- 4) No development above slab level shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.
- 5) No development shall take place above slab level until details / samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 6) No development shall take place above slab level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include a) a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; b) an implementation and phasing programme; c) existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; d) means of enclosure; e) car parking layouts and materials. Development shall be carried out in accordance with the approved details.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the Local Planning Authority.
- 8) The bathroom window opening on the side elevation at first floor level shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification

shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.



Appeal Decision

Site Visit made on 15 March 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/B3030/W/20/3265677

Chapel Farm, Newark Road, Wellow NG22 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Gair Kettles against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00593/FUL, dated 6 April 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the erection of 8 no holiday accommodation with swimming pool.
-

Decision

1. The appeal is allowed and planning permission is granted for 8 No holiday accommodation with swimming pool at Chapel Farm, Newark Road, Wellow NG22 0EJ in accordance with the terms of the application, Ref 20/00593/FUL, dated 6 April 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the amenity of the rural area with particular reference to noise and disturbance; and
 - the safety of all users of the access track.

Reasons

Amenity

3. The appeal site is located to the rear of, and would form an extension to, a previously approved development comprising of, amongst other things, 13 holiday let units at Chapel Farm. The site is positioned above and outside of Wellow village in the countryside.
4. The proposal would result in an increase in vehicular activity along an access track from the A616, a busy road that runs through the village. The track serves, amongst other things, several residential properties, a fishing lake and a cricket pitch. The gravel and stone track contains several potholes, but is passable with a vehicle, and during my site visit was being used by cars, farm vehicles and delivery vehicles.
5. The combination of the access track's width, lack of lighting, informal finish, grassed areas of Common land and the position of farms and the vernacular of buildings near the track, results in a distinctly rural appearance to this part of

- the village. However, the presence of the A616, and the traffic along it, can be clearly heard.
6. The previous scheme was estimated to result in 26 trips per day on top of an estimated baseline figure of 80 daily movements along the track. Although the figures would fluctuate during the year, the appellant estimates that the proposal would result in an average of 16 daily movements and, in the absence of any firm evidence, I have no reason to dispute these figures.
 7. Cumulatively with the approved scheme, the vehicular activity associated with the overall holiday accommodation would represent a large proportion of vehicles using the track on a regular basis.
 8. The increased activity along the track would be apparent to the occupiers of residential properties and other users of the track, both during the day and night. However, given the slow speed of vehicular movement along the track, due to its width and surfacing and the general background noise of the A616, in my view the increased activity would not result in significant levels of noise and disturbance.
 9. The layout of the proposal with each unit facing inwards around a central communal area would assist in moderating the impact of the intensification of use from the increased number of holiday units. Whilst accepting that the noise levels from different groups may vary, the overall effect on the amenity of the area would not be significantly harmful.
 10. I therefore find that the effect of the proposal, individually or cumulatively, on the amenity of this rural area with particular reference to noise and disturbance would be acceptable. Insofar as it relates to this matter, I therefore find no conflict with the requirements of Spatial Policy 7 and Core Policy 7 of the Council's Amended Core Strategy (2019) (CS), Policies DM5 and DM8 of the Council's Allocations and Development Management Development Plan Document, (2013) (DPD) or the National Planning Policy Framework (the Framework). These stipulate, amongst other things, that development should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Public safety

11. Cumulatively, with the approved scheme, the holiday accommodation would generate a large proportion of vehicles using the track. But even so, there is no firm evidence as to how this would result in an unacceptable safety risk. Due to the slow speed of travel along the track, there would be no particular safety risk to other users, resulting from the proposal, either individually or cumulatively.
12. Whilst there are potholes, it is passable, with a degree of attention often associated with rural tracks. There is no substantive evidence before me as to how an increase of the level proposed would lead to a level of deterioration that would be a danger to users.
13. Although not completed at the time of my site visit, the first 5m of the access track from the western junction is to be resurfaced as part of the previous permission. No accident incidents have been recorded since the previous scheme and there is no substantive evidence before me of a change in

circumstance or demonstrable safety risk now. Moreover, the Highway Authority did not object to the proposal before me.

14. Drawing the above together, I therefore find that the effect of the proposal upon the safety of all users of the access track would be acceptable. Insofar as it relates to this matter, I therefore find no conflict with the requirements of Spatial Policy 7 and Core Policy 7 of the CS, Policies DM5 and DM8 of the DPD or the Framework. These require amongst other things, that provision should be made for safe and inclusive access to new development.

Other Matters

15. Matters relating to the construction activities associated with the approved scheme, large events at the site, the future intentions of the applicant, enforcement issues, licensing and other consents and processes are not matters that form part of this appeal proposal.
16. Any disturbance during construction would be for a temporary period only. Moreover, any damage caused during construction, ownership, legal rights of access and any underlying covenants are private matters between the relevant parties and not within my jurisdiction.
17. The design of the proposed development utilising the topography and incorporating a green roof in a position between the car parking area and previously approved holiday accommodation would result in a well contained development. As such, and having regard to my statutory duties, I find that there would be no harm to the setting of the Conservation Area, any listed building or scheduled monument.
18. Given the proposal's location between the car park area and previously approved holiday accommodation, and in the absence of any substantive evidence, I cannot accept that the proposal would result in harm to biodiversity.
19. Although there have been concerns raised about the local drainage infrastructure, there is no firm evidence before me that adequate drainage could not be achieved. Severn Trent Water have not objected to the proposal subject to further details. Given that the proposal incorporates 8 en-suite letting units and a swimming pool for guests, it is necessary that such details are secured.
20. A roof light and glazed panels either side of the door to each unit would provide adequate natural light and a good quality of accommodation. Sufficient parking would be available in the area previously approved.
21. The site is in a rural area and there are farms nearby. However, the proposal is for holiday accommodation not a residential use and, given the short duration of occupation, I am satisfied that there would be no conflict between the different uses.
22. Although the proposed level of employment has been questioned, there would, in any case, be benefits to the local economy from the additional holiday accommodation, albeit to a small degree given the scale of the proposal.

Conditions

23. I have adapted the Council's suggested conditions where necessary, in the interests of precision, and brevity. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty.
24. Conditions relating to materials and landscaping are appropriate in the interests of the appearance of the development. Conditions relating to parking and access improvements are necessary in the interests of highway and pedestrian safety.
25. A condition regarding foul and surface water drainage is necessary to ensure that the site is properly drained and serviced. Conditions relating to the hollow way and archaeology are necessary in the interests of the potential archaeological interests at the site.
26. A condition restricting the use to tourism accommodation and requiring a register of occupants to be kept are necessary to ensure that the accommodation is used for such purposes. Conditions restricting the use of the swimming pool to guests and requiring a construction method statement are necessary in the interests of the amenity of the area.
27. Where necessary, consent has been obtained from the appellant for the use of pre-commencement conditions, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.

Conclusion

28. In conclusion, I have found that the proposed development either individually or cumulatively with the approved scheme would result in an acceptable effect on the safety of all users of the access track and the amenity of the rural area, with particular reference to noise and disturbance. The proposal would therefore comply with the development plan when read as a whole.
29. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed, subject to conditions.

Robert Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No 1929 (P) 01 C; 1929 (P) 03 B; 1929 (P) 04 B; 1929 (P) 05 B; 1929 (P) 06 B; and 1929 (P) 07 A.

