



*Castle House
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Friday, 22 October 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, 2 November 2021 at 4.00 pm

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

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

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

AGENDA

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Tuesday, 5 October 2021 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

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 Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor Mrs M Dobson and Councillor T Wendels

APOLOGIES FOR ABSENCE: Councillor K Walker (Committee Member)

49 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs L Dales declared an other registerable interest as a Council's appointed representative on the Trent Valley Internal Drainage Board and Upper Witham Valley Drainage Board.

Councillor Mrs S Saddington declared a non-registerable interest in Agenda Item No. 8 – The Bothy, Mill Lane, Caunton (21/01704/FUL) as she had visited the applicant.

Councillor R Blaney declared a non-registerable interest in Agenda Item No. 10 – Land Adjacent Hockerton Grange Farm, Kirklington Road, Hockerton (21/01516/FUL) as he was known to the applicant.

Councillor Mrs P Rainbow declared a disclosable pecuniary interest in Agenda Item No. 12 – Seven Hills, Quibells Lane, Newark (21/01902/DEM)), as land she owned abuts the site.

The Director of Planning & Growth declared a pecuniary interest in Agenda Item No. 11 – 1 Beacon Hill Road, Newark.

50 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.

51 MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2021

AGREED that the minutes of the meeting held on 7 September 2021, were approved as a correct record of the meeting and signed by the Chairman.

(Councillor M Skinner entered the meeting at this point).

52 LAND OFF A17, CODDINGTON (20/01452/OUTM)

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for the development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.

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 Agent; Coddington Parish Council; and Planning Case Officer.

Councillor D Armstrong on behalf of Coddington Parish Council spoke in accordance with the views of Coddington Parish Council, as contained within the report.

Councillor Mrs M Dobson, adjacent Ward Member for Collingham Ward, spoke against the application on the following grounds: Approving a logistics park in the open countryside would cause more traffic and planning permission on this site had been refused on a number of occasions. This application was considered a speculative development and there was no guarantee that Curry's wanted extra space or any other business. They were supportive of jobs but that needed to be in the right place.

Members considered the application and commented that the economic growth of 525 jobs and income this development would bring was an attractive proposition. Members were however uncomfortable with development in the open countryside and the loss of green field land and the traffic impact that a development of this size would bring. It was commented that there were more appropriate sites in the district that could be secured. The current traffic problems around the show ground were discussed. The larger future master plan on this site also raised concern as Members hadn't been informed of the details. Members also commented that this was development on an archaeological site and hoped that would be closely monitored. Concern was raised regarding the creation of an additional roundabout on a dangerous section of road and the bridge in close proximity. The noise and impact of the existing site was commented as huge. The proposed shuttle bus into Newark was considered good and would ease traffic entering into Newark. During reserve matters the need for EV charging points was required. The visual impact of the current Curry's warehouse was different to this and it was considered that this wouldn't be as intrusive as the current warehouse. The closeness to the open break and Yew Tree Wood was also commented upon.

The Chairman informed Members that the local Ward Member Balderton North and Coddington - Councillor J Lee could not attend the meeting but had asked the Chairman to inform Members that he couldn't add any further comments and was supportive of and agreed with the Ward comments.

The Chairman commented that this was a speculative development, if there was a named tenant a different approach could be taken. It was further commented that if the named tenant was known the design of the structure could be amended to close

proximity of the existing buildings and perhaps the additional roundabout would not be required.

A vote was taken to approve planning permission and lost, with 3 votes For and 11 votes Against.

AGREED (with 13 votes For and 1 Abstention) that the application be deferred to allow officers to push the agent for a named occupier.

53 GROVE BUNGALOW, BARNBY ROAD, NEWARK NG24 2NE (20/02499/OUTM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the residential development of 10 dwellings, following removal of Grove Bungalow and existing outbuildings.

The application was considered by the 2 March 2021 Planning Committee where it was resolved to approve the scheme in line with the officer recommendation. This resolution was subject to the completion of a section 106 legal agreement within 4 months of the date of the Planning Committee (by 2nd July) and that failure to do so would result in a refusal on the grounds that the scheme failed to secure an appropriate drainage scheme and developer contributions.

Since the committee, the applicant's agent had approached officers to advise that it had now become apparent that the proposed means of site drainage was not feasible. A revised drainage strategy had been put forward as detailed on drawing no. 100334_01_0500_01 (Proposed Drainage Strategy Sheet 1 of 1) and the indicative layout plan amended to reflect this strategy as shown on drawing no. 1506G/001 (Site Block Plan) contained within the report. This showed that surface water would now also need to be pumped off site in addition to foul sewage. An indicative area for the proposed pumping stations had been identified to the south-western corner of the site resulting in plot 5 indicatively moved east towards plot 6, bearing in mind that layout was not being fully considered at this stage.

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

Members considered the application acceptable.

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

- a) the conditions shown on the original report (with plan references updated where appropriate, condition 8 to have the words 'Unless the bungalow is demolished before 18 May 2021' removed and condition 16 amended to:

Revised Condition 16:

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the *principles* put forward by the approved Dice Flood Risk Assessment (FRA) dated July

2021 ref 100334/LD/November-19/01 Rev B has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained in accordance with the approved details prior to first occupation of the development.

Due to the inherent complexities of the surface water proposals it is crucial that all elements of any surface water condition are discharged prior to commencement on site. The final surface water scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Evidence STW approval for connections to existing network and adoption agreement of site drainage infrastructure including pumping stations and associated rising mains.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

and

- b) the completion of the section 106 agreement to secure the developer contributions set out in the original report (except the community facility contribution which is no longer sought) and the maintenance of the on-site pumping stations/drainage infrastructure where necessary within 3 months of the date of Planning Committee; and
- c) failure to do so would result in a refusal on the grounds that the scheme fails to secure sustainable development by failing to provide for the necessary infrastructure by way of developer contributions.

54 WAREHOUSE, THE WHARF, NEWARK (20/02498/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the Change of use and internal and external alterations to warehouse to new business hub, co-working office space and cafe (Classes E(b) and E (c)(ii)).

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

Members considered the application and commented that this was a great plan, which would bring a disused building back into use, there was also plenty of car parking in front of the building in public car parks. A Member commented that this building would be direct competition with the Beacon and may challenge that business, however given the pandemic, the world had changed and it was felt that there would be a demand for these facilities.

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

55 THE BOTHY, MILL LANE, CAUNTON NG23 6AJ (21/01704/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of a 3 bedroom detached dwelling.

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

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

The Planning Case Officer informed Members that there was a proposed change to Condition 13, which was the removal of Class AA: Enlargement of a dwelling house by construction of additional storeys within this condition.

Members considered the application and it was commented that this had been referred to the Planning Committee by the local Ward Member on the grounds of Health & Safety issues regarding the open sewer on site. Concern was raised that there was no main sewer servicing this area and there was an over spill to the open sewage drain at the Bothy. The Bothy was situated at the end of a private drive, which had been tree lined, but subsequently the trees had been removed in anticipation of planning permission. It was commented that the addition of this property would exasperate existing problems. The drive to the proposed development would be built over the existing open drain, here raw sewage could be seen going down the drain. Sewage was drained onto the adjacent field which ran onto a footpath connecting to the village, which was considered unhealthy. It was commented that the Council should not continue to allow permission to build

properties with inadequate sewage disposal. It was suggested that if the Planning Committee were minded to approve the application, a condition be imposed seeking the applicant to put in larger treatment plants.

The Chairman commented that the sewage issues were not strictly planning matters and the comments of the Council's Environmental Health as contained within the report made reference that the drain would run over private sewage and must comply with building regulations. He suggested that the application be deferred in order for advice to be sought from the Council's Environmental Health, regarding what mitigating matters might be desirable to the applicant, making clear the concerns that had been raised.

AGREED (unanimously) that the application be deferred to the 2 November 2021 Planning Committee, to allow discussions with Environmental Health on what mitigation measures would be desirable to compensate for the drainage impact to the surrounding area.

