



**NEWARK &  
SHERWOOD**  
DISTRICT COUNCIL

*Castle House  
Great North Road  
Newark  
NG24 1BY*

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**Thursday, 22 July 2021**

**Chairman: Councillor R Blaney**  
**Vice-Chairman: Councillor Mrs L Dales**

**Members of the Committee:**

**Councillor L Brazier**  
**Councillor M Brock**  
**Councillor R Crowe**  
**Councillor L Goff**  
**Councillor Mrs R Holloway**  
**Councillor Mrs P Rainbow**  
**Councillor Mrs S Saddington**

**Councillor M Skinner**  
**Councillor T Smith**  
**Councillor I Walker**  
**Councillor K Walker**  
**Councillor Wildgust**  
**Councillor Mrs Y Woodhead**

**MEETING: Planning Committee**

**DATE: Tuesday, 3 August 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](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

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8. Nominations to the Local Development Task Group

Three Members of the Planning Committee to be nominated to the Local Development Task Group (Planning Committee Representatives for 2019/20 were the Planning Committee Chairman, Councillor M Skinner and Councillor T Smith).

### **Part 2 - Items for Information**

9. Flowserve Pump Division, Hawton Lane, Balderton, NG24 3BU - Outline application with all matters reserved except access for up to 322-unit residential development on land at Flowserve premises  
  
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### **Part 4 - Exempt and Confidential Items**

14. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government

Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

# Agenda Item 4

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 6 July 2021 at 4.00 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 and Councillor Mrs Y Woodhead

APOLOGIES FOR Councillor K Walker (Committee Member)

ABSENCE:

### 16 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest by Members and Officers.

### 17 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

### 18 MINUTES OF THE MEETING HELD ON 1 JUNE 2021

AGREED that the minutes of the meeting held on 1 June 2021, were approved as a correct record of the meeting and signed by the Chairman.

### 19 STAUNTON INDUSTRIAL ESTATE, ALVERTON ROAD, STAUNTON IN THE VALE 21/00295/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of commercial storage units and erection of new office with associated parking.

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

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Council. An update report was appended to the Schedule of Communication, providing a recommended change to the conditions with the omission of Condition 11 and instead for the completion of a section 106 planning obligation to secure, inter alia, the development to be tied to the applicant, if the Committee were minded to approve the application.

Members considered the application and concern was raised regarding the expansion

of this site from one development to seven. Traffic concerns were also raised due to the rural fast road, which would be used by heavy goods wagons and farmers delivering via tractor/trailer should the application be approved. The reference within the report to customers that collect feed also like to see cattle on site was considered pointless. Members raised concern for the occupiers of Staunton Grange which was located in close proximity to the proposed site which may experience issues with noise, smell and dust if the proposed development was granted. Questions were raised whether employees would be transferred from Melton Mowbray as the business would be re-located, therefore no job creation for local people. Members were not convinced that the business was required in a rural location and the benefits of this business did not outweigh the loss/harm to the open countryside. The development was also considered contrary to the Council's development plan.

A vote was taken and lost unanimously to approve planning permission.

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

- (i) the application was contrary to policies SP3, CP6 and DM8 and the material considerations identified do not outweigh the harm of the development;
- (ii) the proposal does not represent a proportionate expansion;
- (iii) the need for a countryside location and expansion has not been adequately demonstrated; and
- (iv) doubt regarding the likely creation of new jobs.

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

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	For
R. Crowe	For
Mrs L. Dales	For
Mrs M. Dobson	For
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	Absent
Mrs Y. Woodhead	For

20 LAND TO THE REAR OF NO.39 HAWTON LANE AND TO THE WEST OF CENTENARY CLOSE, BALDERTON, NEWARK ON TRENT 21/01081/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought Permission in Principle (PiP) (the first of a 2 stage process) for four to six dwellings on the site.

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

Councillor Mrs L Hurst on behalf of Balderton Parish Council spoke against the application, in accordance with the views of Balderton Parish Council, as contained within the report.

Members considered the application and concern was raised regarding providing permission in principle as Members were unsure of the dimensions of the maximum of six houses and whether the land/plot would accommodate them. The reduction of green space and removal of trees also raised concern. Members also sought clarification regarding whether the Technical Details Consent (Stage 2) would be presented to the Planning Committee.

The Business Manager – Planning Development confirmed that in her professional opinion six modest houses would fit on the proposed plot. She suggested that an informative could be attached to the recommendation if the Committee were minded to approve the application, to advise the applicant to engage in pre-application advice. Stage 2 of the PiP could also be considered by the Planning Committee should the Planning Committee request it.

AGREED (with 10 votes For and 4 Votes Against) that:

- (i) Permission in Principle be approved (unconditional);
- (ii) an additional informative note to advise the applicant to engage in pre-application advice; and
- (iii) Requirement for Stage 2 of the PiP to be referred to planning committee.

21 1 BEACON HILL ROAD, NEWARK ON TRENT 21/01283/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the proposed two storey side extension and alterations to existing front entrance porch.

The application was referred to the Planning Committee for determination as the applicant was an Officer of the Council.

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

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Newark Town Council who confirmed that they had no objection.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to:

- (i) No new material considerations arising prior to the expiry of the consultation period (8<sup>th</sup> July 2021), should any new arise within the intervening period, then the application may be referred back to the Committee for further consideration.
- (ii) Otherwise subject to the conditions contained within the report.

22 APPEALS LODGED

AGREED that the report be noted.

23 APPEALS DETERMINED

AGREED that the report be noted.

24 PLANNING FEES AND CHARGES SUPPLEMENTARY GUIDANCE DOCUMENT: CLARIFICATION ON HOW PLANNING FEES ARE CALCULATED

The Planning Committee considered the report of the Director of Planning & Growth which provided information on a document prepared by the Council which would assist in guiding applicants on how planning fees were calculated.

In order to speed up the processing of applications i.e. to ensure that the correct fee was paid when submitted, as well as to ensure consistency, the document attached at Appendix 1 to the report had been prepared. It was also hoped that the publication of this document on the Council's website might reduce the number of complaints and challenges the Planning Support Team received in relation to fees. Alongside using Councils own experience and knowledge, reference had been made to other councils, where possible, to confirm that the approach set out was consistent as well as complied with known legal challenges. Notwithstanding the publication of this document, it would not prevent an applicant who considered that the Council were applying the incorrect fee to challenge this via the validation dispute route set out within Article 12 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

AGREED that the report be noted.

25 RESIDENTIAL CYCLE AND CAR PARKING STANDARDS & DESIGN GUIDE



SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Planning Committee considered the report of the Director of Planning & Growth which provided information about the adoption of the Residential Cycle and Car Parking Standards & Design Guide SPD and provided Planning Committee with information on the use of the document in determining planning applications.

AGREED that the report be noted.

26 PLANNING COMMITTEE ANNUAL REPORT 2020-2021

The Planning Committee considered the report of the Director of Planning & Growth which proposed to provide an annual report regarding Planning Committee performance for each municipal year. This was the first of those reports and suggested that should Members require any different information in future reports, this could be investigated.

AGREED that the report be noted.

The Chairman informed Members that as this was the last Planning Committee in the Committee year the Planning Vice-Chairman had informed him that he would stand down as Vice-Chairman. The Chairman thanked Councillor I Walker for his support over the past two years and wished him well. The Vice-Chairman informed Members that it had been a privilege to serve on the Planning Committee and work with Members and the Chairman over the past two years and also thanked the Business Manager Planning Development – Lisa Hughes and the Democratic Services Officer – Catharine Saxton for their support.

Meeting closed at 5.15 pm.

Chairman

## PLANNING COMMITTEE – 3 AUGUST 2021

<b>Application No:</b>	<b>21/00759/FUL</b>
<b>Proposal:</b>	<b>Demolition of existing single storey outbuilding. New 1-1.5 storey dwelling to rear. Renovation of Beckett's Yard Radio and Cycle Office wall to Westgate elevation and new garage.</b>
<b>Location:</b>	<b>45 Westgate, Southwell, NG25 0LD</b>
<b>Applicant:</b>	<b>Dr &amp; Mrs Mehta</b>
<b>Agent:</b>	<b>Miss Claire Goldthorp</b>
<b>Link to Website:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/00759/FUL">21/00759/FUL   Demolition of existing single storey outbuilding. New 1-1.5 storey dwelling to rear. Renovation of Beckett's Yard Radio and Cycle Office wall to Westgate elevation and new garage.   45 Westgate Southwell NG25 0LD (newark-sherwooddc.gov.uk)</a>
<b>Registered:</b>	<b>13.04.2021</b> <b>Target Date: 07.06.2021</b>
	<b>Extension of Time Agreed until: 06.08.2021</b>

The application is before the Planning Committee for consideration as Southwell Town Council object to the application contrary to the officer recommendation of approval and the application has been referred to Planning Committee by Cllr M Brock.

### The Site

The application relates to a semi-detached dwelling and its curtilage on Westgate within the settlement and Conservation Area of Southwell. The front elevation of the host dwelling abuts the public highway and has a gated access to a rear garden to the side, enclosed to the front boundary by a brick wall.

Land levels within the site slope down gradually from north to south. The site is mainly formed by grass with some areas of bound hardstanding.

There are a number of Grade II listed buildings within the vicinity of the site, including a group of buildings to the north side of Westgate opposite the application site and the Church of Holy Trinity to the west which is a significant landmark in the area.

To the south of the site is Lees Field, a residential road off Nottingham Road which serves 3 modern dwellings, the closest of which is a minimum of 30m from the site boundary, which is well screened by mature hedgerow and trees.

The eastern boundary (walls and fencing) is shared with the rear gardens of dwellings which front Nottingham Road. Norstead (4 Nottingham Road) sits in closest proximity to the site with a

distance to the boundary of approximately 1.6m. To the west is the rear garden of the adjoining dwelling, no. 47 as well as the rear garden of no. 49, a detached dwelling to the west of no. 47.

The site lies within Flood Zone 1, at low risk of flooding according to the Environment Agency maps.

### Relevant Planning History

PREAPP/00104/20 – New dwelling and alterations to access. Negative advice offered. This scheme related to a two storey, 4 bedroom dwelling which occupied the centre of the plot for almost the entire width.

20/01311/TWCA – Reduce Ash tree by 50% approved 14.08.2020

19/01990/FUL - Householder application for replacement windows, replace hayloft door with a window and render all elevations, approved 06.02.2020.

13/01331/OUT - Outline planning application proposing four new semi-detached dwellings on land to the rear of 45 Westgate, withdrawn 13.11.2013.

5678301 – Single dwelling, refused rear of 45-47 Westgate, 02.05.1978.

### The Proposal

Full planning permission is sought for a new dwelling with garage in addition to a garage and workshop to serve the host dwelling.

The new dwelling is described as a two bedroom house and would be located rear (south) of the host dwelling in a linear arrangement. This would be a 1 ½ storey high dwelling, predominantly of brick and pantile but with a flat (sedum) roof element to accommodate the open plan kitchen/living area and porch. It would also have a utility, snug, dining room, storage, w.c at ground floor, with two bedrooms each with dressing rooms, one en-suite and one family bathroom at first floor. An attached double garage would be located to the west which has its pitch stepped down from the main roof of the house.

A separate new garage is proposed attached to an existing workshop building (which is to be restored) to serve the host property which would have a sedum green roof. This is located to the north, adjacent to the site access off Westgate which is to be altered including the provision of new brick walls either side of new gates set back on a new alignment.

The proposal involves the removal of three trees; a cherry plum, cherry and a hawthorn.