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: details of the routing of construction traffic to the site and any traffic management measures; 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; measures to control the emission of dust and dirt during construction; and delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
- the programme and methodology of site investigation and recording;
 - the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;
 - the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

- 5) No development shall commence on site until full details of the means of disposal of sewage and surface water for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. No surface water shall enter the foul system by any means.
- 6) No development shall commence until a scheme and details of the improvements and/or widening of the existing dropped vehicular footway crossing opposite Rufford Road have been submitted to and approved by the Local Planning Authority in writing. The agreed scheme shall be carried out before the development hereby permitted is brought into use.
- 7) No development above slab level shall take place until details/samples of the materials and the green roofs to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

- 8) Prior to first occupation/use of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The parking area as shown on the proposed layout plan (drawing no. 1929 (P) 03 B) shall be retained as such for the lifetime of the development.
- 10) No part of the development shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway (footway) boundary.
- 11) No works or operations shall be undertaken below ground in the area identified as the 'hollow way' (the access track) shown on drawing number 1929 (P) 01 C.
- 12) The premises shall be used for holiday accommodation and for no other purpose. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time upon written request.
- 13) The swimming pool as shown on 'drawing ref 1929 (P) 04 B Proposed Floorplan' shall only be used ancillary to the holiday let units on site, by occupiers of the holiday accommodation on the date of use, and not by any other persons at any other time.

End of Schedule

PLANNING COMMITTEE – 1 JUNE 2021

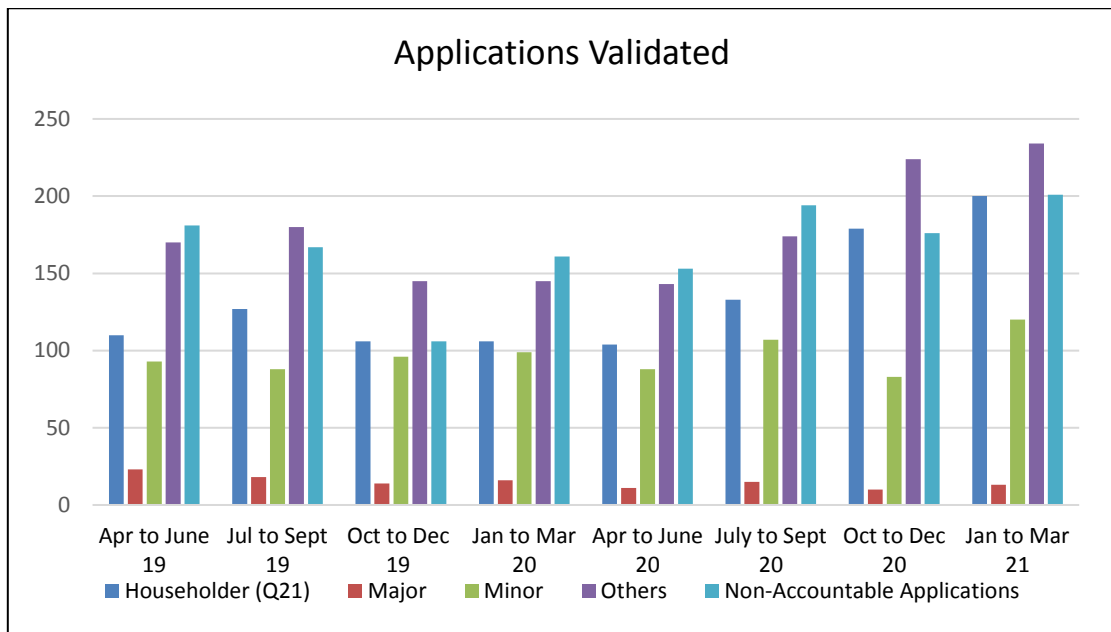
DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

1.0 Purpose of Report

- 1.1 This report relates to the performance of the Planning Development Business Unit over the three month period January to March 2021 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 is provided. The performance of the Planning Enforcement team is provided as a separate report.
- 1.2 It is hoped the following information is useful and provides insight into some of the activities undertaken by the department.

2.0 Application Numbers

- 2.1 The graph below show the number of applications that have been received as valid each quarter from January 2019 up until March 2021. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the final quarter of 2020/21, a total of 1003 applications were received. This, compared to the same quarter in 2019/20 shows an increase from 780 or a 29% increase in workload. The previous report identified the biggest increase in numbers were for tree applications, however these have been overtaken by householders with an 89% increase of 200 applications compared to 106. However, trees and other applications are only slightly behind at 71% and 61% respectively. The only applications that have reduced in number are major proposals and requests for pre-application advice (19 and 14% respectively). Due to matters that need to be taken into account with householder and other applications including consultees and neighbours observations, there has been significant challenge in maintaining performance. The increase in these types of applications are also somewhat reflected in the number of applications being presented to Planning Committee this month. Comparing the number of applications received this financial year (3491) compared to the previous financial year (3103), it would appear the impact of the Covid-19 pandemic on the vibrancy of the development industry and thus economy is somewhat limited (overall increase in applications is 12.5%). It will be important to monitor the receipt of the number of major applications as these are the ones that are likely to have greatest impact in terms of housing and commercial delivery.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.
 Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.
 Others include (but are not limited to) householder, advertisements and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.

The 'non countable' category are those applications which are not reported to the Ministry for Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind. For the previous 2 quarters however, the number of householder proposals are at a comparable level with others and non-countable.

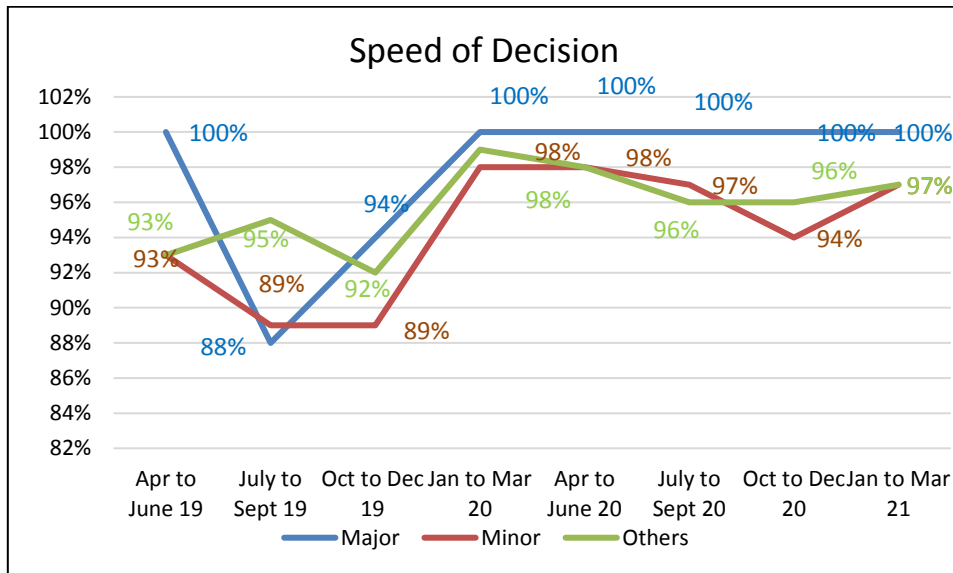
3.0 Performance

3.1 Government (MHCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From January 2019 to end of December 2020, 95% of major applications have been determined within these timescales. For non-majors, it is 70% over a two-year period. 93.5% of non-major applications over this same time period have been determined within these timescales. These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended. However, it can be seen that performance has significantly exceeded these targets.

3.2 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers

directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.