56 PLOT 3, LAND AT 10 EPPERSTONE ROAD, LOWDHAM NG14 7BU (21/01667/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for 'Plot 3', referred to as such in acknowledgment of the above planning history whereby the consideration of this plot was removed during the life of the application reference 20/02253/FUL.

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 neighbouring party.

Councillor P Harrison on behalf of Lowdham Parish Council spoke in accordance with the views of Lowdham Parish Council, as contained within the report.

Councillor T Wendels Local Member for Lowdham Ward, spoke against the application on the grounds of significant impact to amenity space of No. 12 Epperstone Road. The roof line remained 0.61 metres higher than the adjacent bungalow. The footprint had increased from the previously submitted four bedroomed house and was 1.8 metres closer to No. 12 Epperstone Road, to maximise floor space.

Members considered the application and noting the objections of Councillor P Harrison and Councillor T Wendels it was suggested that a bungalow replicating plots 4 and 5 would be better and would provide best planning on site. Concern was also raised regarding the visual impact from the velux roof lights on to the garden of No. 12 Epperstone Road. Members also noted the proposed applications inability to deliver the 3 full parking spaces required by the SPD on cycle and residential car parking standard. Although the third space was only just short of the policy requirement, members considered that this was indicative of the cramped and compromised nature of the proposed development.

A vote was taken to approve planning permission and lost with 13 votes Against and 1 Abstention.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the grounds of cramped and compromised position. An Informative to be added to state a 2 bed bungalow would be more sympathetic.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
R. Crowe	For
Mrs L. Dales	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
T. Wildgust	For
Mrs Y. Woodhead	For

57 LAND ADJACENT HOCKERTON GRANGE FARM, KIRKLINGTON ROAD, HOCKERTON (21/01516/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to erect a two storey (rooms in the roof) L shaped 3 bedroomed detached dwelling with 3 parking spaces within the grounds.

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

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, with a proposed additional/amended informative.

Members considered the application and commented that they were struggling to see that the proposed application was not in the village envelope and given that there had been no comments received from Hockerton Parish Meeting and no objection from local residents, they felt that the application was acceptable.

A vote was taken and lost to refuse planning permission with 3 votes For and 11 votes Against.

AGREED (with 11 votes For and 3 votes Against) that contrary to Officer recommendation planning permission be approved subject to reasonable conditions delegated to the Business Manager - Planning Development.

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

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

58 1 BEACON HILL ROAD, NEWARK NG24 1NT (21/02002/HOUSE)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the proposed two storey side extension (resubmission of 21/01283/HOUSE, to change bricks to white render on front and east (side) elevations).

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

Members considered the application acceptable.

(Having declared a disclosable pecuniary interest the Director of Planning & Growth left the meeting).

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

59 SEVEN HILLS, QUIBELLS LANE, NEWARK NG24 2FE (21/01902/DEM)

The Committee considered the report of the Business Manager – Planning Development, which provided notification for Prior Approval for demolition of the existing Seven Hills Community Centre and associated ancillary buildings.

Members considered the presentation from the Business Manager - Planning

Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that prior approval is required and approved for the demolition of the buildings subject to the conditions and reasons contained within the report.

60 LAND AT LORD HAWKE WAY AND BOWBRIDGE ROAD, NEWARK 21/01831/S73M

The Committee considered the report of the Business Manager – Planning Development, the application had been submitted as a Section 73 application to amend the wording of condition 11 which related to land contamination.

The application was presented as a late item in order to meet timescales agreed.

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.

Members considered the application acceptable.

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

61 APPEALS LODGED

AGREED that the report be noted.

62 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.36 pm.

Chairman

PLANNING COMMITTEE – 2 NOVEMBER 2021

Application No:	20/01452/OUTM	
Proposal:	Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.	
Location:	Land Off A17 Coddington	
Applicant:	Tritax Acquisition 39 Limited	
Agent:	Delta Planning - Mr David Green	
Registered:	05.08.2020	Target Date: 04.11.2020 Extension of Time: 07.10.2021
Link to application documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEJOKRLBIP600	

This application was deferred from Planning Committee on the 5th October to enable the officers to push the agent for a named occupier.

Since the report was presented, the applicant has provided further information. This includes a report from Savills detailing the 'UK Logistics market overview Q3 2021' (Appendix 1); a letter from the Applicant (Appendix 2); together with an Executive Summary (Appendix 3); and a letter from Dixons Carphone (Appendix 4).

The first document details the market for 'big box' development and the high demand and low availability of appropriate buildings over recent years and quarters, particularly 2020 and 2021. This details a high take up of units within the East Midlands region but also a very low supply of available buildings alongside very low vacancy rates of buildings.

The Tritax letter details the Applicant's commitment to the development, setting out detail of Tritax's profile, interest in the building (not just from Dixons Carphone), market position, commitment to accelerate the development to secure economic benefits – hence the agreed shorter time period for implementation of the permission. This also responds to Members' question regarding whether it would be possible, if this development were to be occupied by the adjoining business (Dixons), for the existing roundabout access to the north of the proposed access point to be utilised? Tritax have responded to this (page 2) confirming that this would not be possible "... due to the configuration of existing buildings and services, site layout and levels."

Lastly, the additional letter from Dixons Carphone details that they are pleased the application is being considered by Planning Committee. In terms of their commitment, they state "*Whilst our future space requirements are under constant review I can confirm that, if you are successful in obtaining planning permission, we would be interested in discussing further with you the possible options for taking space on the development.*"

This is being presented to the Planning Committee in line with the Council's Scheme of Delegation as both Coddington and Winthorpe Parish Councils (along with Newark Town Council) have objected to the application, which differs to the professional officer

recommendation.

Additions to the original report are set out in embolden text below.

The Site

The application site relates to a parcel of land immediately to the south of the A17 and immediately adjacent to the large commercial storage and distribution buildings currently occupied by the Knowhow business group (including Dixons Carphone) and known as Newlink Business Park. The application site measures 16.6Ha in total area, is located outside of the established Newark urban boundary and within the open countryside. To the north of the site is Newark showground and to the south and east is open countryside. The A1 is located approximately 500 metres to the south west of the site. The village of Coddington including its conservation area is located approximately 500m to the south of the application site.

The site is generally flat greenfield land, having been regularly cultivated and cropped as part of a larger arable field unit. The red line boundary also includes part of the A17, a bridge over it and a strip of land located on the opposite side of the A17. Access to the site is currently gained via farm access tracks from the south and from the north via the bridge across the A17.

A public footpath (Coddington FP4A which connects the villages of Coddington and Winthorpe) which connects to the bridge over the A17 runs through the northern section of the site in a roughly north-east to south-west direction. This path is located in between and on the edge of a buffer of trees which are located adjacent to the north boundary of the site. Further tree/vegetation buffers are located in the north west corner of the site. A hedgerow (along with a wider buffer containing woodland to the east) is located adjacent all other sides of the site.

The entire application site is located within Flood Zone 1 and outside of an area identified as being at high risk of surface water flooding.

Relevant Planning History

No planning history relevant to the site save for 20/SCR/00003 Environmental Impact Assessment (EIA) Screening Request for land east of Newlink Business Park – EIA not required.

Planning history relating to the adjacent site to the west:

16/01505/FULM - New, cold formed steel, portal framed compactor warehouse – permission 6.12.2016

16/00935/FUL - Siting of two single storey portakabin. Solus buildings to be used as offices for a temporary period of 3 years - permission 03.08.2016.

15/01104/FULM - 8no. new windows at mezzanine level to existing distribution centre of building one – permission 03.09.2015.