### The Submission

The scheme has been amended during the application process in an attempt to address both the concerns raised by the highways authority and conservation colleagues. It has been assessed on the basis of the following plans and documents:

Existing Site Plan, drawing no. 01B

Proposed Site Plan, drawing no. 02F

Proposed Elevations, drawing no. 03E  
Proposed Street Elevation, drawing no. 05F  
Plans, drawing no. 04D  
Proposed Workshop and Garage Elevations and Plans, drawing no. 07C  
Site Location Plan, drawing no. 06  
Highways Plan 1, SK010F  
Highways Splay Diagram, SK011C  
Highways File Note, by AJA Ltd  
Design and Access Statement  
Tree Survey, by AT2 December 2020  
Proposed Cross Section 3842\_08 (received 13.05.2021)

#### Departure/Public Advertisement Procedure

Occupiers of 15 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 expiring on 14<sup>th</sup> May 2021. Further consultation has taken place in respect of the amended plans.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Southwell Neighbourhood Plan, adopted 2016**

Policy SD1: Delivering Sustainable Development  
Policy DH1: Sense of Place  
Policy DH2 – Public Realm  
Policy DH3 – Historic Environment  
Southwell Design Guide

##### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
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 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
SoAP1 – Role and Setting of Southwell

##### **Allocations & Development Management DPD**

Policy So/HN/1 – Southwell Housing Need  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM6 – Householder Development  
DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Considerations**

National Planning Policy Framework 2021  
National Planning Practice Guidance (online resource)  
Residential Parking Standards SPD

### **Consultations**

#### **Cllr M Brock –**

‘I request that planning application 21/00759/FUL is placed before the planning committee. The reasons are as follows.

(1) in essence, this is backland development and therefore contrary to Policy DM 5 of NSDC Allocations and Management DPD

I accept that the proposed development is situated in the rear garden of the host property where there is remaining evidence that the site was historically occupied. However, the proposed development does not replicate the historic building line of 45 Westgate. Indeed, it overruns this line by some 15 metres and extends into historic green space.

(2) I judge the proposed development to be overbearing and out of scale with the surrounding properties. It will cause some shadowing which will impact adversely on the property at 4 Nottingham Road where there will be some loss of residential amenity. This is contrary to Policy DM6.

(3) I note that the conservation advice offered for this proposed development states that “the development is acceptable and will cause no harm of significance of the Southwell Conservation Area or the setting of any other heritage asset.’

With respect, I challenge that assertion and draw attention to the conclusions reached by the Conservation Officer regarding an earlier application for this site in 2013. It was [sic] reported that “I have strong concerns that this development would erode the characteristic plan form by infilling the rear plot and would set a worrying precedence for other similar background development taking away the special character those historic plots bring to the conservation area” I think this a more accurate reflection of the situation.’

#### **Southwell Town Council – Object**

‘It is a - backland development, contrary to Allocations and Management DPD Policy DM5 paragraph 4,

Concern about the adverse effect on 4 Nottingham Road to which the development will be both overbearing and overshadowing,

Extra Surface Water will drain straight into the Potwell Dyke creating a higher risk of flooding downstream’

**NCC Highways Authority** – Initially raised objections but these have been resolved with amended plans showing a widened, ungated access and part of the wall to the frontage retained and set back. They now comment that compared with the existing situation there would be a betterment overall to driver and pedestrian safety due to the access being more prominent and with improved

visibility. Current accesses along Westgate operate in a safe manner and there are no objections subject to conditions. Last comments received 19.07.2021

**NSDC Conservation** – No objection to original plans but then objected to the scheme that involved a much widened access point. However the access width was reduced to allow some of the historic wall to be retained and some rebuilt in a canted set back which has resulted in conservation removing their objection.

**Tree Officer** - Proposals are broadly acceptable and should only result in the loss of a few low quality trees that can be mitigated through replacements. Recommend any approval has attached conditions to control this.

**Representations have been received from two local residents/interested parties (1 supports and 1 objects) which can be summarised as follows:**

#### Support

- The west-facing design reflects the orientation of past industrial/commercial buildings on the site, and takes advantage of solar gain. It is gratifying to note other eco-friendly features in the design, including green roofs and charging points for electric cars. The design style is sympathetic to the old red brick buildings of the local area;
- None of the windows overlook neighbouring properties;
- Sustainable drainage system serves to minimize possible flood risk;
- Materials for driveway should be permeable, to provide further protection from occasional heavy rainfall;
- The very large ash tree is a significant local amenity and supports much varied wildlife including a tawny owl and the holly tree is valued by several species of bird;
- The small workshop at the northern boundary of the plot has long been an eye-sore, and the proposed sympathetic restoration will greatly improve the appearance of this section of Westgate.

#### Objection

- Adverse impacts on residential amenity of 4 Nottingham Road including overbearing size and overshadowing due to its size and siting. Shadow report has been submitted to demonstrate the impacts;
- The 2 bed property is 3.5 times the size of an average 2 bed dwelling and is more akin to a four bedroom dwelling and thus should require additional parking spaces which would mean the turning area is not viable and would mean vehicles reversing onto the highway;
- Concerns that pedestrian splays are not to standard and further hindered by presence of telegraph pole.
- Concern that speed survey may be misleading given the location of the monitors and the implications of this on highway safety;
- Concern that garage won't accommodate cars for parking;
- Adverse impact on historical building line and domination of surrounding dwellings and blocking vistas of local landmarks;
- Green credentials negated based upon the loss of passive solar gains that 4 Nottingham Road currently benefit from;

- Adverse impact on character and appearance from Westgate, an ash tree and long gardens are no longer part of the street view and the green spaces can no longer be viewed from Westgate;
- Concern at removal of historic wall and negative impact on character and appearance of the CA.
- Concern at loss of barn/outbuilding and note this was not previously requested in other applications;
- Safety to the public must come first.

### Comments of the Business Manager

The Council has in excess of the required 5 year housing land supply and the Development Plan is up to date for decision making.

### The Principle

Spatial Policies 1 & 2 of the Amended Core Strategy defines Southwell as a Service Centre given its range of local facilities, good public transport and local employment. Southwell is expected to accommodate 10% of service centre residential growth over the development plan period and its function is to act as a focus for a large rural population and a rural hinterland. As such the principle of a new dwellings within the area is acceptable subject to a site specific assessment relating to matters including the impact upon the character of the area (including heritage), residential amenity, highway/parking and trees impacts. These will be assessed in detail below. The principle of a new garage to serve the host dwelling is also acceptable in accordance with Policy DM6.

### Character and Appearance

The site lies within the Southwell Conservation Area and therefore in addition to design policies DH1, DH2, CP9, DM5 and DM6, heritage policies DH3, CP14 and DM9 are also of relevance. As is embedded within Section 72 of the 1990 Act, the heritage policies of the Development Plan aim to preserve or enhance the character and appearance of the conservation area.

The SNP specifically notes that the town has received formal recognition as being one of four towns in Nottinghamshire which has an ‘outstanding historic quality’ and the Design Guide Criteria in the Southwell Neighbourhood Plan states that ‘all new development should respond to the unique characteristics of the site and its context. Proposals should take the lead from the local vernacular of existing buildings when considering orientation, form (density, mass, height, layout, building line) and function (use) of existing development at the boundaries of the development site. Moreover, the site should consider how it reinforces the building line and streetscape. Development that is inappropriate or uncharacteristic within the context of Southwell in its design should be avoided.’

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

As the dwelling would be situated within the rear garden of the host dwelling it represents a form of backland development and thus policy DM5 as set out above is pertinent to its assessment. In

this case the proposed dwelling would be sited in an area known to have historically been occupied by outbuildings; the remnants of these are visible on the ground. Development in depth in this location is therefore not an alien form of development.

The building, as now proposed, has sought to address previous concerns raised at pre-application stage by simplifying the plan-form of the dwelling to read as a traditional service range at the rear of the row on Westgate. At one-and-half storey in height, both conservation colleagues and I agree that it would feel relatively subservient in scale to the 2 storey dwellings on Westgate and that this linear arrangement would not be out of character for the area. Whilst this development will take a traditional brick and pantile form, green roofs are used as secondary elements. The detailing is simple and the gables widths relatively modest giving an attractive design that responds to its surroundings and utilises the land contours of the site with its ridges stepping down into the site which assists in breaking up the massing of the built form. Overall I consider that this would be in keeping with its surroundings and thus accords with the policy context set out above.

The restoration of the workshop on the roadside is welcomed and will be an improvement to the appearance of the conservation area which weighs in favour of the scheme. The sense of enclosure to the streetscene is one of the things that typifies this part of the conservation area. In seeking to address highway concerns the existing front wall would be in part removed and the previous iteration of the plan attracted an objection from colleagues in Conservation. A compromise position has now been reached whereby the wall is partially retained but canted inwards and set back which has now allowed Conservation to remove their objections. The access will undoubtedly be more open than existing which is a slight negative albeit the renovation to the workshop helps to balance this out.

**Existing street scene (image from google street-view)**



**Proposed Access Arrangement**



The new garage behind is discreet and will not be unduly prominent. Overall, the development is considered to be appropriate in this context and achieves the objective of preservation to the character and appearance of the CA in accordance with policy. A number of conditions to control the finish of the buildings would be necessary and these are shown in the conditions section of this report.

### Impact on Trees

The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in policies CP12 and DM5.



There are a number of trees within the site. As such a Tree Survey has been submitted in support of the application. The majority of these trees are graded as C quality (low to average), 6 are U graded (poor trees) and 2 are B graded (good quality and life expectancy).

As can be seen from the proposed plan, three mature trees would be lost which are all poor quality trees none of which would not be worthy of ongoing protection. The best specimens would be retained and their protection during construction could be secured by condition. The loss of trees can be mitigated through replacement planting elsewhere within the site and secured by condition. The Council's Tree Officer raises no objection to the scheme.

On this basis the impact on trees is acceptable as it can be mitigated and the proposal accords with the identified policies.

### Highway Impacts

Policy DM5 requires that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive accesses for all and to provide appropriate and effective parking provision and not create new or exacerbate existing on-street parking problems. The Council's SPD on residential parking standards builds upon these policies setting out expectations for design and quantum of parking.

Amendments have been made during the course of the application in an attempt to overcome the initial concerns of NCC Highways Authority. The proposal involves alterations to the vehicular access off Westgate. The access would be ungated and widened to 5.8m with 1m x 1m pedestrian splays either side (this has been reduced down from 2m x 2m on one side and 1.0m by 2.0m pedestrian splays the other due to objections from Conservation on the visual implications). Whilst substandard, these is the maximum splays achievable with the constraints that wouldn't attract objection from conservation and NCC have agreed these should be adequate. The amendments to the access result in the loss of some on-street parking to Westgate and as a result the double yellow line parking restrictions need to be extended to ensure that the visibility splay is kept clear.

It is noted that a neighbour has raised concerns regarding highway safety. Officers at NCC Highway have noted that the visibility to the left would still be obstructed by the on-street parking although acknowledge that as Westgate has existing on-street parking on both sides of the road outside the existing access which narrows the available carriageway width, the vehicles travelling along this part of the road would drive slower. They would also have to stop and give way to larger vehicles travelling in either direction, i.e. busses or lorries, which would slow traffic speeds further. They say that due to this situation, any drivers coming out of the proposed access would manoeuvre cautiously coming in and out of the access. Overall NCC Highways Authority conclude that considering this is a scheme for one additional dwelling, the lack of accidents, that existing accesses operate safely in this area and that there is an overall betterment to the access over the existing situation to both drivers and pedestrians due to the access being more prominent and with improved visibility, they raise no objections. This is subject to a condition to require that no works commence until traffic management works to extend the double yellow lines are undertaken as well as standard highway conditions which are considered reasonable and necessary.

In terms of parking, the host dwelling would have use of the double garage and the space in front of this which overall is sufficient to meet its parking needs. The new dwelling also has use of the proposed garage and the space immediately adjacent which is ample to meet the needs of this 2

bedroom dwelling. Occupiers of both dwellings would be able to turn within the site and leave the site in a forward gear.

### Impacts on Residential 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.'

2 Nottingham Road is a two storey dwelling with its rear elevation facing the application site. However as the proposed dwelling would be located further south, I am satisfied there would be no adverse impact upon this dwelling.

The proposed dwelling is located close to the boundary with 4 Nottingham Road which is a bungalow, orientated gable end on and directly adjacent to the proposed dwelling. The gable of no. 4 is a blank side elevation facing towards the application site. It is noted that this occupier has objected to the scheme on residential amenity grounds and is concerned with overshadowing, overbearing impacts and has submitted a shadowing report in an attempt to demonstrate the impacts.

The proposed dwelling has been designed so that the height of the building steps down where the adjacent bungalow ends and continues for c5.8m then drops again to single storey. The distance to the boundary with no. 4 is c1.6m. There is currently a difference in land levels between the dwellings as it appears that no. 4 is currently set on slightly lower ground.