3.3 The following graph relates to the percentage of planning applications determined within set timescales.



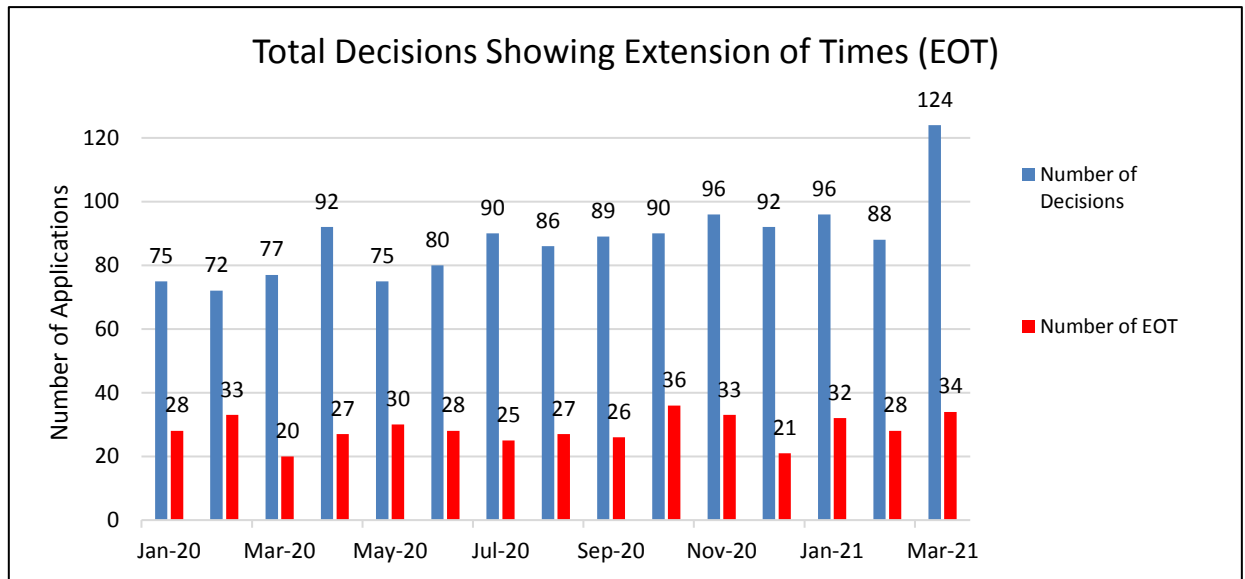
3.4 Over the previous financial year (and final quarter of 2019/20), performance for majors has remained at 100%. Minors have returned to 97% having dropped very slightly in the two previous quarters. Others has increased slightly from 96% to 97% compared to the quarter. As Members will be aware, since April last year Officers have worked solely from home. There has been a little fluctuation in the performance over the previous 12 months since January, but overall the graph demonstrates how the team has been able to maintain and exceed previous performance. This performance is set against the overall increase in workload and changes in personnel.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions might be sought for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not go against the authority in terms of speed of decision making when reporting. However, Members will be aware that the White Paper is suggesting that the determination timescales set out in legislation should be adhered to and are looking to potentially implement this as part of the overall planning changes.

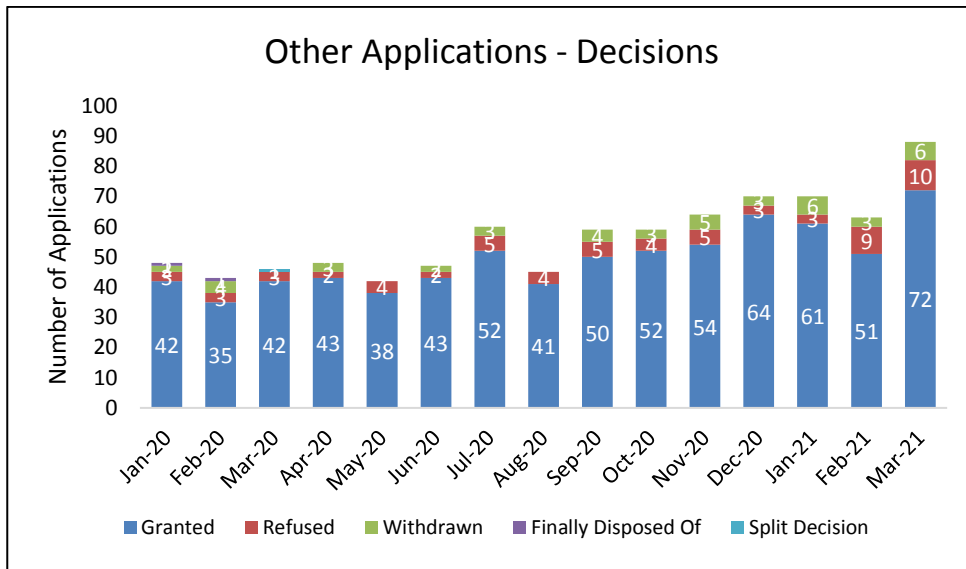
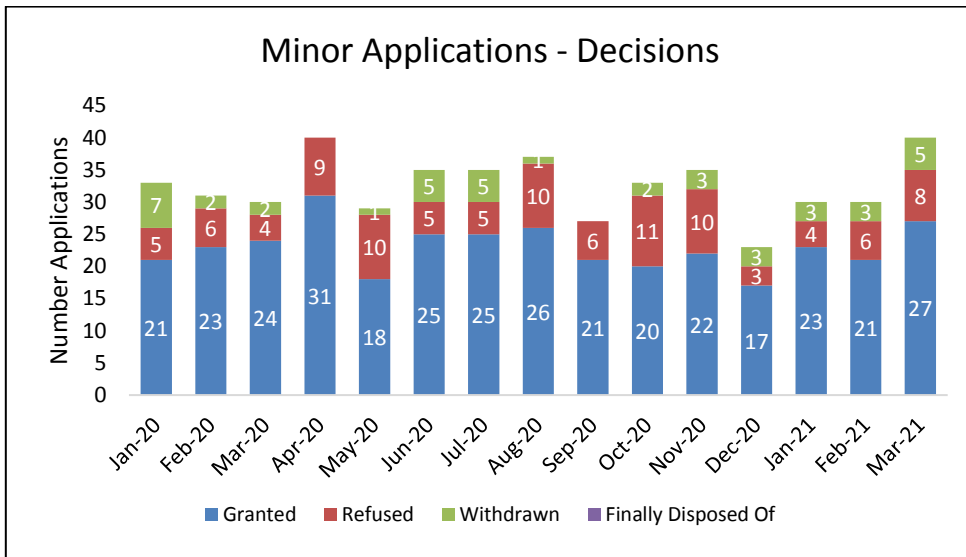
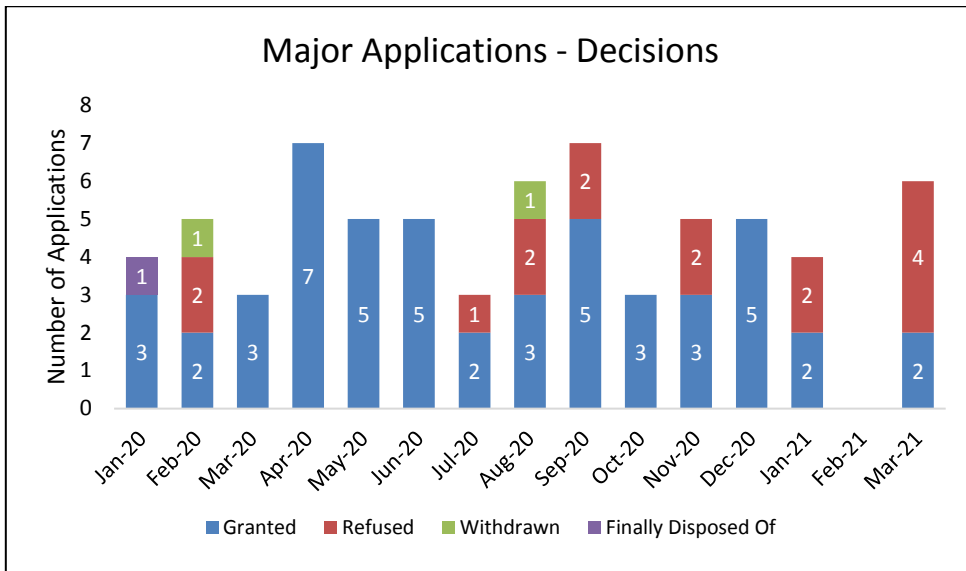
3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. Over the longer term, approximately one third of all applications determined are subject to a time extension. It is hoped, following recent recruitment, that it might be possible to reduce the number of applications with time extensions and following that also reduce the overall time taken to determine planning applications. However, this has been challenging due to the increase in receipt of applications received as set out within paragraph 2.1. New local performance targets have been introduced addressing the speed (in terms of the number of days) of decision making for major and minor planning applications. Alongside

this reporting, a review will be undertaken in due course of processes to try and assist in issuing decisions more speedily.