07/00120/FUL Erection of two single storey portacabins within existing lorry park – permission 10.04.2007

04/00177/OUT Permission for development of land without compliance with condition 8 of

02/02601/FULM permission 29.04.2004

03/00985/RMAM Submission of reserved matters 02/02601/OUTM for distribution centre – permission 06.08.2003

02/01072/RMAM Erection of distribution centre – permission 28.06.2002

02/01074/OUT Proposed car dealership – permission 28.06.2002

02/01073/OUTM Proposed hotel/conference centre – permission 28.06.2002

02/02601/FULM Variation of condition 7 from permission 01/00608/OUT regarding the pedestrian/cyclist bridge – permission 03.04.2003

99/51860/FUL Forming of new traffic roundabout and spur road off new site access road off A17 into the proposed site terminating at an on-site roundabout – permission 18.10.1999

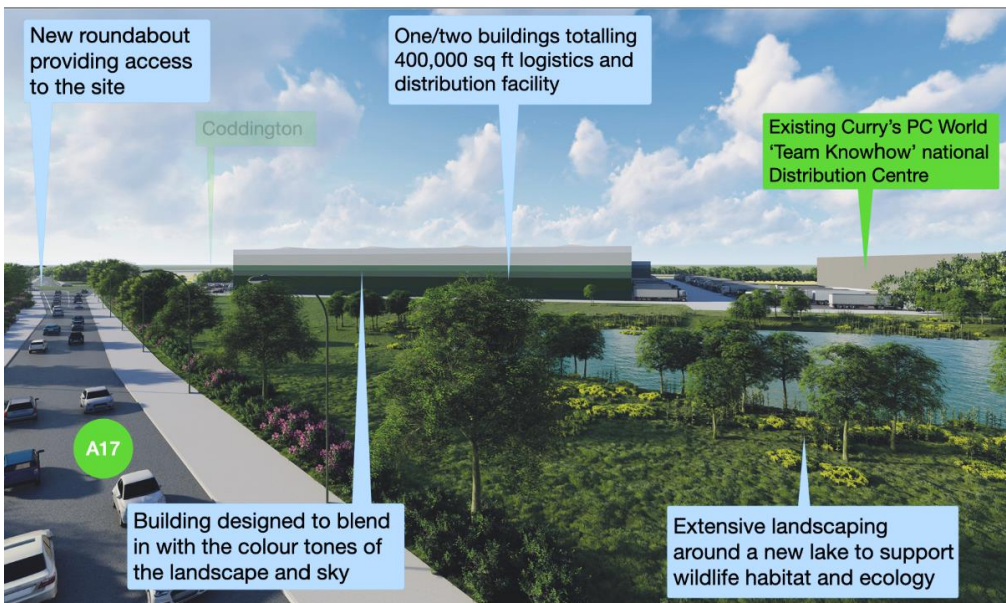
98/51979/OUTR4 Use land for B1, B2 and B8 use – permission 30.06.1998

30891455 General industrial development use classes B1, B2 and B8 – refused 12.03.1998

The Proposal

The proposal seeks outline planning permission with all matters reserved apart from access for the erection of a commercial storage and distribution warehouse unit (B8 use class) with ancillary offices. Part of the red line boundary includes the A17 and land to its north and east in order to accommodate proposed access and pedestrian infrastructure, including a new vehicle access off a new 3-arm roundabout junction on the A17 and an extension to the public footpath/cycleway network from the A17/long Hollow roundabout to the proposed site. A potential pedestrian route connection from the existing public right of way to the north of the site and the existing Knowhow building to the west of the site is also proposed.

The submitted indicative layout plan also gives the parameters of the proposed development with the proposed unit(s) shown to have a maximum employment floorspace of 37,000m² (GIA) and a maximum height of 18m to the ridge. The floorspace would be accommodated within one or two buildings. Retained and new areas of landscaping are proposed along the site boundaries in addition to sustainable drainage infrastructure (including an amenity pond located in the north west corner of the site).



Visual extracted from Planning Benefits document

The application comes forward on a speculative basis with no known end user of the proposed unit included in the application submission.

For clarity, the current application relates to the Phase 1 site as shown in the extract below – not the wider potential future masterplan site which shows potential future expansion areas to the south and east (Phases 2 and 3), referred to in the comments received from both Coddington Parish Council and residents. Any future development on these areas would need to be subject of a separate planning application and screening opinion, and determined accordingly.



Extract from Illustrative Site Plan

The following documents have been submitted in support of the application

Documents:

- Covering Letter 31 July 2020 (Delta Planning)
- Design and Access Statement August 2020 Rev C (SGP)
- Transport Assessment July 2020 (Connect) inc. access plans
- Framework Travel Plan July 2020 (Connect)
- Statement of Community Involvement 31 July 2020 (Fieldsend Associates)
- Planning Statement August 2020 (Delta Planning, August 2020)
- Employment Land Statement July 2020 (JLL)
- Addendum to Employment Land Statement January 2021 (JLL)
- Response to Submission by MWRE and Savills (JLL)
- Landscape and Visual Impact Assessment (BCA, 10/05/21)
- Response to Comments from VIA letter dated 20/03/21 (BCA)
- Ecological Appraisal July 2020 (FPCR)
- Breeding Bird Survey Report July 2020 (FPCR)
- Flood Risk Assessment July 2020 inc. Drainage Strategy (Link)
- Archaeological Desk-Based Assessment June 2020 (RPS)
- Archaeological Evaluation Report October 2020 (Oxford Archaeology)
- Built Heritage Statement July 2020 (RPS)
- Phase I Desk Study and Geotechnical Assessment (Link, June 2020)
- Phase II Ground Investigation Report Nov 2017 (HSP)
- Energy and Sustainability Report 23/07/2020 (Cudd Bentley)
- External Lighting Impact Assessment (Cudd Bentley)
- Noise Assessment Jul 2020 (WYG)
- Briefing Note Titax and Simons: Newlink Business Park Extension Proposals 24.09.2021
- Support Letter by Dixons Carphone (date 08.12.2020)
- UK Big Box Logistic Market Update (presentation slides by JLL G3 2020)
- CBRE UK Logistics Market Summary Q3 2020
- Bidwells 'Our View on Industrial Across the Arc' (5 November 2020)
- 'The Increased Importance of Logistics During Covid-19 and Beyond' by Turley Economics (December 2020)
- Planning Benefits Tritax and Simons: Newlink Business Park Extension (23 July 2021)

Plans:

- 110001 Rev A Location Plan
- 16233-SGP-XX-XX-DR-A-F018-001 Rev E Illustrative Site Plan
- 111002 Parameters Plan
- 110002 Existing Site Plan
- 2047-20-01 Rev b Illustrative Landscape Masterplan (amended plan received 14.05.2021)
- 2047-20-02 Rev A Illustrative Landscape Sections (amended plan received 14.05.2021)

Departure/Public Advertisement Procedure

A site notice has also been displayed near to the site and an advert has been placed in the local press.

The Development Plan

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

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 3 Rural Areas
Spatial Policy 6 Infrastructure for Growth
Spatial Policy 7 Sustainable Transport
Core Policy 6 Shaping our Employment Profile
Core Policy 9 Sustainable Design
Core Policy 10 Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13 Landscape Character
Core Policy 14 Historic Environment

Allocations & Development Management DPD

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

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
Planning (Listed Buildings and Conservation Areas) Act 1990
Landscape Character Assessment SPD (December 2013)
Employment Land Availability Study 2019

Consultations

Coddington Parish Council – Object. The application is for outline consent to achieve access for one large Distribution Centre off the A17 near the footbridge, but although most of the plans show one new building, the last figure in the Employment Land Statement shows a much larger development as part of the wider land holding spreading up to the edge of the Yew Wood.

The outline planning application is for Unit 1, with a further 6 industrial units shown on this Masterplan. Our reasons for objection include:

- a) This is a Major deviation from the District Council's adopted Adopted Core Strategy and Policies
- b) It is Development in the Countryside, outside the Urban boundary, and will lead to a loss of trees and wildlife.
- c) A potential loss of important archaeological structures, of heritage value to Newark as a whole.