The nearest window on the south elevation of the bungalow serves a bedroom according to its planning history. An existing outbuilding is located close to the boundary on the neighbour's side which faces into its site which is set quite low relative to the boundary fencing. I note the content of the shadow report submitted by the neighbour, however I am not satisfied that this uses the correct measurements and no methodology has been provided to demonstrate that this has been accurately carried out such that I attach little weight to this and have relied on my own assessment. At my request a cross section has been provided by the agent to show the relationship between no. 4 and the proposed dwelling.

### **Cross section showing relationship of 4 Nottingham Road with the proposed dwelling**



This shows that the new dwelling would be set down into the ground (by excavating the land

levels) to reduce impact on the neighbour and its height would be c6.95 relative to the ground levels of the neighbouring dwelling with a relative eaves height of 3.9m. The distance between the dwellings would be c3.35m. Given the relatively low height to eaves, that the roof slopes away from the boundary, the distance from the boundary, that the nearest window serves a bedroom and given that this is not a main part of the neighbour's garden, I am minded to conclude that this would not amount to an unacceptable oppressive or overbearing impact upon the neighbour. It is acknowledged that there would be some shadowing of the space between the bungalow and the boundary in the afternoon as a result of the development and to parts of the garden nearest the site, however the existing tree [to be removed] already impacts on this and in any event this impact is to a small amount of the garden in relative context such that I do not consider it should be a reason to warrant a refusal. For these reasons I do not consider that the proposal would cause an unacceptable oppressive impact either.

Only roof lights are present along this boundary serving bedrooms and en-suite which appear to be high level to avoid overlooking. On this basis I am satisfied that the proposal would cause no unacceptable levels of amenity harm to occupiers of 4 Nottingham Road.



6 Nottingham Road is located to the south east and considering the distances between the dwellings, the level of tree cover and that the proposal drops to single storey at this point I have no concerns regarding its impact on occupiers of this dwelling.

The west elevation faces the rear garden of 40 Westgate, at a distance of just over 8m away which is sufficient to avoid adverse impacts through being overbearing. Windows at first floor on this elevation are limited to roof lights and a window serving a bathroom which would be obscure glazed and can be partially non opening (subject to condition) would avoid direct overlooking of the neighbour's private garden.

Other dwellings are too far away to have direct impact on their living conditions. The host dwelling would retain a small but adequate amount of rear private garden space commensurate with its size. The proposed garage to serve the existing dwelling would not have any harmful impact on the neighbours at no 41 given its design with the sedum roof. Overall, subject to mitigation conditions I am satisfied that the scheme would not amount to any unacceptable loss of residential amenity.

## Other Matters

### *Housing Need*

Policy So/HN/1 seeks to secure the majority of houses on windfall plots in Southwell as one or two bedroom dwellings to meet the needs of town and its demographic. Whilst the proposal is referred to as a two bedroom dwelling, it is a large two bedroom unit. However as a single plot and given that more up to date housing need information is contained within ARC4 Housing Needs Survey 2020 (which states that in the Southwell Sub Area the most needed type of accommodation are 3 bedroom units at 33.3% with 1 and 2 bedroom housing taking up just 6.6% of the overall housing need) I take the view that this need not be fatal to the scheme. This dwelling would still contribute to the housing stock of Southwell with a dwelling that is in demand.

### *Ecology*

It is noted that this scheme involves the 'conversion' of the former workshop adjacent to Westage. Whilst described as a conversion, this is really only a remnant and there is no roof such that there is no scope for the presence of bats/owls etc. It is also noted that the plans annotate the removal of an existing modest outbuilding which is in a very poor state of repair. This has open trusses and is being propped up internally to avoid collapse; its removal would not require consent and I therefore consider it wouldn't be reasonable to require a protected species survey. In any event it doesn't appear that it has potential for bats. In this regard the proposal accords with policies of CP12 and DM9.

### *Flood Risk*

The site lies within flood zone 1 at low risk of flooding and is not denoted of being at risk of surface water flooding. Whilst I noted Southwell Town Council object on drainage grounds there is no requirement for the applicant to provide either a flood risk assessment or drainage strategy with the application and equally no requirement on the LLFA to offer comment on this application in terms of flood risk as it doesn't meet their thresholds. Ensuring that the scheme adequately deals with drainage would be covered by building regulations and I do not consider it would be reasonable to impose drainage conditions on this scheme.

### Planning Balance and Conclusion

The site lies within Southwell in a location where further residential development is appropriate subject to a site specific assessment of impacts. Officers have concluded that a new dwelling in this linear arrangement would have neutral impact upon the character and appearance of the Conservation Area (CA), the loss of some of the frontage wall would have a slight negative impact and the restoration of the workshop to the site frontage would have some enhancement on the CA. Overall and in balancing heritage impacts I consider these are balanced out to neutral. As a result of the development three trees would be removed but none of these are worthy of protection and their loss could be mitigated with further replanting such that over time this impact would also have a neutral impact on the CA. The impact on neighbours has been considered and overall the impacts would not be considered so harmful as to warrant a reason for refusal on amenity grounds. The impact of the development on highway safety is considered to be an overall betterment on the existing situation. There are no other impacts that affect the planning balance. Taking all matters into account on balance I recommend approval.

### Recommendation

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

## Conditions

01

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

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

02

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted on a single plan/or document and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

03

No development shall commence until the off-site traffic management works comprising of the extension to the existing Prohibition of Waiting Traffic Regulation Order (i.e. double yellow lines) are extended as indicatively shown on the approved drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021 in accordance with details to be first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: In the interest of highway safety to improve visibility splay in the critical direction.

04

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 plan showing details and positions of the ground protection areas.
- Details and position of protection barriers.
- 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.
- 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).
- 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.
- 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.

- Details of any scaffolding erection and associated ground protection within the root protection areas
- 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.

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

05

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: Insufficient details have been provided in terms of the brick type and manufacturer and the precise type of clay pantile such that this condition is necessary in order to preserve or enhance the character and appearance of the conservation area.

06

No development above damp proof course shall take place until a brick sample panel (of not less than 1 square metre) showing brick, bond, mortar and pointing technique (English Garden Wall Bond would be the ideal), has been provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out and retained only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

07

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 (which are expected to be conservation type), doors and their immediate surroundings, including details of glazing and glazing bars which are expected to be timber, (including garage doors and patent glazing)

Treatment of window and door heads and cills (the use of segmental headers is encouraged)

Verges and eaves and parapets

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity.

08

Further details of the reconstruction of the workshop in the form of a Schedule of Works, along with more detailed plans at a scale of 1:10 (or as otherwise may be agreed) for the new boundary wall and gates at the site frontage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details and both elements shall be implemented in full prior to first occupation of the dwelling hereby approved.

Reason: Insufficient details have been provided and this condition is necessary to ensure that the amended access arrangement, frontage boundary treatment and workshop are provided at an appropriate point in the development and that they bring about enhancements the character and appearance of the conservation area and improve the highway access as advanced as part of the application to which weight has been applied in the planning balance.

09

No development shall be commenced in respect of the sedum roofs until full details of the design, specification, means of drainage and proposed planting of this 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.

Reason: Insufficient details have been provided with the application and this information is necessary in the interests of visual amenity.

010

The dwelling hereby approved shall not be first occupied until:

- a) the shared access and the driveway are widened to a minimum of 5.8 metres for a minimum distance of 8.0 metres behind the highway boundary as shown on the approved plan Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021 and have been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority; and
- b) the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5.0 m from the rear of the highway boundary and 1 in 12 thereafter; and

- c) the private driveway shall be surfaced in a bound material (not loose gravel) for a minimum distance of 8.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard-bound material for the life of the development; and
- d) 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; and
- e) any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary;
- f) the parking areas are provided for both properties in accordance with approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles; and
- g) the turning areas are provided in accordance with approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. The turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the turning of vehicles; and
- h) pedestrian visibility splays of 1.0 metres x 1.0 metres on both sides of the access are provided as shown on the approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction at all times; and
- i) No gates shall be erected at the access to the development from the public highway.

Reason: In the interest of the highway safety.

011

Ventilation of the roof space shall not be provided via tile vents. Ridge copings shall be bedded in mortar and not by a dry ridge fix system.

Reason: In order to preserve the character and appearance of the Conservation Area.

012

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

- 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.
- No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- 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.
- 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.



- No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

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

013

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

- 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 and shall seek to replace the trees that would be lost to the development;
- proposed finished ground levels or contours;
- means of enclosure; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity and in order to provide adequate compensation for the trees that will be removed to facilitate the development.

014

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.

015

The first floor bathroom window opening on the west elevation 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.

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

016

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 G: Chimneys, flues etc on a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in the interests of residential and visual amenity.

017

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

Proposed Site Plan, drawing no. 02F

Proposed Elevations, drawing no. 03E

Proposed Street Elevation, drawing no. 05F

Plans, drawing no. 04D

Proposed Workshop and Garage Elevations and Plans, drawing no. 07C

Site Location Plan, drawing no. 06

Highways Plan 1, SK010F

Highways Splay Diagram, SK011C

Highways File Note, by AJA Ltd

Proposed Cross Section 3842\_08 (received 13.05.2021)

Reason: So as to define this permission.

#### Notes to Applicant

01

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted at the following address: Apex Court, City Link, Nottingham, NG2 4LA (tel: 0300 060 3900).

03

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

04

Traffic Regulation Orders:

The proposed off-site highway works referred to in condition 3 require a Traffic Regulation Order before the development commences to provide safe access. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact Helen North, Improvement Manager

e-mail: [helen.north@viaem.co.uk](mailto:helen.north@viaem.co.uk)

Access and footway widening:

The development makes it necessary to widen a vehicular access over a 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](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:

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

Building Works shall not project over the highway:

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Prevention of Mud on the Highway:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

#### **BACKGROUND PAPERS**

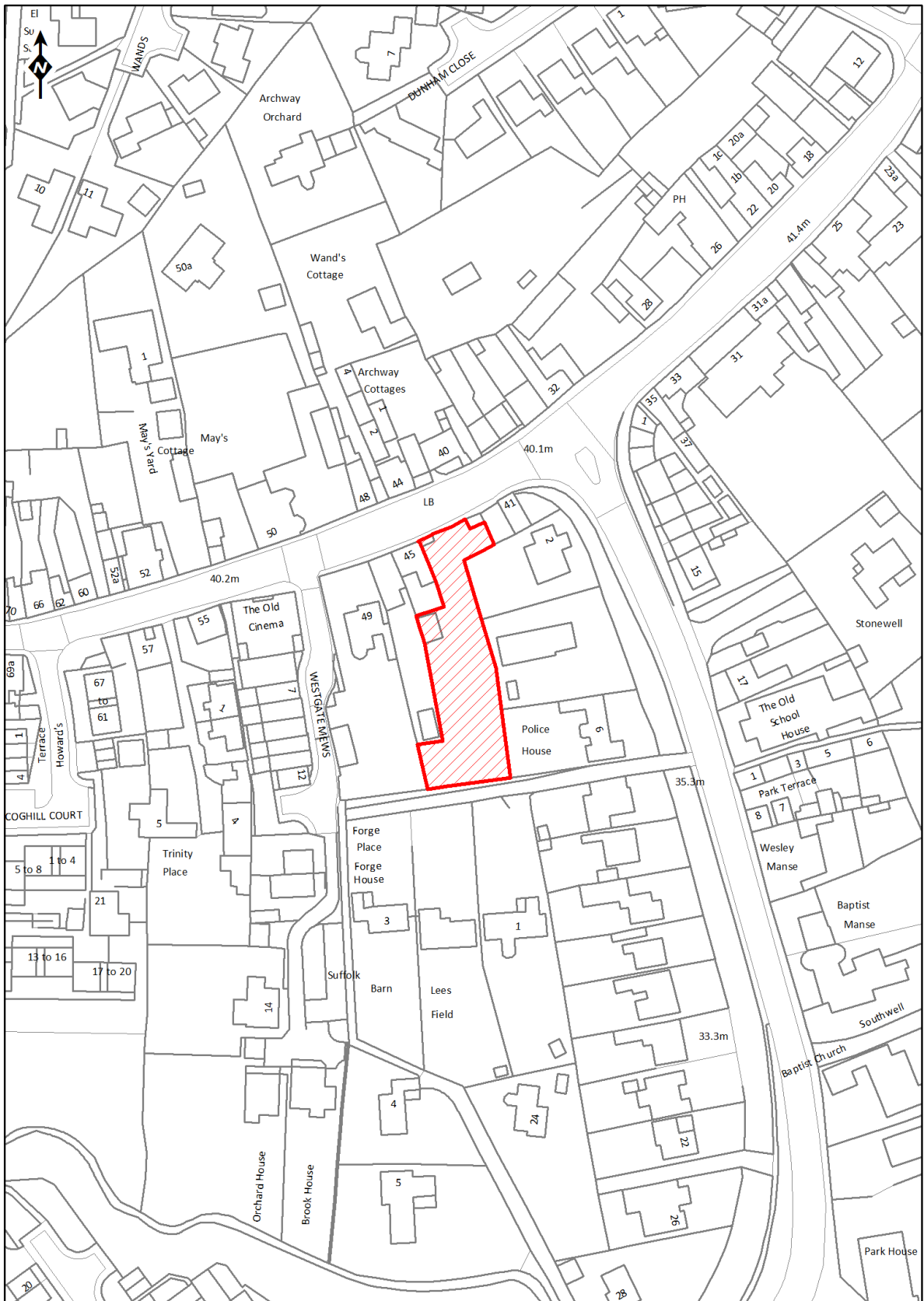
Application case file.