Notwithstanding this local performance target, caution needs to be given in relation to providing a quick decision. For example, it would be theoretically possible to determine all applications within statutory timescales without a request for a time extension. However, this would likely mean that a significant number of applications would be refused due to the inability to negotiate leading to complaints, reputational damage and resubmission of applications which in the majority of instances would not be subject to a further planning application fee.



3.7 Over the previous year, the number of decisions issued quarter on quarter has increased from 247 in April-June 2020 to 308 in January to March 2021 reflecting the increased number of applications received. Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted (cumulatively approximately 78%, 73% and 92% across the major, minor and other categories respectively). Major proposals for the previous quarter, however have had 60% refused. Withdrawals (79 across the year) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a ‘free go’, whereby no fee is payable. Finally disposed of applications are those which have gone beyond the time period for determination and the time period for making an appeal has expired and the applicant has not engaged in further discussions regarding the proposal, notwithstanding the department’s attempts to engage.



4.0 Tree Applications

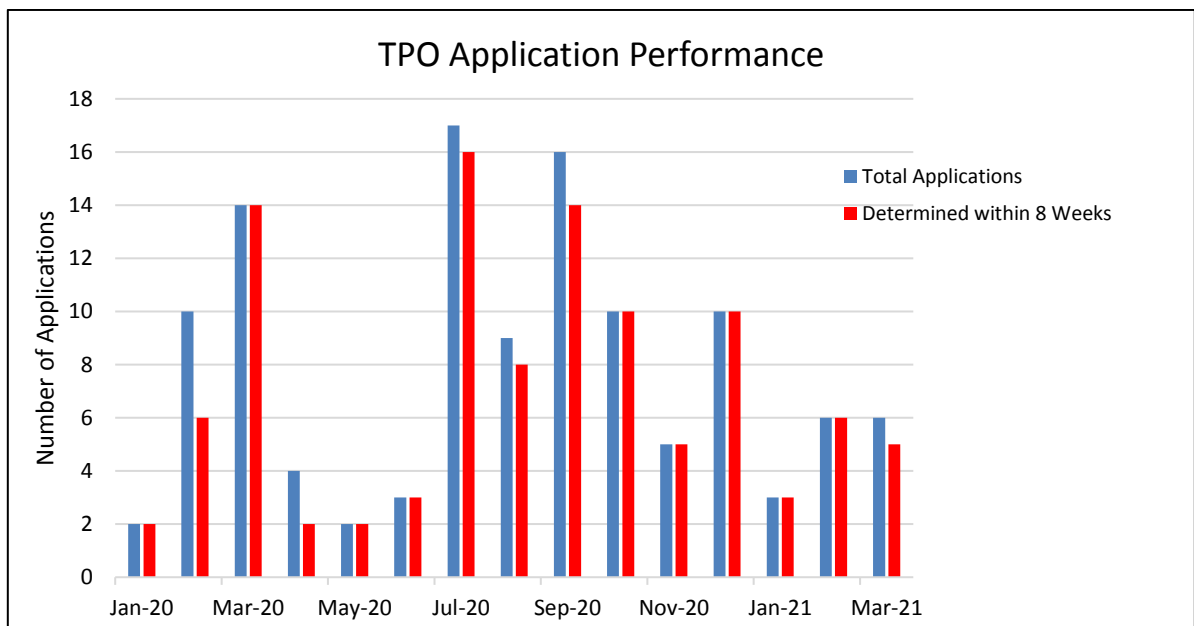
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent

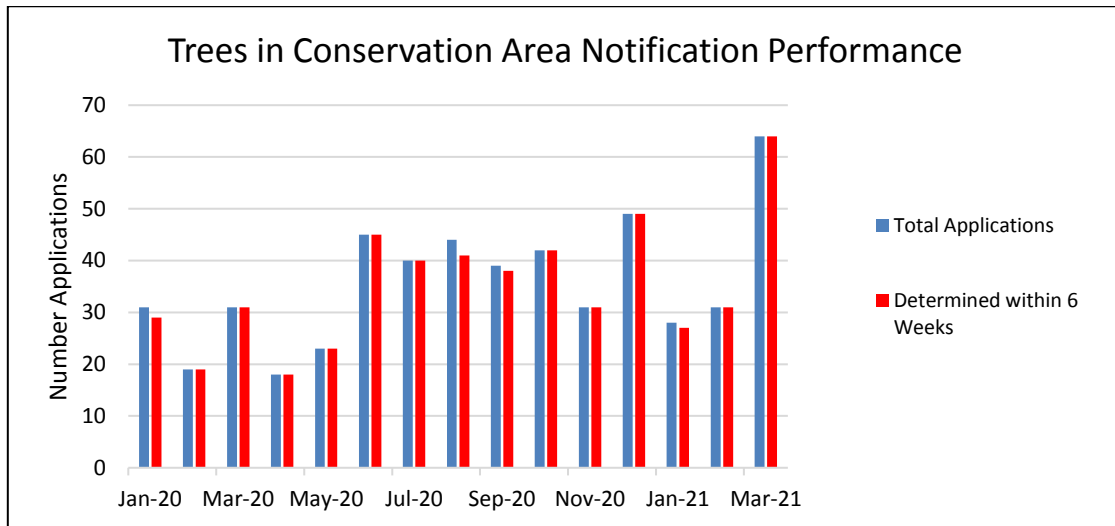
from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week, the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee.

4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas), these applications are determined within the statutory period in order that further protection for the tree can be put in place.

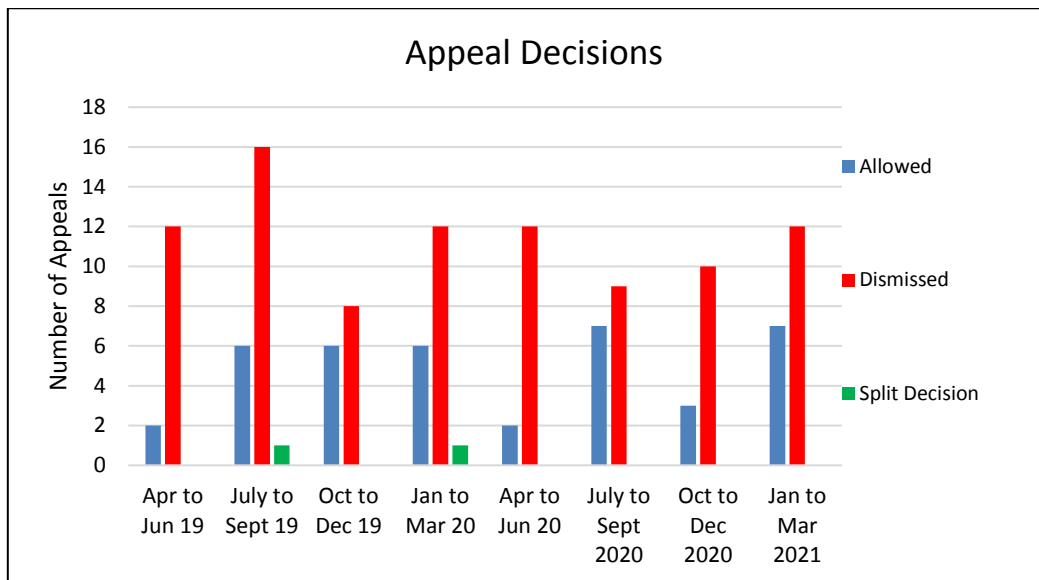




5.0 Appeals

5.1 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). It can be seen that the total number of appeals fluctuates quite considerably, and like Tree applications makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal makes resourcing more challenging. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource responding accordingly from very high to low. This previous quarter has seen preparation for 1 planning inquiry (Eakring Road, Bilsthorpe and the holding of 1 inquiry (Flowserve), the latter across 3 days. The amount of resource invested into defending all appeals, but particularly inquiries, due to their interrogative nature cannot be underestimated. .