- d) A significant increase in traffic adding to the existing congestion at the A17/A46/A1 roundabouts and more traffic diverting through Coddington. Traffic through Coddington Village has doubled in recent years as vehicles avoid congestion at the A17/A46/A1 roundabout and Newark Bypass, comparing resident surveys with tube counts by NCC.
- e) A risk of increased road traffic accidents given the small size of the proposed roundabout and the restrictions to visibility from the embankments associated with the road bridge over the A17.
- f) There will be increased traffic noise in Coddington from loss of trees on the South side of the A17, and a loss of views from public footpaths at the edge of the Conservation Area.
- g) The application is for 24-hour operation, also causing an increase in noise to Coddington residents including during the night.
- h) The environmental screening request and report were based on only a small part of the Illustrative Masterplan rather than the wider potential scheme covering 48.3 hectares (119.4 acres). This is described in the Employment Land Statement (and other documents) and illustrated in Appendix 9. This exceeds by more than a factor of two the twenty hectares indicative screening threshold in the relevant government guidance. The environmental screening request should have included the total anticipated development for the wider land holding.
- i) The public consultation carried out by the developer made no mention of the wider potential scheme described in the Employment Land Statement and shown as the Illustrative Masterplan in Appendix 9, so should be discounted.

The wider development scheme envisaged in the Illustrative Masterplan would have a much greater impact on Coddington Village residents. There would be major effects on:

- 1) Traffic congestion at the A17/A46/A1 roundabouts and Newark Bypass
- 2) Traffic flows through Coddington Village
- 3) Floodwater risk
- 4) Coddington Conservation Area, outlined above, which is adjacent to the wider development
- 5) A massive impact on the landscape setting of Coddington Village, with the loss of half of the agricultural fields between the Conservation Area and the A17.
- 6) Loss of Trees on the site
- 7) Damage to the protected Yew Tree Wood, in the North-West corner of the Conservation Area, from changes to the water table
- 8) Visual and landscape impacts within Coddington Parish, including numerous residential properties
- 9) Complete loss of the open break between Newark and Coddington to the North. This open break was proposed by Coddington Parish Council during the recent review of Open Breaks by the District Council.
- 10) Loss of potential additional public rights of way, currently under review by the County Council.

The Environmental Screening report should be reassessed for the wider development scheme and not bypass the legal guidance on thresholds by assessing the total planned development in a piecemeal manner.

This application should not proceed without a fundamental review of the Adopted Core Strategy, and the Allocations & Development Management DPD, including a new Public Examination. This is to allow full and proper public consultation given the intrusive area and height of the development in the countryside in a location not allocated for employment land. This is particularly important given the complete lack of public consultation on development of the wider land holding.

Newark Town Council - Objection was raised to this application for the following reasons:

1. Visual impact
2. Impact on Yew Tree Forest
3. Loss of open space between Newark and Coddington
4. Lack of evidence there is demand for this type of development in this location.

Winthorpe Parish Council – ‘The Parish Council are opposed to this development on the grounds of the increase in traffic volumes. We are concerned about the increase in the traffic in relation to one unit never mind the six units that seem to be on the agenda. We are already unhappy about traffic volumes at both A46 roundabouts and this size of development will we suspect make it unbearable at times. We as a Parish want to be involved in the A1/A17/A46 intersection road developments which are being worked on at the moment as that could have a major impact on the parish/Winthorpe village. Until these improvements to the roads are in place, such developments cannot be considered a good idea and will only make the problem worse.’

Highway England – No objection.

NCC Highways Authority – Following the submission of additional information during the lifetime of the application, no objection is raised to this application subject to conditions relating to the provision of the new roundabout junction, footway and cycle facilities, travel plan and parking.

Environment Agency – The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.

NCC Lead Local Flood Authority – No objection subject to a condition relating to a surface water drainage scheme.

NCC VIA Landscape – No objections, the EMD Team can confirm that they support the proposed scheme following amendments to the LVIA submitted during the lifetime of the application.

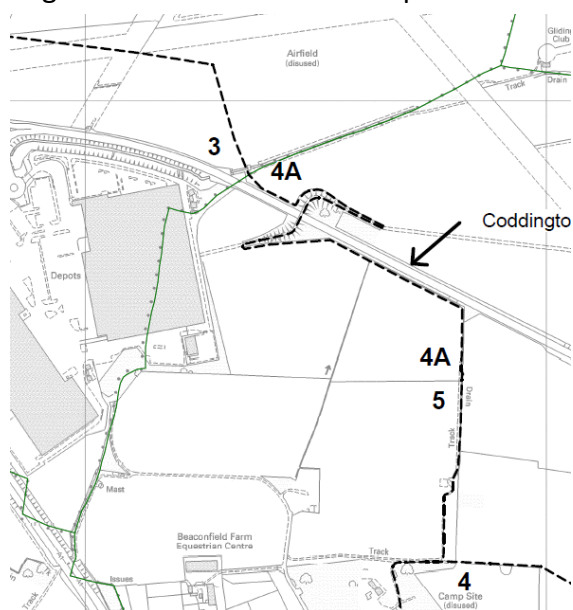
Trent Valley Internal Drainage Board – No objection raised.

NCC Planning Policy – No objection. Recommends conditions in relation to a shuttle bus service to connect with the travel hubs in Newark as well as ride home facility for staff.

Natural England – No objection refers to generic advice.

Nottinghamshire Wildlife Trust – No objection to the proposal. Recommends conditions in relation to the provision of bat boxes, lighting, provision of drainage ditch, precautionary badger surveys prior to construction, updated Environmental Management Plan, working during bird breeding season and other precautionary measures.

NCC Rights of Way team – No objection. Coddington Public Footpath No.4A crosses the land edged in red on the location plan and the Design and Access Statement Drawing 01 (Illustrative Master plan) shows that the alignment of the route would be altered to accommodate the access road and junction - recommends information on construction work affecting the public footpath and separate application for diversion of the footpath.



Extract from PROW Map

Ramblers Association – Object to the proposal. At the moment Coddington Footpaths 4 and 5 provide a pedestrian route between the villages of Coddington and Winthorpe. The proposed development will lead to further visual degradation of this route which has already been damaged by the large warehouse south of the A17 and new buildings to the north

Newark Business Club - Supports the proposal.

NSDC Environmental Health (Contamination) - I generally concur with the recommendations and therefore would advise the use of the full phased contamination condition on any planning approval. Due to the previous war time airfield use a unexploded ordnance (UXO) risk assessment is recommended.

NSDC Environmental Health – No objections to the proposal subject to a condition requiring a construction method statement.

NSDC Tree Advisor Officer - Proposal is unlikely to significantly adversely affect the majority of existing green infrastructure if protection measures are incorporated during construction activities. A robust soft landscaping scheme could mitigate against any losses and provide additional biodiversity and screening options for the site if suitable species and numbers are selected.

NSDC Archaeology Advisor – No objection. Recommends conditions for archaeological mitigation strategy.

NSDC Conservation Officer – No objections. I have reviewed their plans and the HIA, and I concur with their findings that the proposal results in a broadly neutral impact on the setting of Coddington CA and other heritage assets. I would anticipate that at reserved matter stage, scale, form and appearance would take account of visual impact, including where possible landscape mitigation and facing material opportunities to soften impact.

NSDC Economic Development – Support the proposal as the development would supports the Newark & Sherwood District Council Economic Growth Strategy 2021-2026 and the identified

objectives. Economic Growth support the proposal to the development of a new commercial unit use (class B) off the A17 located in Coddington, Newark. The proposal is a positive move for the district with job creation initially for the build process, and further employment of up to 529 jobs once the distribution centre is open. The jobs created will include skilled and non-skilled opportunities as well as roles in IT, engineering, warehouse operatives, HGV drivers and administration staff. The links that are already in place with Newark College could be further built on to create more training opportunities. Newark and Sherwood have a growing reputation as a centre for logistics, therefore the £30million will help the district to develop as a bigger player in the logistics and distribution market.