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](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/00759/FUL



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## PLANNING COMMITTEE – 3 AUGUST 2021

<b>Application No:</b>	<b>21/01333/HOUSE</b>	
<b>Proposal:</b>	<b>Single-storey rear extension</b>	
<b>Location:</b>	<b>Ringlet House, Highbury Green, Eakring, NG22 0BU</b>	
<b>Applicant:</b>	<b>Mr John Robinson</b>	
<b>Registered:</b>	<b>15.06.2021</b>	<b>Target Date: 10.08.2021</b>
<b>Link to Application File:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QUOGPFLBG0Y00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QUOGPFLBG0Y00</a>	

**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 relates to Ringlet House, a modern two storey red brick dwelling constructed under permission 10/01679/FUL and located within Eakring Conservation Area. The Conservation Area (CA) was designated in 1974, covering the historic core of the village and the boundary was reviewed in 1988 extending the boundary to include the whole of the built up area of the village and landscape setting to the south. Eakring village is made up of farm groups and houses mostly dating from the 18th and 19th century. The village is predominantly vernacular buildings, plain, well-proportioned and of modest scale. The host dwelling is accessed east off Kirklington Road and is not immediately visible from the highway. The property's principal elevation faces north with the private amenity space to the rear which is enclosed by a mixture of close boarded fencing and hedgerows/vegetation. The property does not lie within an area at risk of flooding.

### Relevant Planning History

**10/01679/FUL** – Construction of four new houses and extension of existing property – Permitted 28.11.2011.

Permitted development rights *under classes A (enlargement, improvement or other alteration of a dwellinghouse), B (additions etc to the roof of a dwellinghouse), C (other alterations to the roof of a dwellinghouse), D (porches), E (buildings etc incidental to the enjoyment of a dwellinghouse) of Schedule 2, Part 1, Class A (gates, fences, walls etc) of Schedule 2, Part 2 and Class A of Schedule 2, Part 40 (now 14 - Renewable energy) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)* have been removed from these properties under Condition 14.

### The Proposal

The application seeks permission for the erection of a single storey rear extension. The extension would measure approx. 6m wide x 4m deep, 2.1m to flat roof height and would adjoin an existing mono-pitched single storey range on the rear of the property. The extension would be orangery style with a central lantern light within the roof, sliding glazed doors on the western side elevation

and fixed full height glazed panels on the southern and eastern elevations. The extension would be faced in Tecra Cassandra Multi bricks (to match the host dwelling) with a fibreglass roof and the window frames (Deceuninck 2800 UPVC profile in Renolit woodgrained classic cream) would match the host dwelling.

#### Departure/Public Advertisement Procedure

Occupiers of 5 neighbouring properties have been individually notified by letter, a site notice has been displayed 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)*

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

*Allocations & Development Management DPD (adopted July 2013)*

Policy DM5: Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

##### **Other Material Planning Considerations**

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

Householder Development SPD 2014

Planning (Listed Buildings and Conservation Areas) Act 1990

#### Consultations

**Eakring Parish Council** – No comments received.

**NSDC Conservation Officer** – No objection.

*No letters of representation have been received.*

#### Comments of the Business Manager

##### *Principle of Development*

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. Policy DM5 supports development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. Notwithstanding the principle of the proposed householder development, consideration has also to be given to heritage matters as discussed below.

Given that the site is located within the Eakring Conservation Area regard must also be given to the distinctive character of the area and proposals much 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 matters, 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 206 of the NPPF 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 in exercise of planning functions in conservation areas, that 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'. Paragraph 200 of the NPPF, 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).

#### *Impact upon Character of Area*

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and can include replacing poor design with better design and widening the choice of high quality homes. Policy DM6 of the DPD states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials. Policy DM5 is also relevant and has similar criteria to DM6.

In addition, the NSDC Householder SPD sets out the general design principles which all householder development should seek to follow in order to ensure that the standard of development within the District accords with the high standards of sustainable development set out within the NPPF. The Householder SPD advises that the objective of any addition to a dwelling is to successfully integrate with the host dwelling and the surrounding area. To achieve this any addition should have a balanced visual relationship with the host dwelling and its features should respect the character and appearance of the surrounding area through design, proportions and detailing of the proposal.

Ringle House is a modern dwelling within Eakring Conservation Area (CA). The dwelling forms part of a cul-de-sac of modern houses approved in 2010, and the design reflects traditional cottage types found elsewhere in the area. Permitted development rights have been removed on this property in order to ensure that it continues to take the form envisaged when originally approved, and to protect the character of the CA, meaning that this extension requires express planning permission.

The extension would be single storey, located to the rear of the property with modest proportions and constructed out of materials to match the host dwelling. The design emulates an orangery, which would be sympathetic to the style and context of the host dwelling. In principle, I consider the scale and design of the extension to be acceptable and to follow the principles of the



abovementioned policies and SPD. I note that the way the extension is proposed to adjoin to the existing property is somewhat clumsy and could be improved, however visibility into the rear garden is restricted such that the extension would not be visible from the public realm and thus it would result in limited harm on the wider character of the area. As such, whilst I consider the proposed extension could be improved so that it integrates more successfully with the host dwelling, I do not consider the extension as proposed would result in sufficient harm on the character of the area to warrant withholding permission purely on this basis.

Furthermore, given the location of the site within the CA, the Conservation Officer (CO) has reviewed the proposal and has advised that the proposed orangery will be located at the rear of the property and not visible from any material receptor within the CA. No other heritage assets will be affected. For this reason, the CO has no concerns with the proposed development and in reaching this view, has considered the Council's special duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Overall in the absence of any objection from the Conservation Officer and given the conclusions above it is not considered that the proposal would detract from the character or appearance of the surrounding area. The proposed development is therefore considered to accord with the aims of Policies DM5 and DM6 of the NSDC DPD. The proposal would also comply with the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

#### *Impact upon Residential Amenity*

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

The extension would be of modest proportions and sited close to the body of the host dwelling such that there would be no overbearing or overshadowing impact on any neighbouring property as a result. I note that additional glazing is proposed at ground floor, however this would look into the curtilage of the host dwelling and would be screened by existing boundary treatments such that I do not consider there would be any unacceptable overlooking impact either. On this basis, I am satisfied that the proposal complies with Policy DM6 of the DPD in this regard.

#### *Conclusion*

In conclusion it is considered that the proposal accords with the objective of preservation required under section 72 of the Act as well as complying with heritage, householder design and amenity policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF in that the proposal would not unduly harm the character and appearance of the conservation area or the setting of any nearby heritage asset. Thus, there are no material reasons why this application should not be permitted.

#### **RECOMMENDATION**

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

## Conditions

### **01**

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

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

### **02**

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

Site Location Plan (17.06.21)  
Block Plan (14.06.21)  
Proposed Ground Floor Plan (15.06.21)  
Proposed Rear Elevation (15.06.21)  
Proposed Side Elevations (15.06.21)  
Sketch Details of Orangery Proposals (14.06.21)

Reason: So as to define this permission.

### **03**

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

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

## 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/](http://www.newark-sherwooddc.gov.uk/cil/)

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

### 02

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

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

**BACKGROUND PAPERS**

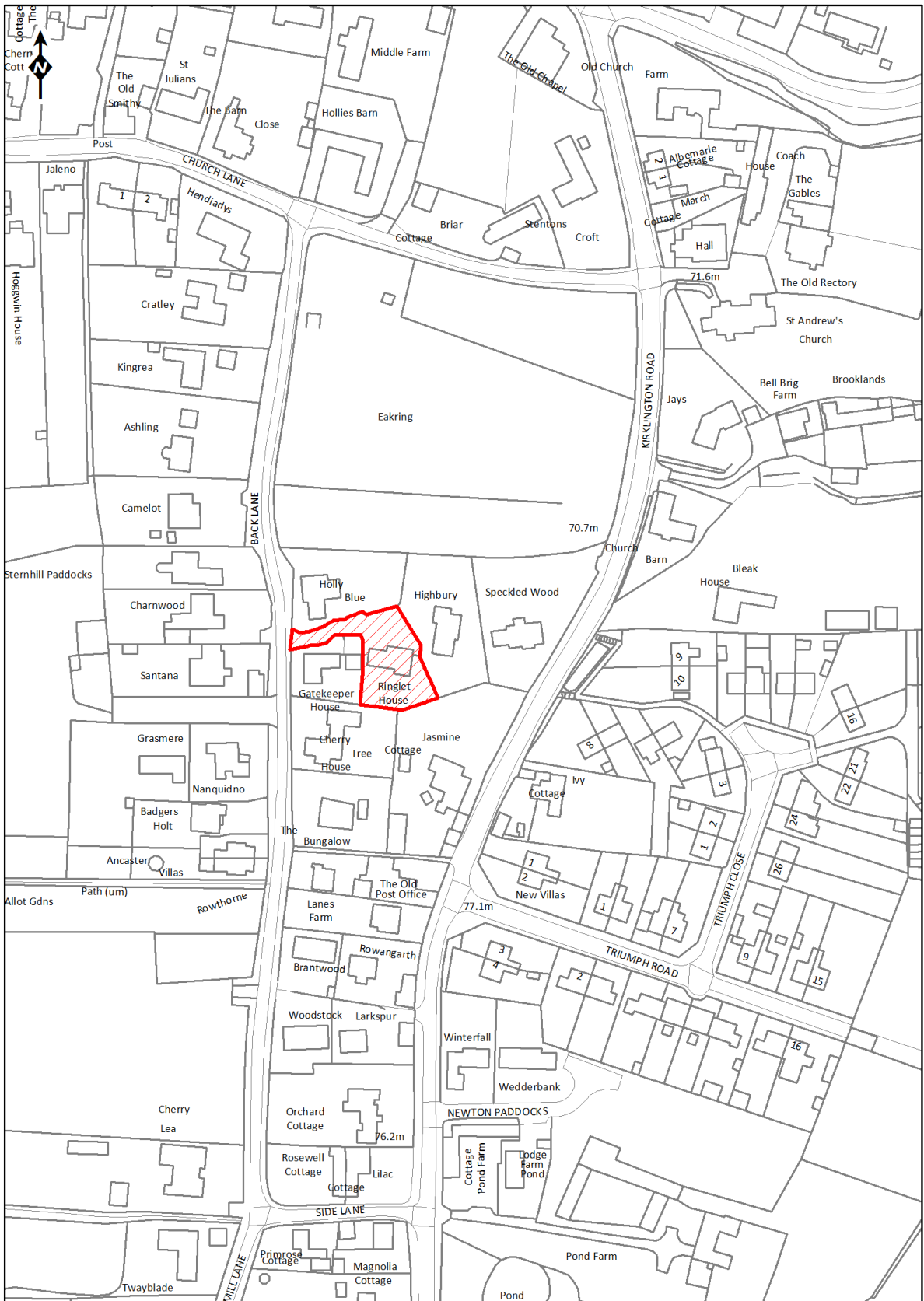
Application case file.