5.2 This quarter has seen a rise in the number of decisions issued compared to the previous quarter, from 13 to 16. Across the year, compared the previous financial year, the Inspectorate has issued 62 decision this year compared to 70 for the previous. It is anticipated this is largely due to Covid-19 and the Planning Inspectorate assessing how its appeal inspectors could work safely. The number dismissed exceeds the number allowed and is line with the Government’s previous target of having no more than 33%. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 31% have been allowed compared to 29% the previous year.



- 5.3 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made by developers directly to the Planning Inspectorate.
- 5.4 As of 1 April 2018 the Ministry of Housing, Communities and Local Government (MHCLG) implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major decisions and all non-major applications (i.e. minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.
- 5.5 Data from government has not been updated since the quarter 1 report was presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the council will be significantly within these figures.
- 5.6 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this comprises unreasonable behaviour. A number of claims have been made against the Council across the year, all of which have been successfully defended with the exception of Springfield Bungalow, Halloughton Road, Southwell which relates to 2 decisions made by Planning Committee and an enforcement notice issued against a property in Southwell¹. In both cases the decisions went against the authority.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Two further planning officers have been recruited – Danielle Peck and Jamie Pegram. Members will recollect from previous performance reports that there has been a

¹ As the notice was dismissed, this no longer forms part of the public register and hence the address has not been provided.

number of changes in staff which makes meeting performance more challenging as each officer needs to become familiar with the character of the District, planning policies and processes. Notwithstanding this, the information provided above and within the accompanying planning enforcement report demonstrates that everyone has put in a huge effort to ensure performance for our customers has been maintained. The support of the Technical staff should also not go unrecognised as without them registering applications and issuing decisions, the Council would not be able to meet targets.

6.2 Legislation – the year has seen a huge amount of new legislation coming into force, the key ones having been presented in previous reports to the Committee. A further Statutory Instrument came into force on the 21st April (SI 2021 No. 428: *The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021*). This introduces further permitted development rights, including:

- Under Class MA to allow a change of use from commercial, business or service purposes to use as a dwelling house;
- A wider range of rights under Class M for schools, colleges, universities and hospitals (and certain prison buildings) to allow a wider range of development; and
- Removing rights for the demolition of certain commemorative structures that have been in place for 10 years or more (i.e. planning permission will be required).

6.3 Changes have been made to the weekly list to include the case officer's name, phone number and link to the planning application on the Council's website. In addition, the Council has updated the Planning Scheme of Delegation with the aim of overcoming the concerns raised by Members and Town/Parish Councils with the former Panel process.

6.4 Nationally, the Government published its White Paper, which the Council responded to. Since this time, there has been significant reporting of the changes that would result if implemented and Members will be updated on its progress.

7.0 Equalities Implications

7.1 None from this report

8.0 Financial Implications

8.1 None from this report.

9.0 Conclusion

9.1 Performance has continued to be met and exceeded, notwithstanding both the need to work remotely due to Covid-19 and the increase in application numbers. This has been a very challenging year for numerous reasons but overall the department has been able to provide a service, whilst continually looking to improve the service received. The recent recruitment has and will enable further positive changes to be made to the service for the benefit of the District's communities and businesses.

10.0 Community Plan – Alignment to Objectives

10.1 Deliver inclusive and sustainable economic growth

Create more and better quality homes through our roles as landlord, developer and planning authority

Enhance and protect the district's natural environment

11.0 RECOMMENDATION

That the Committee note the contents of the report.

Reason for Recommendation

To keep Members informed of the actions and progress of the Planning Department.

Background Papers

None

For further information please contact Lisa Hughes (Business Manager – Planning Development).

Matt Lamb

Director – Planning & Regeneration

PLANNING COMMITTEE – 1 JUNE 2021

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report follows on from the report that was presented to Members on 30th March 2021 which highlighted planning enforcement performance during the third quarter of 2020/2021. This report relates to the fourth quarter 1st January 2021 to the 31th March 2021 and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report also provides an appraisal of the financial year 2020/2021 as a whole.

Quarter 4 (2020/2021)

Members will note that the Planning Enforcement team continued to be busy over the fourth quarter of 2020/21, with a continuing positive trend that is demonstrated within Chart 1 which shows the number of enforcement cases received by the enforcement team in comparison to those that have been closed. The chart shows a continuing progressive increase in the number of investigations that have been closed as well as received, and demonstrates a clear return on the work of officers despite the challenges presented by the ongoing Covid situation and the resulting difficulties posed to resolving investigations.