Individual representations in support of the application have been received from 16 local residents/interested parties. Comments made include:

- Globalisation of the economy means that much traditional manufacturing has gone 'offshore' from the UK, requiring the extensive importation of manufactured goods. Moreover, supply chains are now internationalised and highly complex, particularly with 'just in time' (JIT) arrangements. Finally, the onset of the Covid 19 Pandemic has accelerated already established trends in the expansion of online shopping at the expense of traditional retail formats. These and other developments have significantly increased the need for large warehouse and distribution (B8) formats in highly accessible locations.
- Newark is one of these highly accessible locations, strategically located at the junction of the A1, A46 and A17 Trunks Roads, with good and improving access to, amongst others, the East Coast and Humberside Ports, to London, the West Midlands and the North. It has great potential as a major strategic storage and distribution hub within the East Midlands. This is recognised in the new Towns Fund Town Investment Plan.
- Beneficial for the economy through the creation of new industry opportunities and jobs.
- The proposals will create over 500 much needed jobs and send a strong message into the burgeoning and highly competitive logistics and distribution market that Newark is very much open for business.
- The proposal would offer the opportunity for new businesses to come to the area or offer future expansion potential for Dixons Carphone.

Individual representations raising concerns/objections have been received from 78 local residents/interested parties which are summarised as follows:

Principle of development

- The application goes against council commitment to conserve and preserve green spaces.
- Newark is not the epicenter of industry and commerce and nor should it be so.
- the development deviates from the District Council core strategy and involves development of countryside outside the urban boundary.
- The development threatens the integrity of the local countryside and its valuable amenity to local residents.
- Loss of agricultural land.
- Loss of open break between Newark and Coddington.

Highways

- Increase in traffic on the A1 which can barely cope with the traffic it already carries.
- The proposed location is at an intersection with the A46/A17/A1 that is already extremely busy and an accident blackspot. When there is an accident, traffic through Coddington and Newark will increase.
- Traffic impact on school, farms and showground events.

- This stretch of the A17 will become a race track.
- Upgrading the footpath to a cycle path will cause tension between walkers and cyclists.
- Loss of public footpath.
- Insufficient public transport will lead to additional traffic.
- Newark is not a suitable location for a larger 'Big Box' development as there is no local intermodal rail terminal and all goods would have to be transported long distances by road.
- The assessment of traffic accidents is incomplete.
- Extra roundabout would create another accident hotspot and adversely affect traffic flow.
- Drove Lane from the A17 to the A46 is already used as a 'rat run' by motorists to avoid having to negotiate the two existing A17 roundabouts.
- Poor quality road surfaces.

Visual Impact

- A building that stands 18 metres tall would be easily sighted on the landscape from Coddington unless more trees are planted.
- Loss of green countryside.
- Loss of trees and hedges.
- Adverse impact on conservation and residential areas.
- Adverse visual impact on users of public rights of way.
- Newark is appearing from all sides to be a huge industrial unit.
- Supersized development will ruin the village of Coddington permanently.
- Overdevelopment and land grabbing.
- The building is ugly in appearance.
- The proposal is harmful to landscape character.
- Screening vegetation would take significant time to grow.
- Adverse impact on views from houses.

Impact on Employment

- it is a speculative development with no end user identified to justify a departure from the development plan.
- The proposed development would compromise the market attractiveness of employment land (that benefits from outline planning permission including for up to 50 hectares of employment (Class B1, B2 and B8)) at Newark South and risk delivery of this strategic allocation with potential implications for delivery of the SLR.
- the submitted Employment Land Statement discounts Newark South due to site specific issues, in particular around access and delivery of the Southern Link Road (SLR). Urban & Civic are, in partnership, seeking to unlock the delivery of the SLR, which should not be seen as an absolute constraint in any event as it only relates to part of the overall employment land.

Other

- Adverse impact on wildlife.
- Increase in air, light and noise pollution.
- The lighting report states that lights would be switched off at night which would not happen for a 24/7 distribution centre.
- Increased emissions.
- Increase in path litter.
- Increased flooding including impact on flow of the Fleet Drain.
- Increased risk of flooding at Newark Air Museum.
- Drains leakages in the area.

- Damage to Yew Tree Wood.
- Developer public consultation prior to application submission made no mention of the site or areas to be built on / misled residents.
- Increase in jobs will not benefit Newark as a whole. More people will travel into the area or move in which will put further strain on infrastructure.
- Reduction in house prices.
- The screening opinion request was for a smaller site and should be redone.
- The application forms part of a wider potential scheme.
- Adverse impact of archaeology.
- Increased security risk.
- Ecology surveys make no mention of numerous species that inhabit this area.

A petition containing 104 signatures has also been received quoting the following reasons:

- Impact on our already congested roads.
- Inevitable noise and disturbance (especially at night).
- Destruction of a large greenfield site.
- Destruction of fields, trees and hedges prejudicial to wildlife.
- Unsightly buildings in our rural landscape.
- Proximity to local houses.

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the development plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Open Countryside

The Adopted Development Plan for the District is the Core Strategy (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages, as specified within Spatial Policy 2, will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting.

Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark. The NPPF supports sustainable economic growth and places significant weight on the need to support economic

growth through the planning system. Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 goes on to acknowledge that:

'sites to meet local business and community needs in rural areas may have to be found beyond existing settlements in locations not necessarily well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

The site falls outside of Newark Urban Area as defined in the DPD. As such, it falls to be assessed under Policy DM8 (Development in the Open Countryside) of the DPD. In relation to employment uses Policy DM8 states that 'small scale employment development' will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. The proposed development is not considered to be small in scale (nor would it solely meet local business and community needs) and therefore does not meet this exception. The development would therefore be a departure from the development plan.

Employment Land

Chapter 6 of the NPPF identifies that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations. Para 031 of The National Planning Policy Guidance (NPPG) also states that *'the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)'.*

Spatial Policy 2 quantifies the employment land requirements for the District and provides a strategy for distributing growth. It sets a *minimum* employment land requirement of 83.1ha with 51.9ha of the total to be provided within the Newark Area. The Employment Land Availability Study 2019 confirms that there is sufficient supply of employment land in the Newark area.

However, the applicant considers that this supply is not deliverable for the specific needs of the distribution sector as set out in the submitted Employment Land Statement (JLL). **This is further emphasised with the latest information provided by the applicant within Appendix 1 which includes reporting of the logistics market, availability of such buildings, number of vacancies and demand.** The submitted documents assert that *'the Amended Core Strategy and its associated evidence base has made no allowance for the Big Box sector, that is for logistics providers requiring modern, large footprint buildings (over 100,000 sq.ft) in highly accessible locations. This is despite*

seeking to encourage the development of priority business sectors including logistics and distribution and specifically noting that Newark is well placed to serve this sector'. It goes on to say that 'the Core Strategy's employment land requirement is based on the Employment Land Forecasting Study 2015 which uses a traditional methodology, tied to labour demand and supply, to project employment land requirements. In considering past completion rates, the historic development at Newlink Business Park (adjacent to the application site) was specifically discounted as an anomaly, rather than being considered as a trend setter, thus substantially reducing employment land projections. The scale and importance of the Big Box market to overall employment need and supply was not taken into account when setting employment land targets in the Core Strategy and Newark's potential contribution to this sector has therefore been undervalued'.

As such, the applicant contends that there is a significant shortage of suitable development land for industrial and distribution premises, particularly serving the Big Box sector and there has been a lack of development in Newark due to the absence of suitable sites as a consequence.

In order to fully assess the need and impact of the proposed development from an economic perspective, the LPA commissioned an independent study be undertaken (by Fisher German, published 06.08.2021). This reviews the Employment Land Statement and Addendum submitted by JLL and considers the current logistics market/demand, how much of the identified employment land is suitable and deliverable for Big Box development, whether the application site would be a suitable location for this development and whether the proposed development would undermine the delivery of other sites in the Newark area.