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](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/01333/HOUSE



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<b>Application No:</b>	<b>21/01524/TWCA</b>
<b>Proposal:</b>	<b>1 Ornamental Plum tree - reduce to obtain end height of 4 metres and spread of approximately 3.5 metres</b>
<b>Location:</b>	<b>Ringlet House Highbury Green Eakring</b>
<b>Applicant:</b>	<b>Mr J Robinson</b>
<b>Registered:</b>	<b>1st July 2021</b> <b>Target Date: 12th August 2021</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QVT7EILB04P00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QVT7EILB04P00</a>

**In line with the Constitution the notification is referred to Members of the Planning Committee for determination as the applicant is an officer of the Council.**

## The Site

The tree subject to this notification is within the curtilage of Ringlet House, Highbury Green, Eakring, located within the rear garden. The property itself is located on the edge of the designated conservation area.

Due to its set back of the tree from the immediate street scene, views are not possible from the roadside by members of the public.

The tree is protected by Eakring Conservation Area, no Tree Preservation Order applies to the site.

## Relevant Planning History

Regarding previous works to trees (section 211), electronic records indicate no previous notifications to the subject tree nor any other trees within the property curtilage.

## The Proposal

The applicant seeks to reduce 1 Plum tree to obtain end height of 4 metres and spread of approximately 3.5 metres.

As part of the submission, the applicant has provided a management report (dated June 2021) detailing the works. The report also refers to reduction works to the hedgerow located along the southern boundary to the rear of the property. For the avoidance of doubt, consent is not required for works to a hedge that marks the boundary of a private garden. Therefore these works have not been included in this notification.

## Planning Policy/Legislative Framework

Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority (LPA), using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the LPA gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order (TPO) on the tree. It is important to note, a Section 211 notice is not an application for consent under TPO, so the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

As government guidance informs, when assessing a Section 211 notice, the LPA's main consideration should be the amenity value of the tree. In addition, they must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. When assessing amenity value, the Local Planning Authority considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public; and
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This can include size and form, rarity, historic value etc.); and

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

## Consultations

A Section 211 notice (Tree works in Conservation Area Notification) or notification by a statutory undertaker does not need to be publicised, however we may if necessary consult the Local Authority's Tree Consultant.

In this instance, the Local Authority's Tree Consultant comments were not sought given that the level of works proposed can be assessed by the case officer.

## Comments of the Business Manager

### Appraisal of proposed works

#### Visibility:

The subject tree, as mentioned above, is located to the rear of the property and due to its location, views of the tree are restricted to within the rear garden only. Therefore when assessing the trees suitability for protection, the assessment scores low regarding views by the public from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact:

Ornamental plum trees belong to the Prunus species, which also includes flowering cherry, nectarine and peach. Such species can be widely found growing across the area, both in public and private areas. Such trees are appreciated for their springtime display of blossoms.

The subject tree is located close to a mixture of trees and hedgerow forming an attractive linear group (to the south) along the rear boundary of Ringlet House and adjoining properties. From the photograph provided (included in Professional Arboricultural Care Management Report dated 9<sup>th</sup>



June 2021) the tree appears to be healthy although presents an unbalanced canopy. Plum trees tend to respond well to pruning and the proposed reduction would be unlikely to place the tree under any unnecessary stress, resulting in new growth visible during the following growing season and over time a balanced canopy.

Furthermore, impact of reduction works to the overall view of the area will be mitigated by those surrounding trees and hedgerow, resulting in little or no impact on the overall 'green' view of the area.

Due to the type of tree, a proliferation of new growth is often presented from pruning points. Once such works are undertaken, further works may be required, on a cyclical basis to ensure the tree maintains an appropriate size for its location and balanced canopy.

On undertaking any works, it is recommended these are in accordance with BS3998 2010. It is expected that all vegetation control is carried out in accordance with best arboricultural practice and also care taken not contravene the provisions of legislation protecting plants and wildlife.

Conclusion

In conclusion, as this type of tree responds well to pruning, it is considered that the proposal would not place un-necessary stress on the subject tree and its ability to flourish in the future. Furthermore, as views of the tree are limited to rear gardens only, the resulting works will not unduly harm the character and appearance of the conservation area within the immediate area.

Recommendation

That no objection is raised to the proposal.

BACKGROUND PAPERS

Application case file.

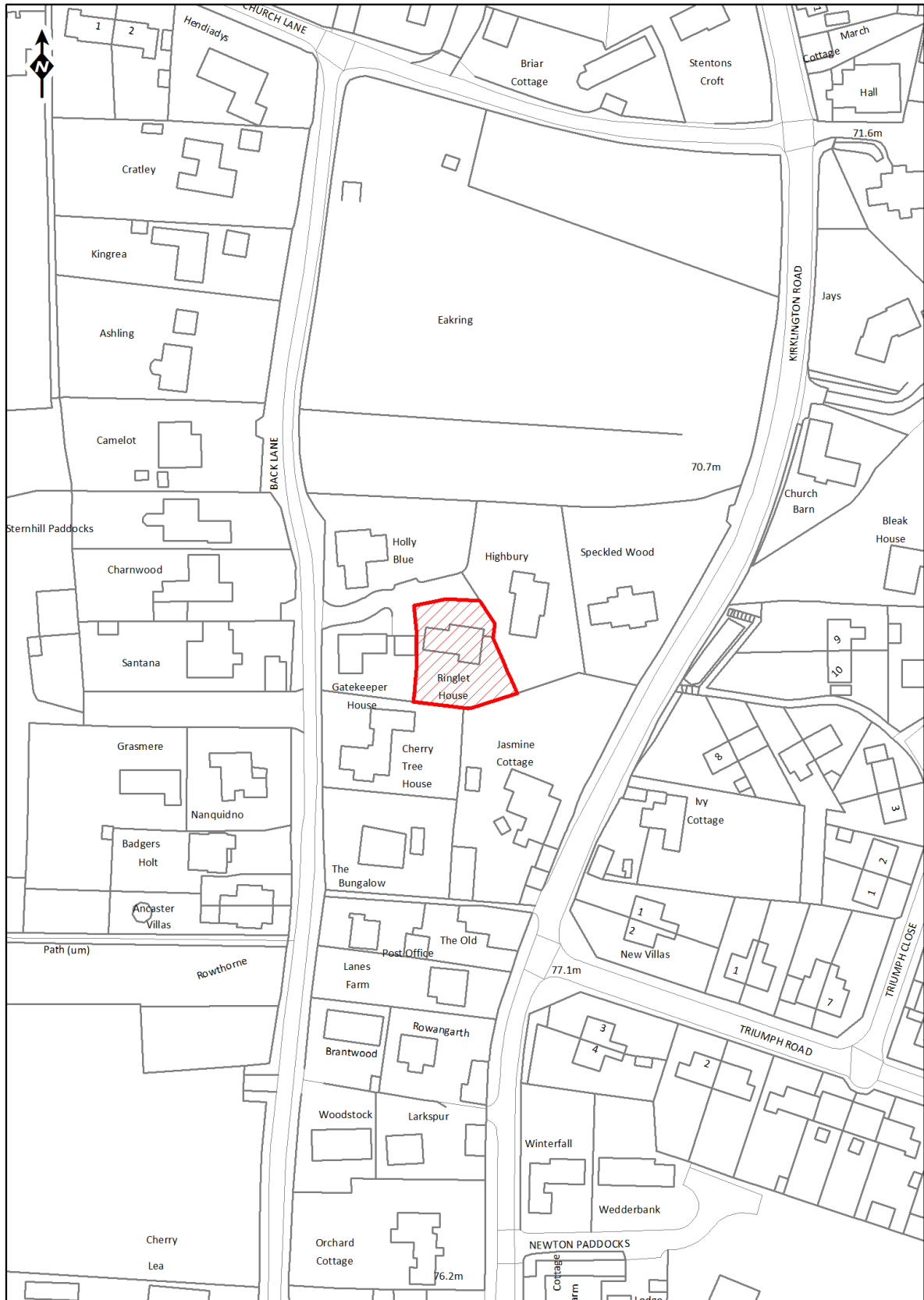
For further information, please contact Lee Robinson on extension 5821.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**



Committee Plan - 21/01524/TWCA



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## **PLANNING COMMITTEE – 3 AUGUST 2021**

### **Appeals Lodged**

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

2.0 Recommendation

That the report be noted.

### **Background papers**

Application case files.

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

Lisa Hughes

Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 18 June 2021 and 19 July 2021)**

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>	<b>Appeal against</b>
APP/B3030/W/21/32749 98	20/01807/OUT	Paddock Adjacent Apple Drop Barn Low Street Harby	Outline application with all matters reserved for residential development consisting of 2 No. dwellings	Written Representation	Refusal of a planning application
APP/B3030/W/21/32763 86	21/00316/FUL	Rose Cottage 34 Lovers Lane Newark On Trent NG24 1HU	Demolition of Existing Property and Erection of 3 (three) Town Houses	Written Representation	Refusal of a planning application

**PLANNING COMMITTEE – 3 AUGUST 2021**

**Appendix B: Appeals Determined (between 18 July 2021 and 19 August 2021)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
20/00550/FUL	Orchard Stables Cottage Lane Collingham NG23 7QL	Change of use of land to site up to six wigwam pods, one managers office with storage, biodisc tank, landscape bund and associated infrastructure	Planning Committee	Committee Overturn	Appeal Allowed	21st June 2021
20/00873/FULM	Field Reference Number 7108 Eakring Road Bilsthorpe	Residential development of 103 dwellings and associated access and infrastructure	Planning Committee	Committee Overturn	Appeal Allowed	23rd June 2021
20/02412/HOUSE	42 Hawton Road Newark On Trent NG24 4QB	Proposed two storey rear extension and garage conversion	Delegated Officer	Not applicable	Appeal Allowed	9th July 2021
20/00886/FUL	Garage Off Bull Yard Southwell	Replace existing garage with a self-contained unit to provide additional guest accommodation	Planning Committee	Committee Overturn	Appeal Allowed	1st July 2021
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.	Planning Committee	Committee Overturn	Appeal Allowed	22nd June 2021
20/01168/FUL	2-4 Balderton Gate Newark On Trent NG24 1UE	Retention of security shutters (retrospective)	Delegated Officer	Not applicable	Appeal Dismissed	22nd June 2021
20/00224/ENF	Smiths Discount Jewellers 2 - 4 Balderton Gate Newark On Trent Nottinghamshire NG24 1UE	Without planning permission, the installation of a box security shutter on the exterior (front) of the building,	Not Applicable	Not Applicable	Appeal Dismissed	22nd June 2021
20/00224/ENF	Smiths Discount Jewellers 2 - 4 Balderton Gate Newark On Trent Nottinghamshire NG24 1UE	Without Listed Building Consent, the installation of a box security shutter on the exterior (front) of the building.	Not Applicable	Not Applicable	Appeal Dismissed	22nd June 2021

20/00205/ENF	Manor Cottage Beck Street Thurgarton NG14 7HB	Appeal against enforcement notice; Without planning permission, 'development' consisting of the erection of a means of enclosure (brick wall with fence on top), as shown on photographs 1 & 2, along the south & east boundaries of the site.	Not Applicable	Not Applicable	Appeal Dismissed	13th July 2021
20/00553/OUT	The Cottage Lincoln Road Newark On Trent NG24 2DB	Outline application for residential development consisting of 5 new dwellings including the demolition of the existing dwelling	Delegated Officer	Not applicable	Appeal Dismissed	16th July 2021
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.	Delegated Officer	Ye Not applicable s	Appeal Dismissed	29th June 2021
20/02429/FUL	Poultry Houses Adjacent Holme Hall High Street Holme NG23 7RZ	Erection of 2 no. Dwelling Houses	Delegated Officer	Not applicable	Appeal Dismissed	21st June 2021
20/02553/HOUSE	Vicarage Cottage High Street Laxton Newark On Trent NG22 0NX	Construction of first floor to outbuilding to form home office	Delegated Officer	Not applicable	Appeal Dismissed	14th July 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