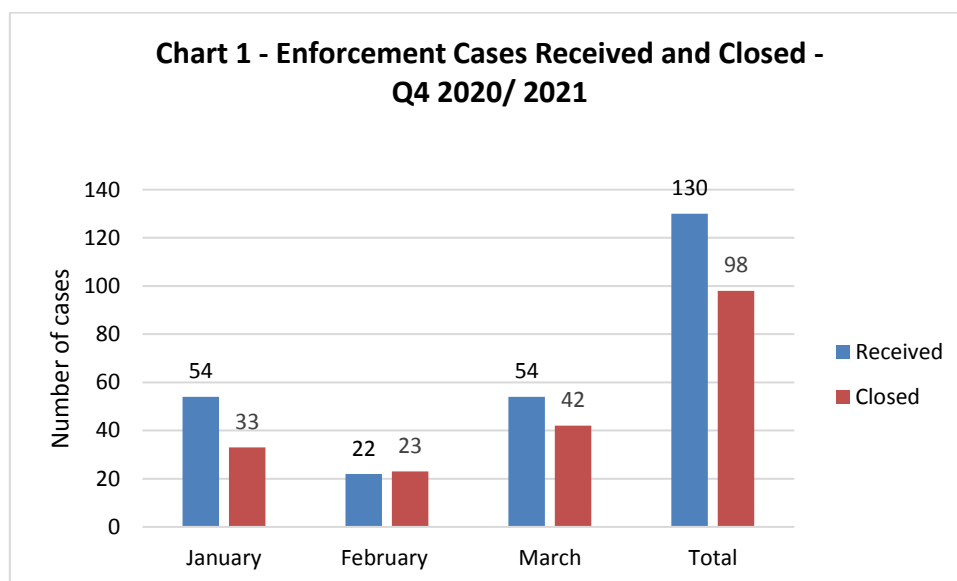
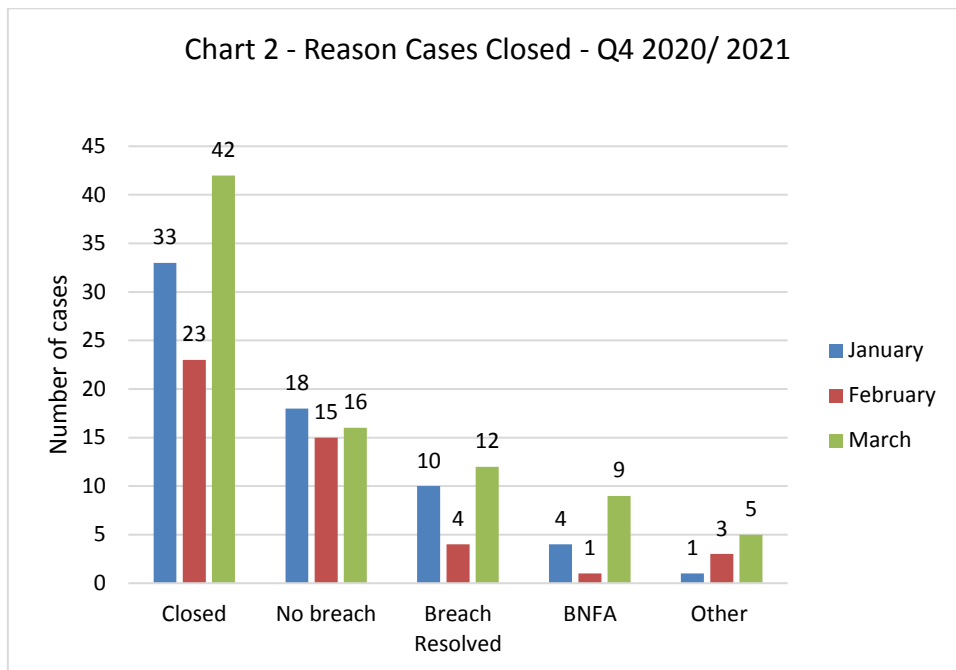
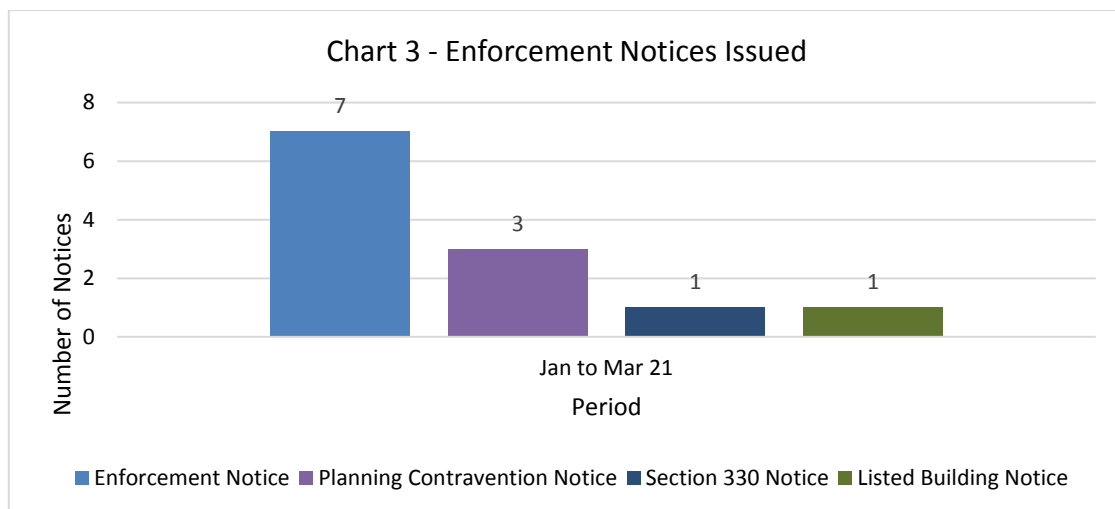


Chart 2 represents the reason that enforcement cases have been closed. Members will note the positive trend of the number of cases having been closed due to breaches having been resolved (this can include notices having been complied with, breaches resolved via negotiation with contraveners and planning permission having been granted retrospectively). The chart includes those cases that have been closed for 'other' reasons. These include duplicate cases that have been created for the same breach and cases closed pending further action (such as we are awaiting compliance with a notice which may have a long compliance period). It must be noted that a system has been put in place to 'pick' these cases up again at a later date to check for compliance or possible further action.

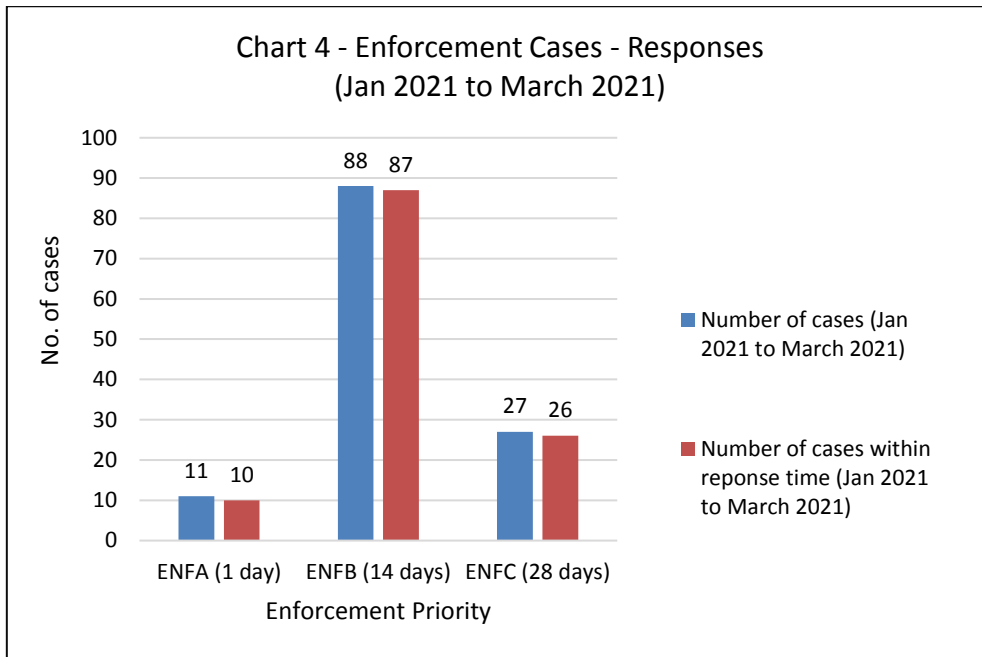


Members will note from chart 3 that during Q4, seven planning enforcement notices were issued, along with 3 Breach of Condition Notice (BCN's) along with a Section 330 notice (Requisition for Information) and a Listed Building Enforcement Notice.



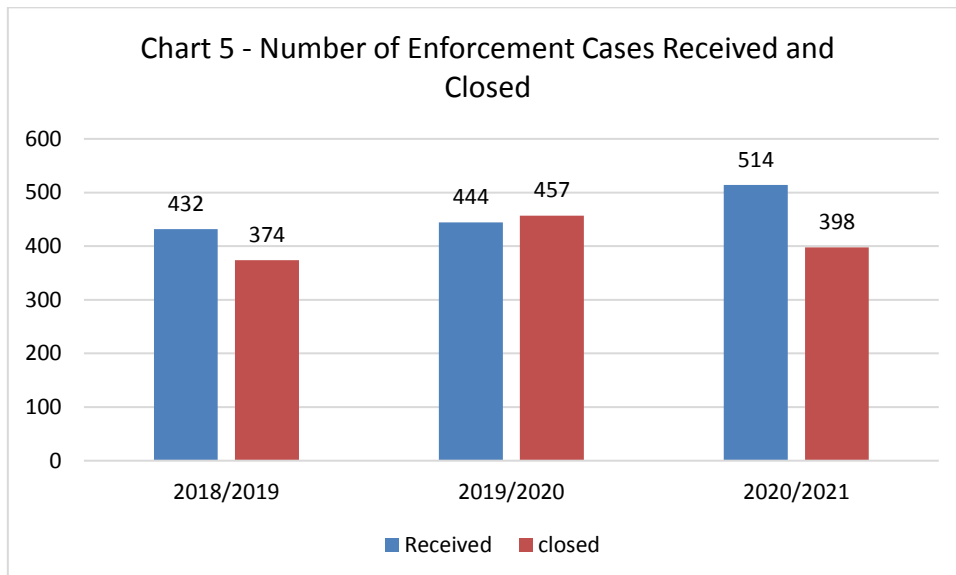
In addition, Members will be aware that in September 2020 the Planning Enforcement Plan (PEP) was adopted. As well as setting out how the enforcement service will operate and what Members and the public can expect from the service, the PEP also put in place a system of case prioritisation which encompassed targets for initial investigations to take place.