The recommendations set out in the Fisher German report are summarised within the relevant sections below:

Economic Need

The Employment Land Statement Addendum (JLL) states that 2020 witnessed a record year for occupational transactions for big boxes and the Big Box market sector will continue to show relatively high levels of demand in both the short and medium term. A significant acceleration in growth of e-commerce has been witnessed, particularly in online grocery shopping. In addition, the pandemic and Brexit are leading to greater reshoring in order to mitigate the risk of supply chain breakdown. The Fisher German report agrees with these findings and in relation to the East Midlands states that whilst the, the A1 and A46 corridors are secondary locations for Big Box development. The current Big Box market is very strong, especially in the East Midlands largely being driven by a very strong e-commerce sector. Whilst Newark is a secondary location (the M1 corridor is a primary location), rising values and a lack of supply in the prime areas in the East Midlands is forcing developers and businesses to find sites/premises in more secondary locations such as Newark. **This is supported by the Savills Q3 report (Appendix 1).**

Alternative Sites

Fisher German are in agreement with JLL that the main potential alternative site identified which would be large enough and suitable for B8 development in the Newark area is 50ha employment land on Land South of Newark (Future Point Policy NAP2A). However, delivery is constrained by the completion of the Southern Link Road and funding with no definitive timescales as to when this will happen. The consultations section above include a summary of comments received which raise concerns that the development would have a detrimental impact on the delivery of Future

Point as Urban & Civic are, in partnership, seeking to unlock the delivery of the SLR. JLL has responded to these concerns raised in relation to Future Point as follows:

- The market is strong in Newark/along the A1 corridor (due to proximity to the East Coast ports, better availability of labour, discount in terms of price (i.e. rent or land value) and availability of some larger plots, including an opportunity to buy land), with demand still considerably greater than supply.
- Competition between sites can have an overall positive effect on development.
- Future Point and Newlink Business Park have different qualities and will attract different requirements in terms of use, scale and timing.
- Newlink Business Park will provide the best prospects of securing development in the immediate term and will help to re-establish Newark as a logistics node on the A1 Corridor. This will be of longer-term benefit to the Future Point proposals.

14.5 Ha of allocated employment land on Newark Business Park (G Park) is also identified albeit discounted within the reports, on the grounds that it has been marketed for 15 years with no success to date with the main reason cited being the convoluted access from the A1. Notwithstanding this view, I am aware in relation to the G Park that the site has been purchased and a full planning application is being prepared for a speculative industrial/warehousing scheme. The site is expected to provide a floorspace of between 45,000sqm and 70,000 sqm. At the time of writing this report, a planning application for the site has not been submitted. Even though an application would likely be supported in principle at Officer level due to its allocated status, there is no certainty that planning permission would be approved at this stage or if it was, that the development would come forwards.

Three further sites at Fernwood Business Park, Stephenson Way and Land North of the A17 are also ruled out by Fisher German due to being too small and/or other constraints.

In relation to concern that if the proposed development is approved, then there would be no demand for the consented development at Land South of Newark, Fisher German conclude that 'in reality, we believe the likelihood of this is low as we tend to share the view of JLL that the lack of Big Box development in Newark is not due to lack of demand but the lack of suitable sites.' They further state that:

'in our view, there is sufficient demand to serve both the application site and the Land South of Newark as and when this is delivered. If both sites were marketed at the same time, we would expect this to impact on take up accordingly. Clearly there remains some uncertainty over the timing of the Land South of Newark but in this instance, the application site provides an opportunity to deliver Big Box development and attract occupiers to Newark in the relatively short term. That being said, we would recommend that the Council carries out further investigation into whether the developers plan to offer the site on a design and build basis or whether they will speculatively build a unit, as this will ultimately have an impact on timescales for occupation. We would also recommend work is done on market testing to establish likely occupier demand in respect of the employment sites in Newark.'

Having asked the applicant whether they will offer the site on a design and build basis or whether they will speculatively build a unit they have confirmed this is currently unknown. If permission is secured, the building would be offered to Dixons Carphone who have confirmed that they would be interested in taking on space on the development if planning permission is secured.

Fisher German have further advised in Knowledge of the forthcoming G Park planning application that *'whether there is demand for three sites will largely depend on the timescales for when they are available. It is unlikely that there would be sufficient demand for all three sites if they were to come available at the same time. However, it is highly unlikely that this will be the case given the timeframe for the delivery of the new link road'*.

Economic Benefits

D2N2's Strategic Economic Plan 'Vision 2030' identifies that the Logistics and E-commerce sector has a strong commercial cluster in the D2N2 region. Logistics and E-commerce sustains some 22,000 jobs in more than 2,500 businesses in the D2N2 area and it has a 28% (Gross Value Added) GVA growth forecast for 2030. A report commissioned by Tritax Symmetry identified that the logistics sector continues to demonstrate growth, reflecting macro-economic trends in changes in retail habits and supply chain demands. It is expected to continue to be a key driver of economic and employment growth for the UK. Logistics employment growth was bolstered by large growth in warehouse operations and road freight. Currently, GVA of the sector is estimated at £80 billion **nationally** and has seen growth of over 30% since 2013. The majority of roles in logistics are full time (85%) with only around 15% being part time. In 2019, The Freight Transport Association Leading UK Logistics Report notes that current UK logistics sector made a £124 billion GVA contribution to the UK economy (10 per cent of the contribution to the UK non-financial business economy). In terms of **regional** figures, the May 2021 Midlands Engine GVA Intelligence Briefing calculated the GVA of the Logistics & Transport Technologies in the entire Midlands to be worth £10.6 billion as of 2019. While the D2N2 LEP profile projected GVA for the 'Transport and Storage' sector to be worth approximately £3.3 billion.

Supporting documentation indicates that the proposal represents a £30m investment that would help to secure Newark as a major player in the logistics and distribution market. The total economic output of the construction phase is accordingly forecast to be £85m.

A development of the size proposed can normally support around 500 full time equivalent jobs. This is based on the employment density ratio research produced by Homes England (formerly HCA) entitled 'Employment Density Guide: 3rd Edition'. Modern logistics and distribution centres require a range of skilled, semi-skilled and specialist employees. The applicant has stated that there would be an average salary of £21,424 - £22,585 for a warehouse employee and £32,365 for a Warehouse Manager. Research by the Council's Economic Development teams indicates that on average, Warehouse Managers in the region received a salary of 30k, while Warehouse Operatives received a salary of 18-19k. **A question was raised by Committee regarding the provision of jobs generally and also a query has been raised that should the unit be taken by a company that utilises automated services i.e. then very few jobs would be realised. However, even with automation, workers are still required as well as skilled workers e.g. to manage the associated ICT systems controlling the robotics. An example given is Ocado (Bicester) which employs over 800 people in a building of 163,000sqft. The number of jobs in a warehouse varies according to the end user with variances given from 1.4 to 4.9 jobs per 1000 square feet. The 500 jobs cited at the head of this paragraph is therefore anticipated to be a relatively conservative number.**

The adjacent Currys/PC World complex is already the largest employer in Newark. This application would create an opportunity for them to expand further or to enable the co-location of a supply chain partner. Albeit as a speculative application, there is no certainty with regards to which company would become the end user.

Around £1.1M of business rates per annum would be generated.

Summary

In relation to economic need, the Fisher German concludes the following in relation to the proposed development:

- It would help kickstart attracting occupiers to Newark
- Newark has potential to be a valued location for Big Box development
- Lack of development to date due to lack of sites
- Land South of Newark is suitable for Big Box development but reliant on SLR for which funding is uncertain
- Access to the G Park site may not be suited to Big Box development
- Proposed application could offer a shorter term solution

Whilst it is possible that Future Point and G Park could be brought forward within the plan period or sooner, the proposed development could see a Big Box development take place in Newark in the more immediate future. The demand for land to service requirements is extremely high at the moment and whilst Newark itself wouldn't be a prime location the demand is such that take-up by an end occupier appears extremely likely, and may have the potential to drive a cluster of similar uses in the future. **Information provided, for other Tritax schemes, shows that in 2017 from receipt of consent, starting on site to letting of development the average timescale was around 29 months. By late 2020, the time had reduced to around 8 months. From Tritax's experience as well as discussions with other proposers of 'big box' developers over the last few months, it would appear that this significantly reduced timescale is becoming the norm due to the huge demand in such facilities and lack of availability (refer Appendix 1 'Savills').**

On this basis, the applicant has confirmed that they would be willing to accept a short-term permission and the reduction in the time limit for submission of any subsequent reserved matters application from 3 years to 1 year. This would help to prove that the demand is there and increase the likelihood of all three sites not coming forward at the same time. That being the case, the delivery of this site could meet an immediate need or demand for additional employment land within the District that may not otherwise be met by allocated sites and deliver the significant economic benefits listed in the section above.