## PLANNING COMMITTEE – 3 AUGUST 2021

### DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

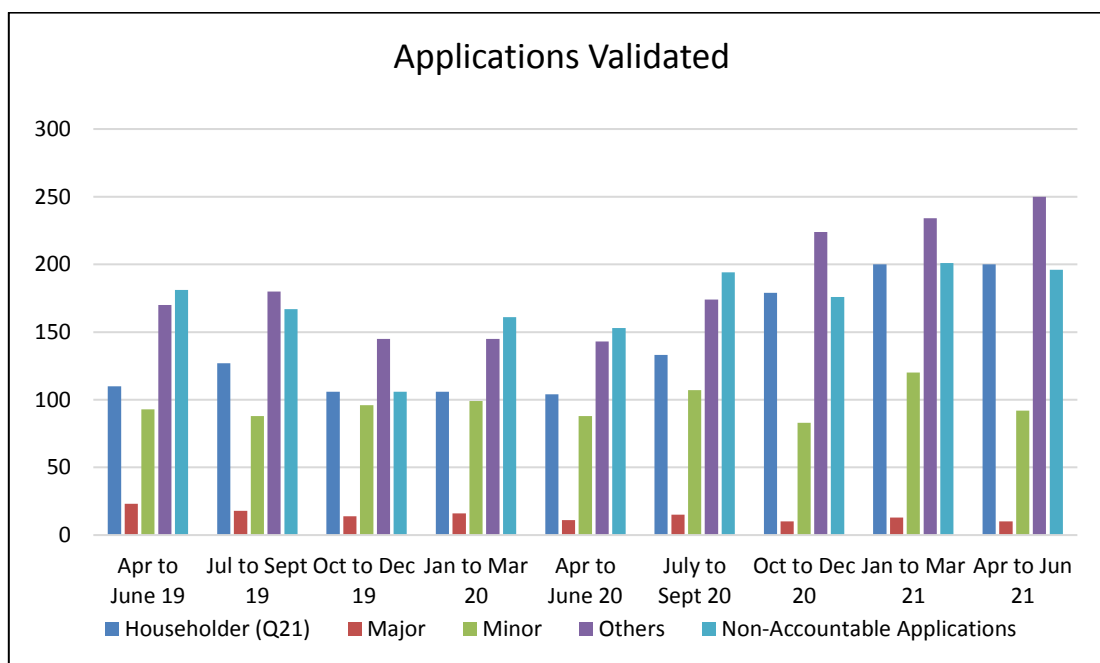
#### **1.0 Purpose of Report**

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period April to June 2021. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to April 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 the activities undertaken by the section.

#### **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 June 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 first quarter of 2021/22, a total of 931 applications were received. This, compared to the same quarter in 2020/21 shows an increase from 720 or a 29% increase in workload. The biggest increase in numbers are, as for the previous quarter, householder applications where applications have increased by just slightly less than 100% from 104 applications to 200. However, 'other' applications have also significantly increased quarter on quarter with a 75% increase compared to the same quarter in 2020. Other increases are less pronounced e.g. 'non-countable' which show a 28% increase. All other categories remain relatively consistent. The numbers would appear to indicate that the Covid-19 pandemic is having little impact in terms of the built development.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m<sup>2</sup> 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.

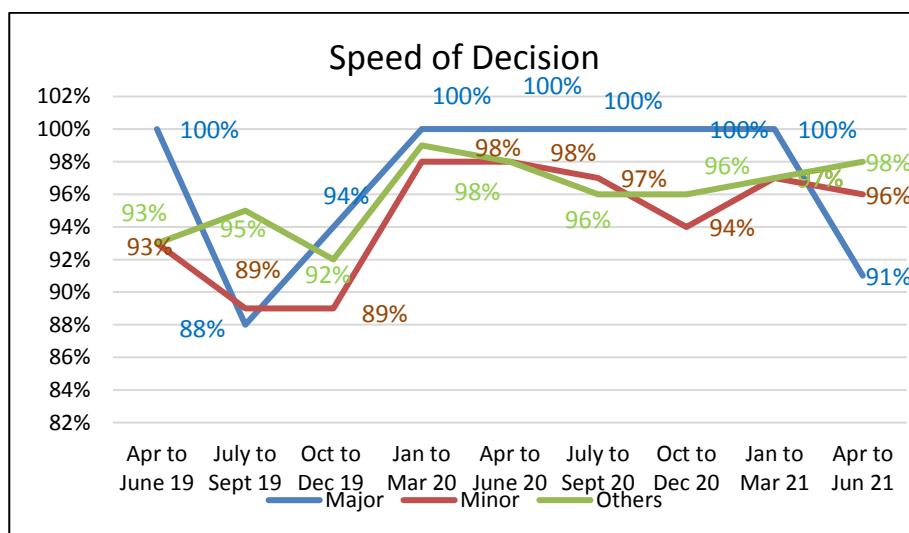
The 'non countable' category are those applications which are not reported to the Ministry for Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

### 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 quarter 1 2019 to quarter 4 2021, 97.3% of major applications have been determined within these timescales (an increase of approximately 2% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 1 2019 to quarter 4 2021, 95.3% of non-major applications have been determined within these timescales (an increase of approximately 3% compared to the previous report). 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.

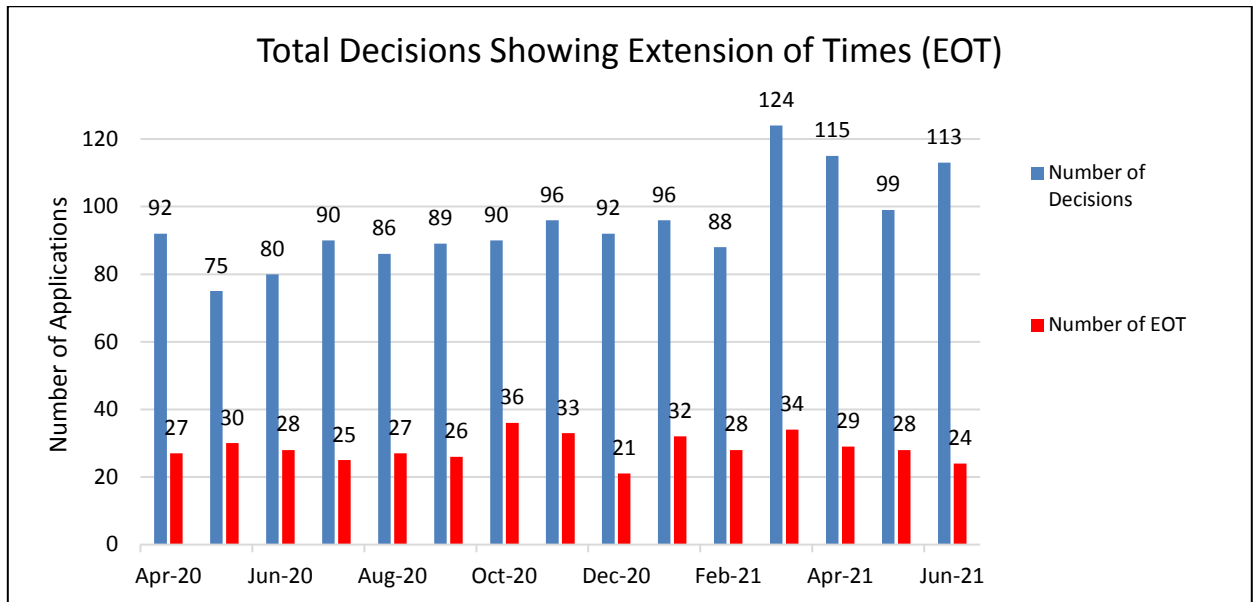
3.3 The following graph relates to the percentage of planning applications determined within set timescales.



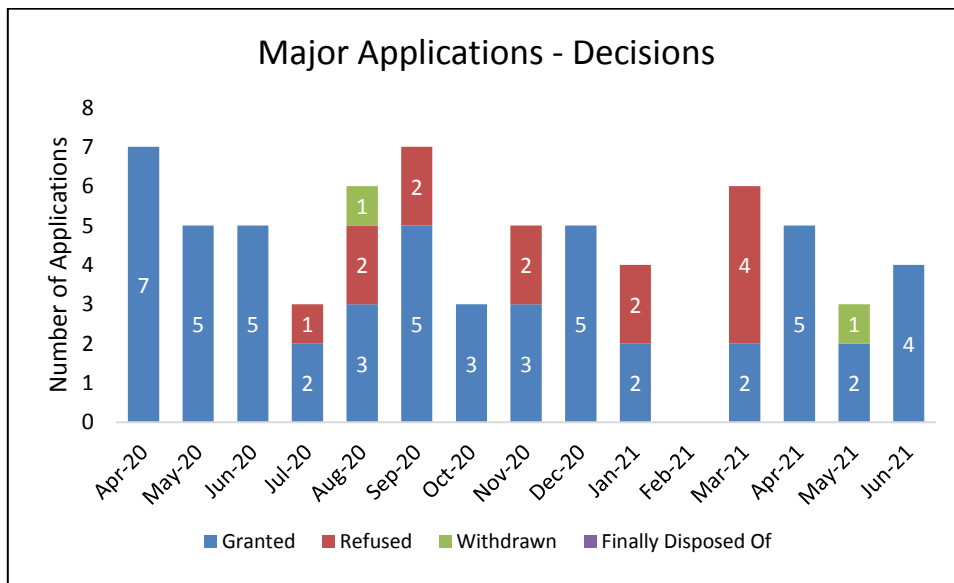
- 3.4 The previous quarter has seen a slight drop in performance for majors to 91% from 100%. This was as a result of 1 application being determined outside of its statutory timescale, but is still significantly above the national target. Minors has also dropped slightly from 97% to 96% and for others has increased from 96% to 98% compared to the quarter. As Members will be aware, since April last year Officers have worked solely from home. There has been some fluctuation in the performance over the previous 12 months, but overall the graph demonstrates how the team has been able to maintain and exceed previous performance, notwithstanding the overall increase in application numbers.
- 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. However, the percentage with a time extension reduced in the previous quarter to 21%. New local performance targets have been introduced addressing the speed of decision making for minor planning applications. As longer term monitoring takes place details will be provided as a better understanding is obtained. Alongside this reporting, a review will be undertaken in due course, following recruitment of a full complement of staff, of processes to try and assist in issuing decisions more speedily.

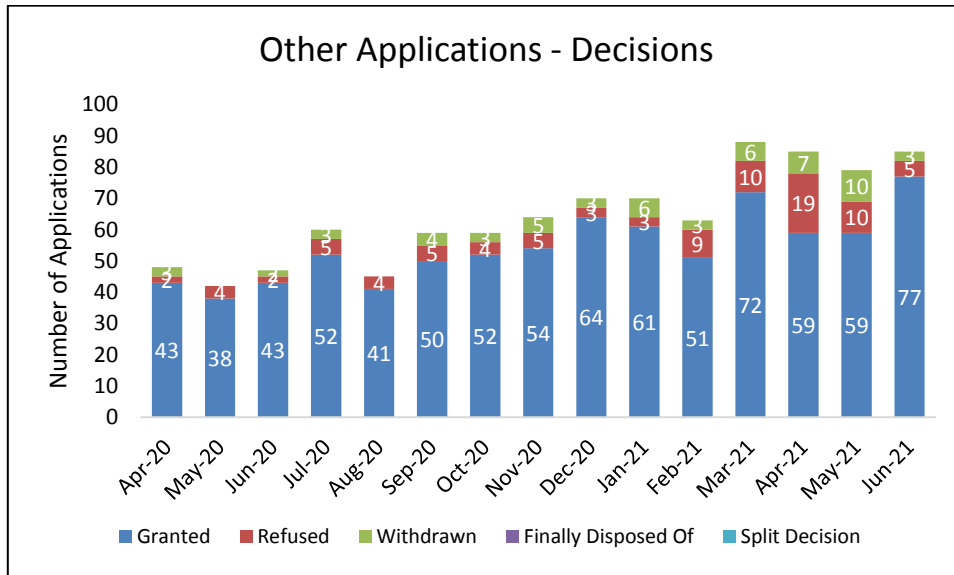
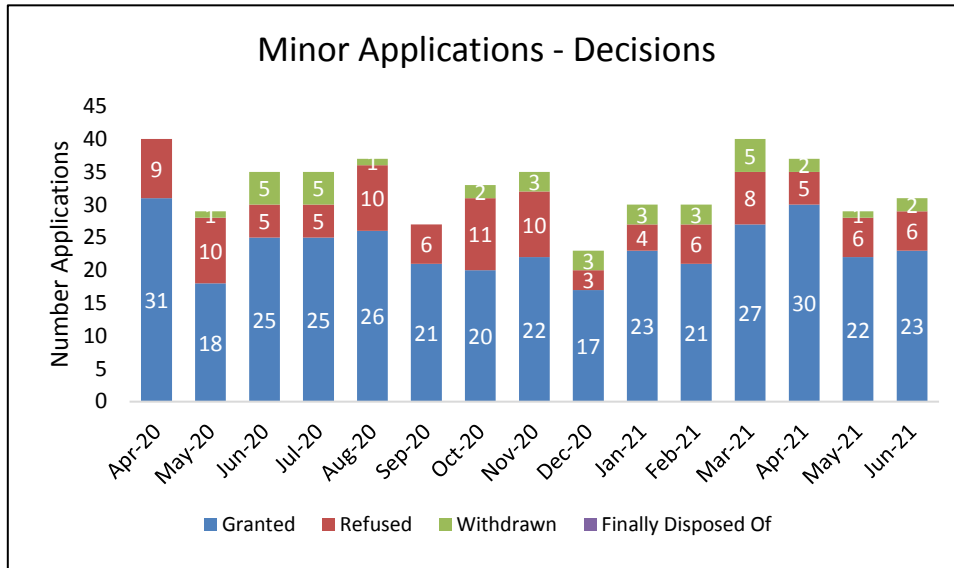
Caution needs to be given in relation to providing a quick decision. For example, it would be theoretically possible to determine all applications within statutory timescales without a request for a time extension. However, this would likely mean that a significant number of applications would be refused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