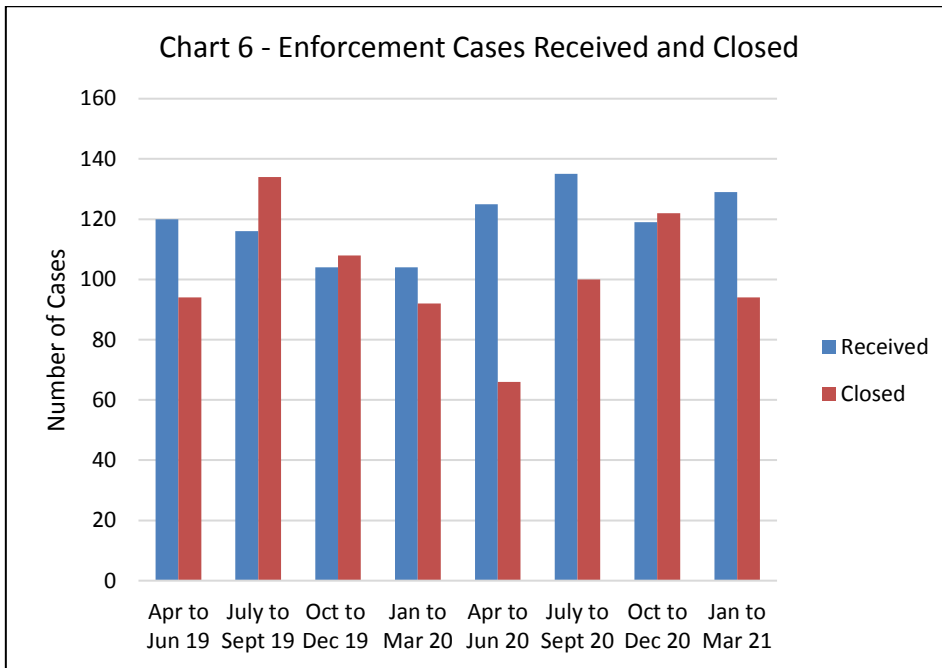
The positive trend of the performance of the enforcement team is set out within Chart 4 where Members will note that the target for initial action has been met in 97.6% of investigations over the Q4 period. This compares with a compliance rate of 94.6% during Q3 and shows the success of the measures that have been put in place by the team to improve performance and it is hoped that Members will agree that this is a significant achievement for the team.



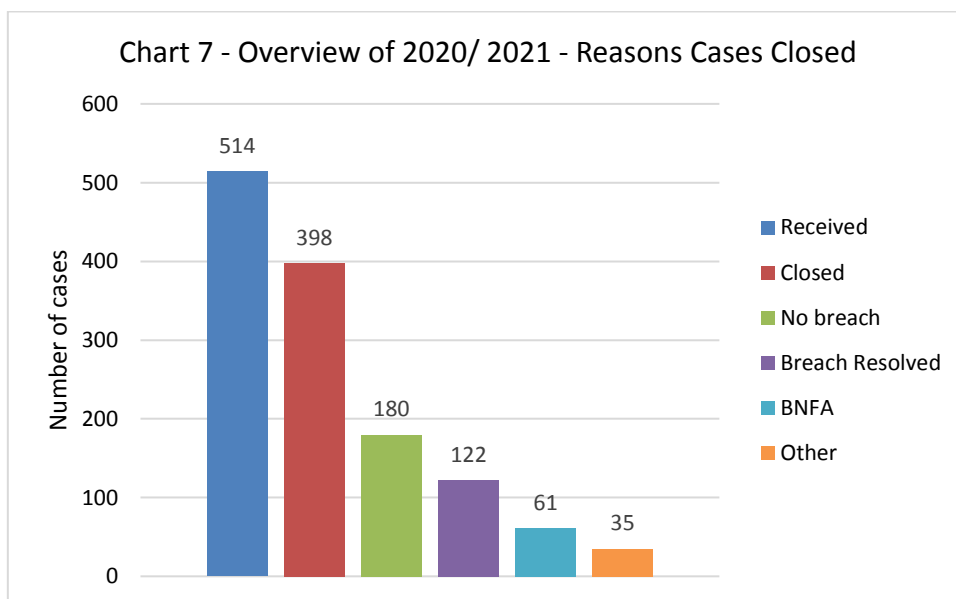
2020/21 Appraisal

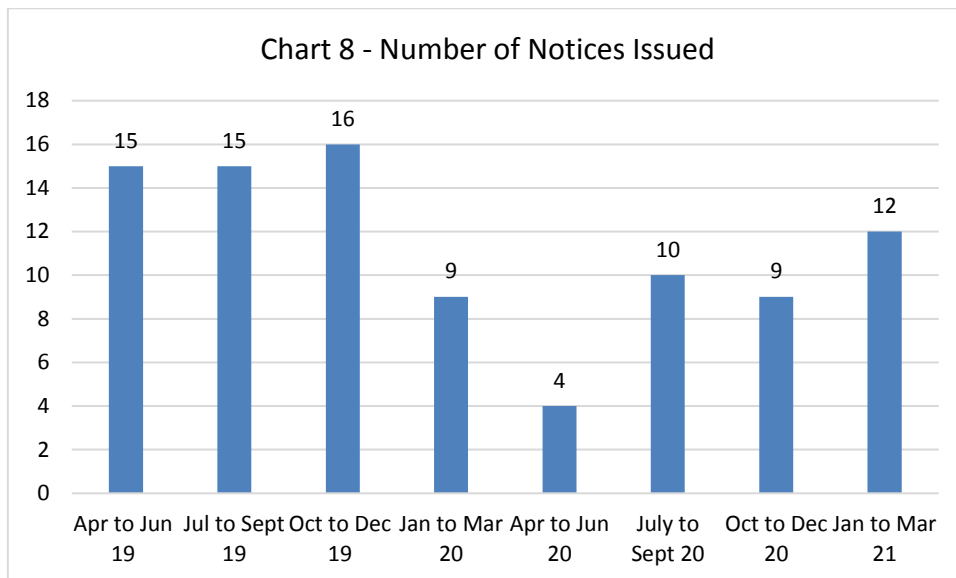
Although the 2020/2021 period has included the the unprecedented situation surrounding Covid-19 lockdowns and restrictions, the planning enforcement team has seen workloads increase significantly compared to previous years with the overall number of cases being received increasing from 432 cases in 2018/19, 444 cases during 2019/20, to 514 from 2020/21 (Chart 5) – which is a 15.7% increase over the last 2 years. This is emphasised within Chart 6 which shows that considerably more enforcement cases were received in January-March 2021 than in January-March 2020 (an increase of 24.5%), despite the national lockdown measures that were in place.