These are matters that will be weighed in the overall planning balance as set out in the 'Conclusion and Planning Balance' section of the report below.

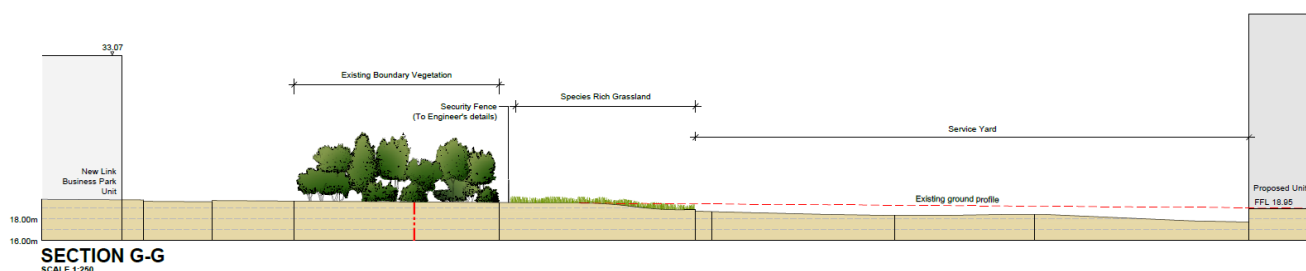
Impact on Visual Amenity including the setting of heritage assets

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. Paragraph 174 of the NPPF requires planning decisions to recognise the intrinsic character and beauty of the countryside.

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

The site is situated within Landscape Character Zone: ES PZ 4 Winthorpe Village Farmlands. The landscape condition here is defined as moderate and landscape sensitivity is also described as moderate. The policy zone has a landscape action of conserve and create. This includes new hedgerows and enhancing tree cover and landscape planting generally and conserving what remains of the rural landscape by concentrating new development around existing settlements and reflecting the local built vernacular.

The illustrative details indicate a single unit building (as a worst case scenario) which would be up to 18 metres in height, which would be slightly taller than those on the existing Curry's PC World/Knowhow site which are approximately 14 metres in height. The illustrative section below is taken in an east to west direction and shows the existing Knowhow building to the east and the proposed buildings to the west. Land levels would be re profiled on parts of the site.



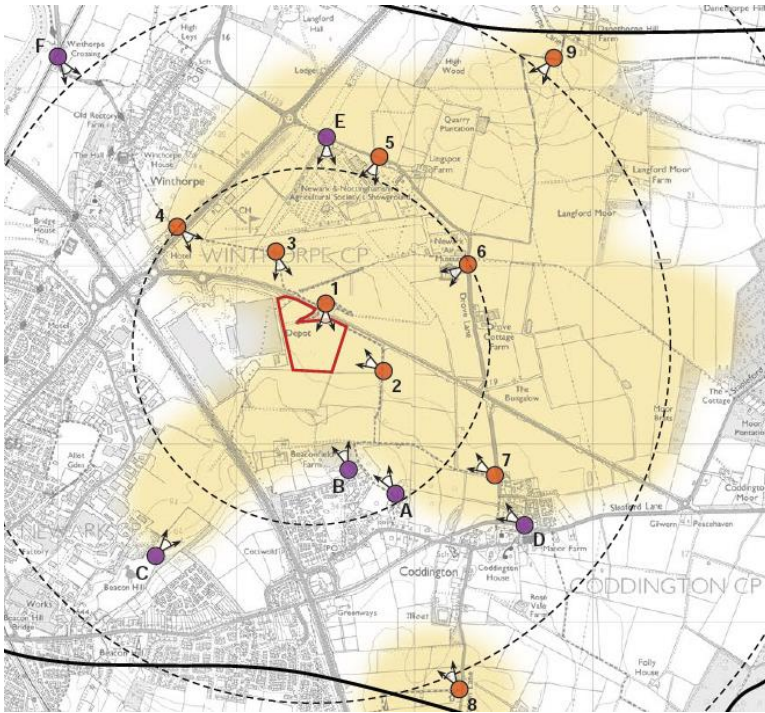
Extract from 'Illustrative Landscape Sections' Plan

In assessing the visual impact of the proposal, consideration needs to be given to the scale and layout of the proposal and the settlement edge location of the site. Clearly, a development of this scale would alter the character of the current site from predominantly arable land to an industrial development.

I am mindful of the significant scale of the proposal in terms of the footprint of building, expanse of the proposed elevations and the proposed heights. I am also conscious of the sites' prominent position close to the heavily trafficked receptor point of the A46 and A1 and nearby residential properties. The precise layout, appearance, landscaping and scale are matters that would be reserved for subsequent approval.

The indicative landscape strategy seeks to retain the surrounding structure planting as a framework for the new landscape proposals. The existing belt of woodland running along the eastern boundary of the site would be retained along with the existing hedgerow boundaries, which border the site. Tree removal would be limited to the area around the proposed site access (discussed in more detail in the 'Impact on Trees and Ecology' section below). The supporting documents indicate the following landscape proposals:

- Continuous row of trees along the site access road to provide a green boundary to soften the building elevation, while allowing filtered views to the employment building from the A17. Broad mown grass verges and beds of ornamental shrub planting between the car parking areas and access road will create an attractive approach and setting to the proposed building.
- Retention of existing belt of woodland running along the eastern boundary of the site, providing a robust green structure within which to locate the proposed development.
- Opportunity to establish a wildlife pond in the base of the attenuation feature proposed in the north-western corner of the site, planted with reed beds and other aquatic species.
 - Woodland planting along the A17 boundary to strengthen the existing highway planting, creating a robust buffer between the road and pond area. Overall, around 70 new trees would be planted.



- Establishment of wildflower grassland on the pond's banks and edges through which a grass path will be mown.
- Retention of the existing structural woodland planted on the embankments of the bridge across the A17.
- Planting of native shrub species to the western edge of the service yard within which standard trees would also be located where space allows. This new planting would combine with the existing structure planting along the boundary with Newlink Business Park, to enhance the network of woodland

corridors in the area.

- Retention of the existing field boundary hedgerow and its associated hedgerow trees along the southern boundary. Planting of additional native trees within the hedgerow to visually reinforce this boundary.

It is also proposed that the warehouse elevations be camouflaged using a graduated range of cladding colours that relate to the existing context. The proposed cladding colours would range from a palette of dark greens at low level, responding to existing landscaping tones and further up the elevation the greens will merge to a whiter palette that responds to sky tones. The proposed service areas would face internally and face the existing Knowhow building to the west.

A Landscape and Visual Impact Assessment (LVIA), Illustrative Landscape Masterplan and photomontages have been submitted with the application to identify and assess the likely significance of the landscape visual effects of the proposed development on the surrounding area. Nine viewpoints representative of a range of receptor sites have been considered (shown in the orange circles in the plan extract below - the orange shaded areas indicates the Zone of Theoretical Visibility (ZTV).). I am satisfied that the visuals and information provided within the LVIA are sufficient to enable the visual impact of the proposed development to be fully considered.

It is envisaged that the landscape effects during construction on the site will be greater than those at completion (minor adverse) and there would therefore be moderate adverse over a short term. On completion of the development views from the east and south east in particular (including parts of Coddington and its CA), would fall against the backdrop of the Knowhow buildings. Views from the west would be predominantly screened by the existing Knowhow buildings. There would be no view of the building from viewpoints 4, 5 and 8.

The photomontages of the viewpoints listed below are considered to experience a minor adverse effect. In each case below, it is the solid line which indicates the visible parts of the building.



Viewpoint 1 – bridge over A17



Viewpoint 3 - PROW adjacent Wirtgen building



Viewpoint 6 - Air Museum Entrance



Viewpoint 7 – North East edge of Coddington Conservation Area

All other viewpoints were considered to result in a lesser impact (partly as a result of mitigation planting).