3.7 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 84% across the 3 months). Withdrawals (total of 26) 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

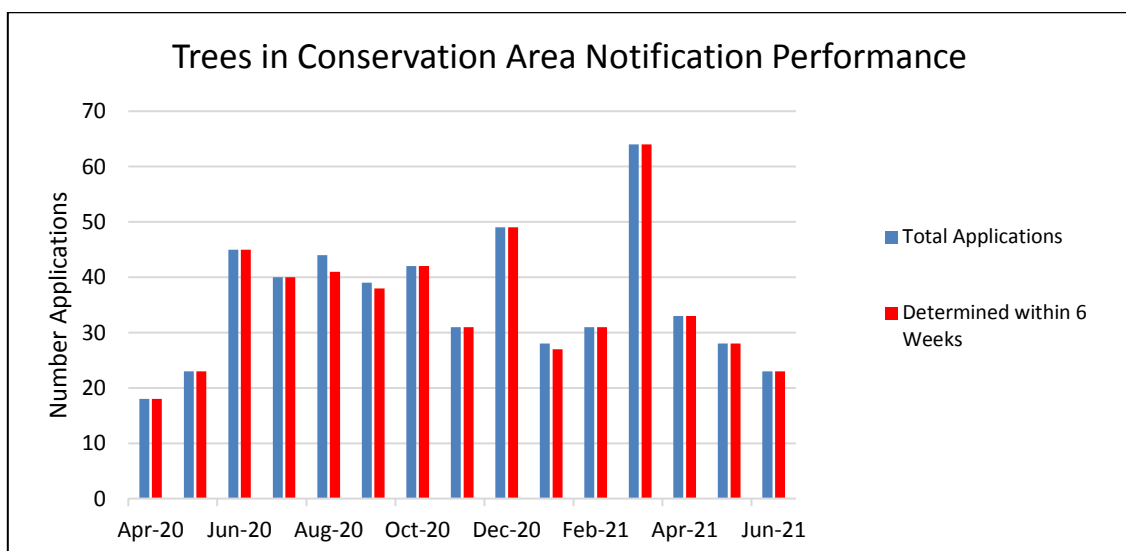
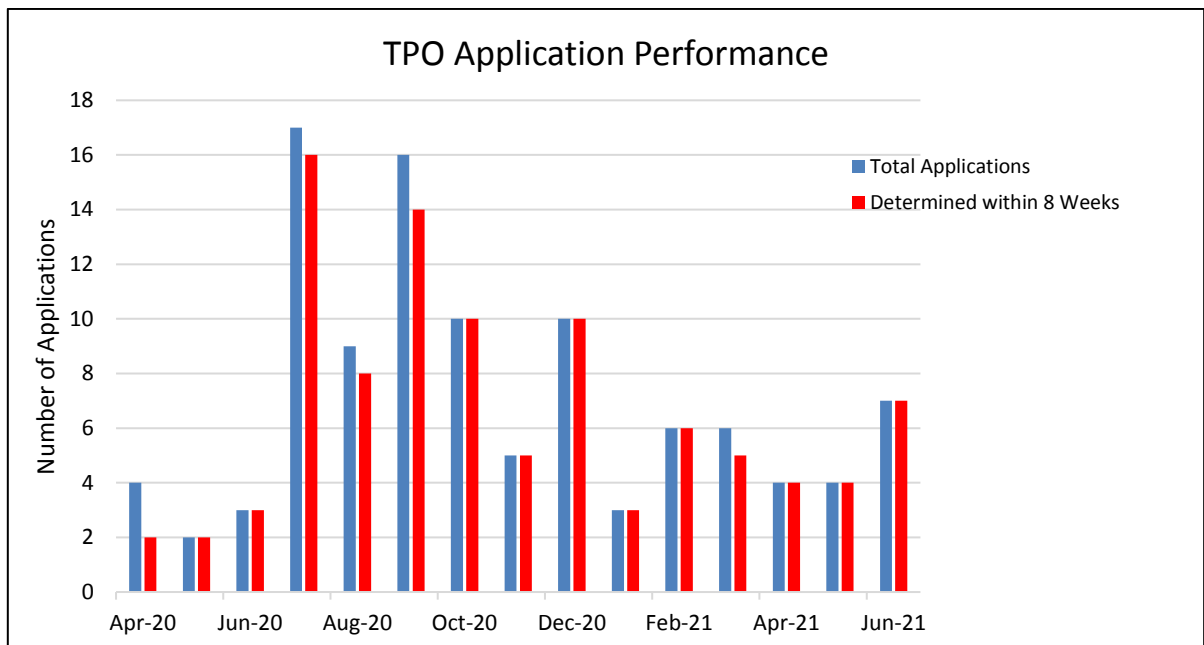
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent 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.

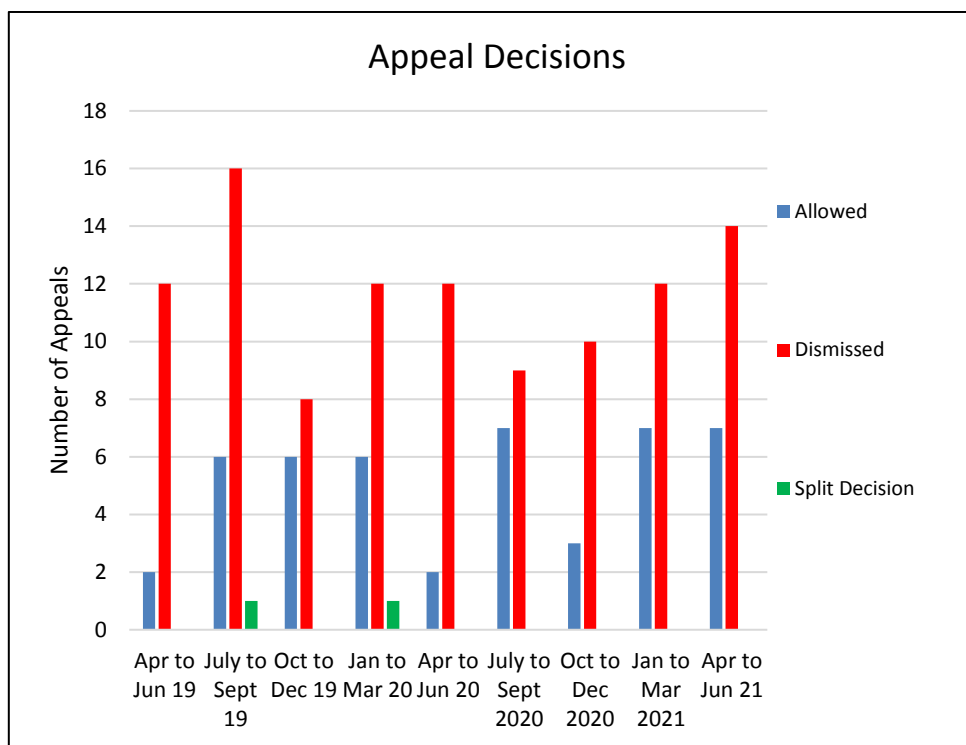
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. As can be seen, the number of applications received each month have no consistency making resourcing more difficult. It should be noted, with reference to the second graph below, that where the Officer identifies a potential risk to a tree of value, this is 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 a little challenging, with a need to balance

appeal work against the number of applications a case officer is dealing with, where possible. 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 quarter has seen a slight increase in the number of decisions compared to the previous quarter, from 19 to 21. The number dismissed exceeds the number allowed (21% for the previous quarter) and is line with the Government’s previous target of having no more than 33% allowed. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.



- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 As well as the cost of administration of appeals, the Council must have regard to the potential to have costs awarded against it, should it be found that the decision, or the Council’s behaviour was unreasonable, such cases are reported to the Planning Committee. A partial costs award has been made against the Council in respect to Field Reference Number 7108. Eakring Road, Bilsthorpe. Details of the claim have not as yet been submitted

to the Council. In addition, a costs claim from the Council has been awarded against an appellant in relation to a hearing relating to works to 2 silver birch trees at 31 Centenary Close, Balderton. Discussions are underway in relation to the costs sought.

## **6.0 Updates**

6.1 Staffing – Since the previous report was presented, there has been little change in permanent staffing. However, significant endeavours are being undertaken to recruit a temporary resource to assist with the increased number of applications, impact resourcing of the 2 inquiries and sickness. Application numbers across the whole of the country have increased which is making finding suitable staff challenging.

6.2 Nationally, there have been further changes to legislation. These are generally more minor changes for the Council including the need for fire safety certificates for high-rise residential buildings, application fees for upward extensions to dwellinghouses. However, the National Planning Policy Framework was updated on 20<sup>th</sup> July. The updates place a greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes.

## **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 the increased number of applications and need to work remotely due to Covid-19. As resources permit. further positive changes will 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 – 3 AUGUST 2021

### QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the first quarter from the 1<sup>st</sup> April to the 30<sup>th</sup> June 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.

Schedule A outlines the enforcement activity for Q1 in terms of the numbers of cases that have been received and closed and also provides a breakdown of the reason that cases have been closed.

Schedule B 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.

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, as noted within the set out within Chart 2. Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

### SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy following the growing trend of development in the wake of the COVID pandemic. Members will also observe that other than in April when there was a handover between staff members, the team has forged ahead with output and has managed to exceed the number of cases being received with those being closed.

Chart 2 goes on to expand upon the reason for cases having been closed during Q1. Again, Members will note the positive trend of cases being closed where the breach has been resolved which ultimately is at the core of all enforcement work. As will inevitably be the case there is a significant proportion of cases closed that are not a breach and this therefore demonstrates the need for staff and local Members, where appropriate, to continue to educate the public where possible on planning legislation.

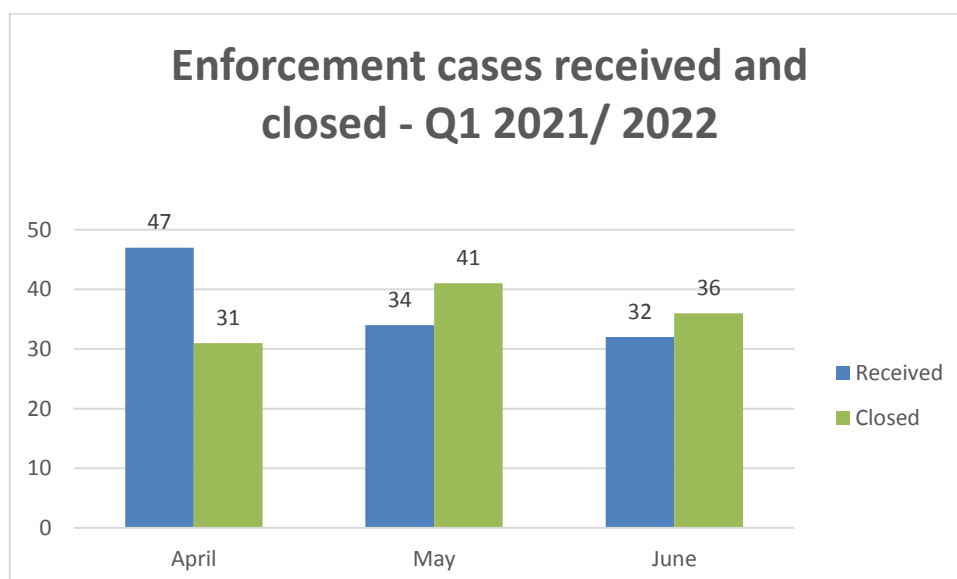


Chart 1 – Number of enforcement cases received and closed during q1 of the 2021/2022 period.