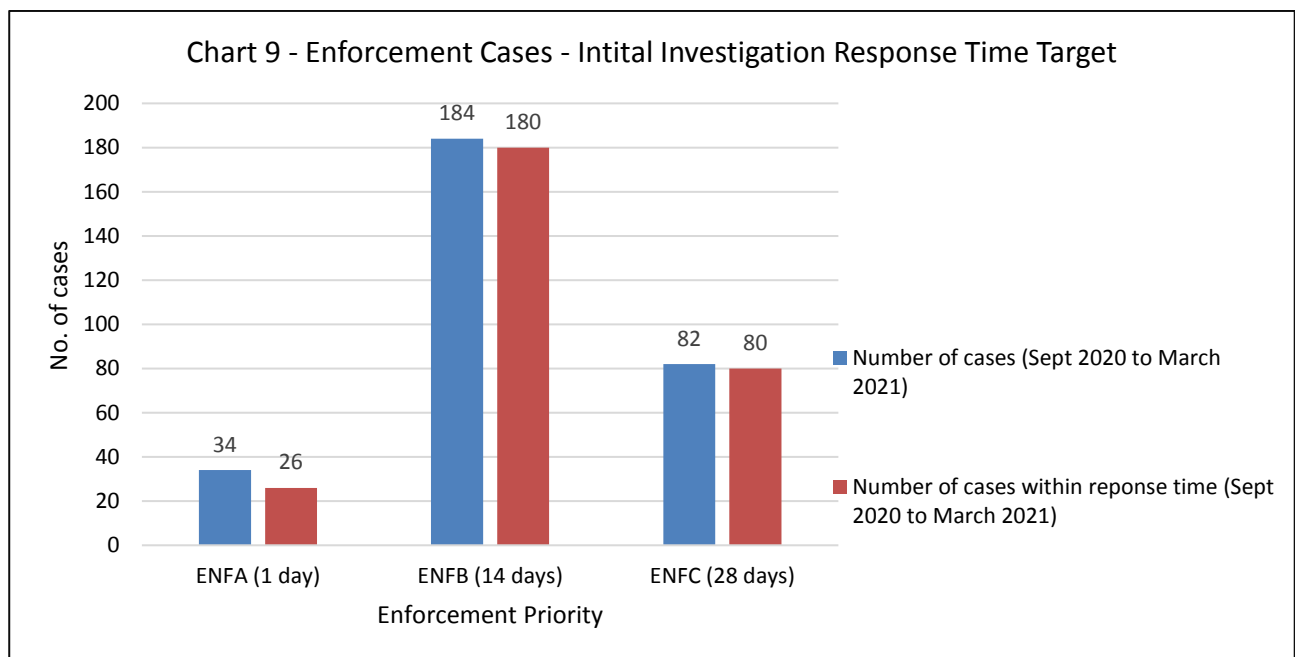


Officers have also applied more flexibility in terms of timescales for resolving some cases with an additional drive to achieve solutions short of formal enforcement action, to allow for personal circumstances and difficulties in labour & material supplies as a result of lockdown measures. Similarly some enforcement cases concerning local businesses have been suspended during the pandemic to allow them to focus on re-opening and operating. Nevertheless, as illustrated within Chart 7, officers have been able to resolve over 122 enforcement cases where a breach has been found during the 2020-2021 period, along with a considerable number of Notices having been issued (as set out within Chart 8).





The team has managed to meet the target period for initial action in 95.3% of investigations as set out in the PEP. As Members will note from Chart 4, further refinement to working practices have been initiated since the introduction of targets and is eagerly aiming to improve the figure further during the 2021/22 period.



Appeal Outcomes in Quarter 4

- **20/00018/ENF - Glebe Steading, Gonalston.**

An Enforcement Notice was issued in September 2020, requiring the removal of a domestic outbuilding erected without planning permission within the Green Belt. The Notice was upheld on 12th March 2021 and requires the outbuilding to be removed within 3 months. The hardsurfaced base on which it stands was permitted to remain under permitted development allowances.



SCHEDULE A: ENFORCEMENT CASES	1st to 31st January 2021	1st to 28th February 2021	1st to 31st March 2021	Totals
Appeals Lodged	1 <i>20/00336/ENFC</i>	1 <i>20/00109/ENF</i>	1 <i>20/00411/ENFC</i>	3

FORMAL ACTION TAKEN

The following section provides a more detailed position statement on formal action (such as enforcement notices served) since the previous performance report was brought before Members. This section does not detail Planning Contravention Notices served.

Enforcement Ref: 21/00018/ENFB

Site Address: 6 Windsor Road, Newark, NG24 4HS

Alleged Breach: Non-compliance with planning permission for dormer roof enlargement

Date Received: January 2021

Action To Date: Enforcement Notice Served

Background:

Planning permission was granted in 2020 for a dormer roof enlargement (20/00655/FUL); however the approved plans have not been complied with. Further investigation has found that the dimensions which accompanied the planning application were inaccurate, meaning that the permission cannot lawfully be implemented.

A revised dormer window has been built, without planning permission, and is considered to have an unacceptable visual impact. An Enforcement Notice has been issued and requires the full reversal



of the works to the roof within a 12 month compliance period. An appeal has since been lodged on the grounds that planning permission ought to be granted.

Enforcement Ref: 20/00374/ENFB

Site Address: 21 Cottage Lane, Collingham, NG23 7QL

Date Received: October 2020

Action To Date: Enforcement Notice Served

Background:

A Prior Notification application was granted for the conversion of two agricultural buildings to dwellings in 2018 (18/00521/CPRIOR). The scheme required (and provided for) the existing vehicular access of 21 Cottage Lane to be utilised for highway safety reasons. In October 2020, Officers were notified that a new access had been created through the grass verge, leading onto a narrow national speed limit road.

Efforts to have a revised, safer scheme submitted for planning permission were not cooperated with. The Enforcement Notice requires the reversal of the works to prevent this highway hazard from continuing.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Enforcement Ref: 20/00347/ENFC

Site Address: 'The Heights', Beacon Hill Road, Newark on Trent

Alleged Breach: Non-compliance with housing scheme layout & landscaping

Date received: September 2020

Background:

Concerns were received over potential discrepancies with the layout and landscaping scheme of a housing scheme implemented in recent years. Officers found that an emergency vehicular access road for emergency services to have a secondary access route onto the development from Beacon Hill Road had not been implemented as required. Without it, in the event of the access road being blocked there would be no alternative vehicular access to the 189 dwellings. The original developer was contacted and remedial works promptly implemented in a matter of weeks.



Before



After

Enforcement Ref: 20/00223/ENF

Site Address: 93 London Road, Newark on Trent, NG24 1SR

Alleged Breach: Unauthorised fencing adjacent to the highway

Date Received: June 2020

Background:

A 1.8 metre tall close-boarded timber fence had been erected adjacent to the busy thoroughfare of London Road. The visual impact was considered to be harmful, given the generally low-to-medium height of front boundaries in the locality. Officers contacted the owners of the property and the fencing was reduced in height to within permitted development rights (1 metre height) without the need for formal enforcement action, allowing the hedgerow planted on the inside to be visible and reducing the visual harm.



SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 21/00041/ENFA

Site Address: Old Kings Arms, 19 Kirk Gate, Newark on Trent

Alleged Breach: Unauthorised Security Features on Grade II Listed Building

Date Received: January 2021

Action To Date: Listed Building Enforcement Notice served

Background:

Security sheeting had been fitted to the doors and windows of the grade II listed Old Kings Arms, a prominent building within the Newark Conservation Area. The property is currently vacant and it is understood that the sheeting was fitted for security purposes.

A Listed Building Enforcement Notice was issued in March 2021 requiring all metal security features to be removed within 30 days of the date the notice took effect. A site visit on 30.03.2021 found that all security features had been removed.



Before



After

Enforcement Ref: 19/00382/ENF

Site Address: Three Pines, Boat Lane, Hoveringham

Alleged Breach: Unauthorised Fencing Adjacent to the Highway

Date Received: October 2019

Action To Date: Enforcement Notice Served

Background:

Officers were notified that tall boundary fencing and gates had been erected without planning permission. A retrospective application to regularise the development as constructed was received Ref. 19/02137/FUL, but was refused on grounds of the development constituted inappropriate development in the Green Belt and had an adverse impact on the character and appearance of the conservation area.

An enforcement notice was then served requiring alterations to be made. This notice required the land owners to reduce the gates, fence and any other means of enclosure along the front (southern) boundary to no more than 1m in height. Later site visits found the Enforcement Notice has been complied with.



Before



After

RECOMMENDATION

That Planning Committee notes the contents of this report.

Reason for Recommendation

To keep Members informed of the actions and progress of the Planning Department.

Background Papers

None

For further information please contact Lisa Hughes (Business Manager – Planning Development).

Matt Lamb

Director – Planning & Regeneration