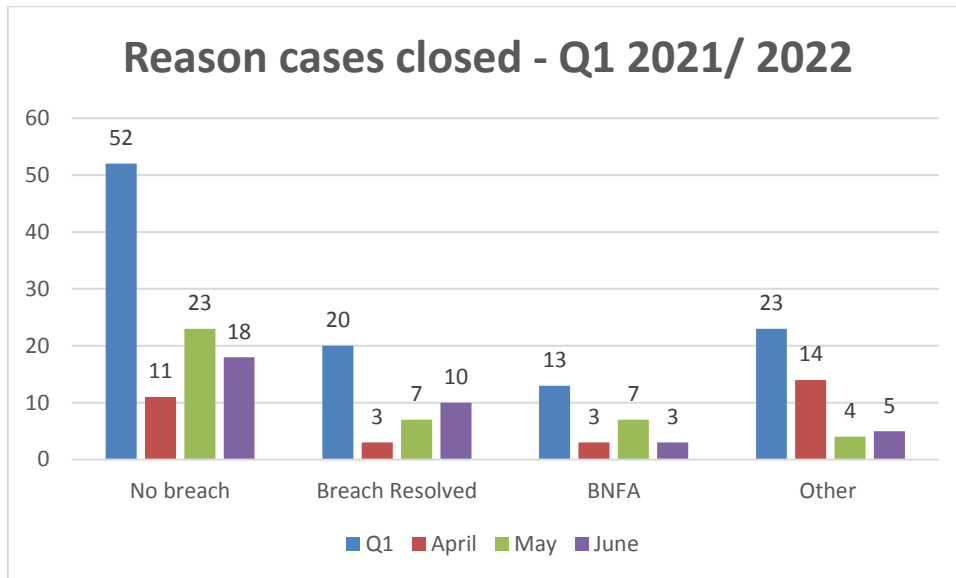


Chart 2 – Reason that enforcement cases have been closed during Q1 of 2021/2022

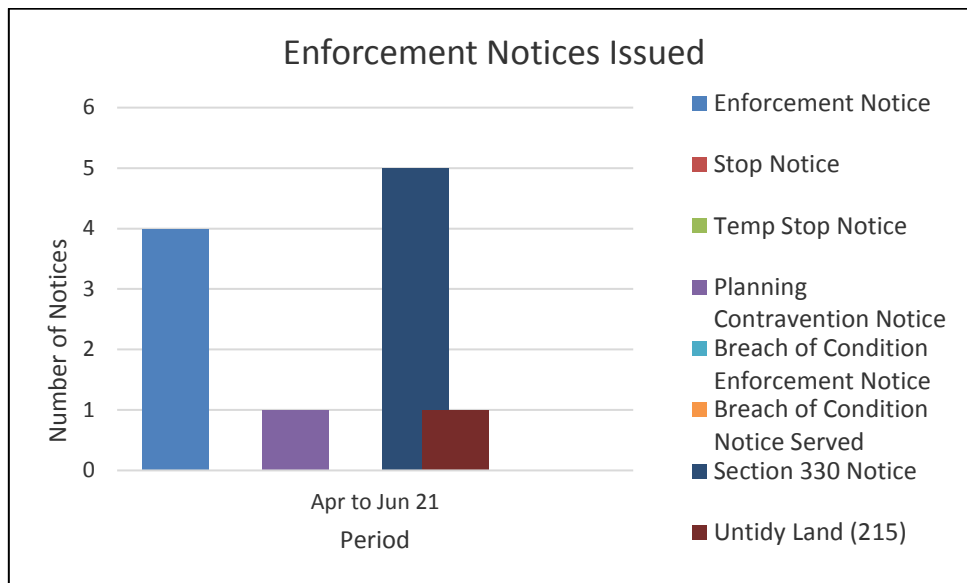
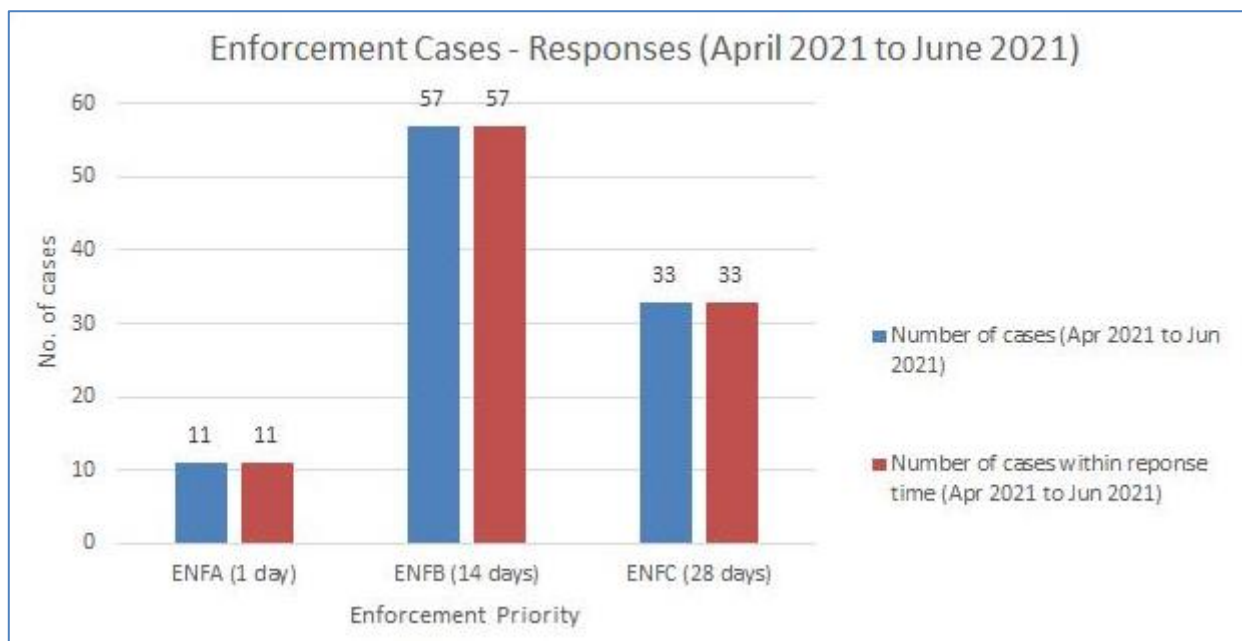


Chart 3 – notices issued during Q1.

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.

Members will note the sterling efforts of the enforcement team which has resulted in 100% of cases being actioned within the target periods.





### Appeal Outcomes in Quarter 1

- 20/00109/ENF 15 Hickman Grove, Collingham. Alleged extension of residential curtilage and erection of decking. Appeal Allowed.
  - An application for the same development was refused at the neighbouring property and that decision upheld (dismissed) at appeal. As such, an Enforcement Notice was issued at 15 Hickman Grove for near identical works. The Inspector took a different stance to their colleague and determined that no change of use had occurred, and as such the 5 year old decking was immune from enforcement action (having been substantially completed for more than 4 years) and thereby now lawful.
  
- 19/00224/ENF 2-4 Balderton Gate, Newark on Trent. Appeal Dismissed.
  - Retrospective applications for planning permission and listed building consent, seeking to retain a modern external box shutter on a grade II listed building, were refused and two enforcement notices issued as a result. The Notices were appealed and dismissed in June 2021. The LPA was agreeable to an extension to the compliance period from 3 to 9 months, given the economic impact of Covid-19.

ENFORCEMENT CASES	1 <sup>st</sup> to 30 <sup>th</sup> April 2021	1 <sup>st</sup> to 31 <sup>st</sup> May 2021	1 <sup>st</sup> to 30 <sup>th</sup> June 2021	Totals
<b>Cases Received</b>	47	34	32	113
<b>Case Closed</b>	31	41	39	111
<b>Notices Issued</b>	5 20/00367/ENFB 20/00393/ENFB 21/00008/ENFB 21/00172/ENFB 20/00045/ENF	1 21/00081/ENFB	1 20/00126/ENF	7
<b>Notices Complied With</b>			1 20/00126/ENF	
<b>Appeal Lodged</b>		1 21/00018/ENFB		

## **SCHEDULE B. FORMAL ACTION TAKEN**

### **Enforcement Ref: 21/00008/ENFB**

**Site Address:** Castle Farm, Brown Wood Lane, Thorney

**Alleged Breach:** Unauthorised Earth Bund

**Date Received:** January 2021

**Action to Date:** Enforcement Notice Served

**Background:** Officers were notified that an existing pond on agricultural land has been enlarged, and a large earth bund built around the land in a high risk flood zone location. As the landowner did not apply for retrospective planning permission to demonstrate that the bund did not increase flood risk to neighbouring landowners, an Enforcement Notice has been issued requiring the bund to be removed and the land returned to its previous, flat topography.



### **Enforcement Ref: 20/00367/ENFB**

**Site Address:** Gainsborough Road, Winthorpe

**Date Received:** September 2020

**Action to Date:** Enforcement Notice Served

**Background:** The Local Planning Authority was made aware that a section of hedgerow bordering a horse paddock at the entrance to Winthorpe village had been removed, and a timber field gate installed in its place. The gate offered no highway visibility and no dropped kerb had been installed. Enforcement Officers liaised with the owner to ensure the gate was secured and not used while an application for tourism accommodation was determined. The application (reference 20/02279/FULM) was refused by the Planning Committee, but allowed at appeal in June 2021, on the proviso that the access is widened and formalised to ensure safe access onto the highway. An enforcement notice requiring the gate to be removed and hedgerow reinstated was issued, but may now be superseded by the grant of planning permission if implemented.

**SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

**Enforcement Ref: 20/00347/ENFC**

**Site Address:** 25 Waterfield Way, Clipstone

**Alleged Breach:** Unauthorised Rear Extension

**Date received:** April 2021

**Background:** An application for retrospective planning permission to retain an unauthorised rear extension was refused on account of the extension resulting in an incongruous addition to the host-dwelling due to the combination of its position, size, design and the use of materials which were unsympathetic.

Following the refusal, a Planning Contravention Notice was issued to the owner, and the extension ultimately demolished.



**Enforcement Ref: 17/00254/ENF**

**Site Address:** 1 And 2 Manor Farm Cottages, Ollerton Road, Little Carlton

**Alleged Breach:** Unauthorised UPVC Windows in Listed Buildings

**Date Received:** July 2017

**Background:** Conservation Officers were made aware that unauthorised changes to two listed cottages had been undertaken without the grant of Listed Building Consent, and where LBC would not have been granted. The occupiers have been working cooperatively with the Conservation Officers to have replacement windows and doors fitted to a particular specification that is appropriate to these properties. Due to the work involved the case has been ongoing for some time. Number 2 was resolved in 2018 and Number 1 has now installed the alternative window designs.



**Before**



**After**





#### **SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER**

**Enforcement Ref: 21/00172/ENFB**

**Site Address:** Petersmith Drive, Ollerton

**Date Received:** April 2021

**Action to Date:** Temporary Stop Notice and Breach of Condition Notice issued

**Background:** Planning permission for 305 new dwellings was approved under reference 17/00595/FULM, with conditions imposed restricting the hours of construction and deliveries in order to ensure limited disruption to surrounding residents. Complaints were received that the operating hours were regularly being breached, and Enforcement Officers issued Temporary Stop and a Breach of Condition Notices in April 2021, requiring compliance with the hours of operation as set out within the planning permission. A subsequent meeting was held with the house builder given that they were not only developing this site but also two other major development sites within the District. Following productive discussions with the developer no further allegations of breaches have been reported Authority about this site or any of the others that are current being constructed.

#### **RECOMMENDATION**

**That Planning Committee considers the contents of the report and identifies any issues it wishes.**

**Background Papers**

None

For further information please contact Richard Marshall (Senior Planner - Enforcement) x5801.

**Matt Lamb**  
**Director – Planning & Regeneration**