The LVIA concludes that *'overall the landscape and visual effects of the proposed development are considered to be predominantly localised to within the setting of the site, with visual effects no greater than minor adverse and landscape effects limited to negligible adverse. Due to the urban fringe feel of the site and its surroundings, the development of land in this location, between Newlink Business Park and the former airfield, can be seen as an appropriate opportunity, which also alleviates any pressure on more valuable landscapes. The implementation and ongoing maintenance of the illustrative landscape proposals would provide an important element of mitigation, which will help to soften and further assimilate the development in to the local landscape, thereby minimising any residual effects'*.

The NCC Via Landscape team concur with this conclusion and raise no objection to the application from a visual amenity perspective.

In relation to the setting of heritage assets, it is agreed that there would be no intervisibility of the proposed development with the Winthorpe Conservation Area and there would be limited intervisibility of the proposed development within the Coddington Conservation Area. Overall, the Conservation Officer concurs with the conclusions set out in the submitted Heritage Impact Assessment that the proposed development would result in a neutral impact on the setting of Coddington CA and other heritage assets.

Overall, whilst the proposal would result in a change to the existing landscape the building would be of comparable height (albeit slightly higher) to other industrial units in the area, with particular reference to the Dixons/Knowhow building to the west of the site. Taking all of these factors into account, there would be limited harm to the visual amenity and intrinsic character and beauty of the countryside in this location. The development would not result in harm to the setting of heritage assets (including the character or appearance of the nearest Conservation Area or any listed buildings). This is subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage.

Impact on Trees and Ecology

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

The NPPF outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15. It advises that development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

The submitted Ecology survey confirms that the majority of the habitats within the site comprise intensely managed arable land and poor semi-improved grassland, considered to be of limited botanical and ecological interest. As such, the loss of these habitats to the proposed development would not result in significant adverse impacts to ecology and nature conservation within the local area. The Illustrative Masterplan shows that the hedgerows would largely be retained within the proposed development, with minor losses to hedgerow H3 to facilitate the creation of the new roundabout on the A17.

In relation to protected species, the submitted Ecological Appraisal confirms that the proposed development would not result in any adverse impact upon bats, water voles, reptiles, great crested newts, badgers or birds. This is subject to conditions requiring a Reasonable Avoidance Measures Statement (RAMS) / Construction Environment Management Plan (CEMP) and the provision of a suitable lighting scheme and a landscape scheme (including compensatory planting).

Nottinghamshire Wildlife Trust (NWT) raise no objection to the application and support the planting of new native hedgerow to mitigate the loss of existing hedgerow. They also support the use of SuDS designed to benefit wildlife albeit have they have stated that full consideration will need to be given to the impact upon an existing water body and the drainage proposals. Whilst a measurable biodiversity net gain calculation has not been undertaken, it is considered that the proposed development does result in opportunities to improve biodiversity in and around the site. It is recommended that a condition requiring a Biodiversity/Landscape Environmental Management Plan (LEMP) incorporating biodiversity measures, including the provision of bat boxes and consideration of existing water bodies, be required at the reserved matters stage.

Given the conclusions of NWT and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD and the NPPF.

Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

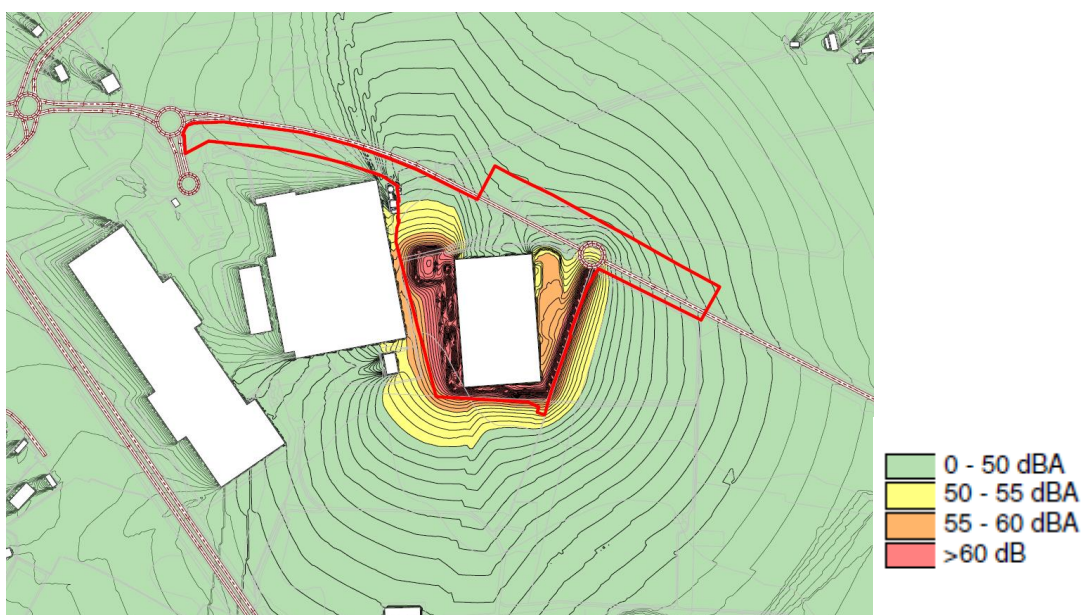
The submitted Archaeological Evaluation Report confirms that the site is located within an extensive, complex and intensive area of archaeological activity dating to between the late Iron Age and Romano-British periods (50BC-400AD). The material recovered and feature distribution found in trial trenching undertaken to date suggests a small but prosperous rural settlement existed on the site, however any conclusions drawn at this stage are tentative due to the limited scope of the work carried out so far. While the site should be considered of significant local and regional importance, it is unlikely that it would be considered appropriate for scheduling under the Ancient Monuments and Archaeological Areas Act 1979. Consequently, the Archaeology Advisor raises no objection in principle to the proposed development, subject to further appropriate archaeological investigation and mitigation. It is therefore recommended that planning conditions are imposed requiring a mitigation strategy which would initially include, but may not be limited

to, a trial trench evaluation of the site which should aim to complete the assessment of the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. This would be followed by a set piece excavation to preserve by record the archaeological remains identified during the trenching works. Overall, the Archaeology Officer raises no objection to the application subject to conditions to enable any remaining archaeology that currently survives on this site to be recorded prior to its destruction in accordance with Policies CP14 and DM9.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The NPPF promotes ‘an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.

The proposed development is likely to be operated 24 hours a day. A Noise Assessment has been submitted with the application. Six representative receptors were identified, the closest being Beaconfield Farm to the south of the application site with further potential receptors at the edge of Coddington and to the north of the A17. The Assessment, using modelling, shows that cumulative operational noise levels during the daytime and night-time periods are predicted to be below the guideline noise intrusion criteria at nearby properties. Worst-case operational noise levels from deliveries are predicted to be below background noise levels. Modelling for both one and two buildings on site, as well as daytime and nighttime levels were considered – the extract from the plan below shows the daytime levels (albeit the night time results are similar). The assessment of a single building and an alternative (two building) scenario has demonstrated that suitable noise levels can be achieved at the closest noise sensitive receptors, therefore no additional mitigation would be necessary. The Assessment concludes that the proposed warehouse development is not expected to have an adverse impact on health or quality of life overall.



Extract from Noise Assessment ‘Worst-case Cumulative Operation Noise Daytime LAeq, 1hr’

The Environmental Health Officer raises no objection to the application on this basis. This is subject to a condition requiring the submission of a Construction Method Statement to ensure the

impacts of dust from site works and construction can be mitigated through good practice construction techniques.

An external Lighting Impact Assessment has also been submitted with the application which states that night time lighting pollution would be minimised through a combination of photocells & timeclocks that would be installed to control all external lighting. The time clocks would act as a master control and be set to switch off at times when the respective part of the site is not in use, albeit noting the site would be in 24 hour use. A condition requiring the submission of a detailed lighting scheme is recommended to be submitted with the subsequent reserved matters application.

Overall, subject to conditions it is not considered that the proposal would have a significant adverse impact on neighbouring land uses in accordance with Policy DM5 of the DPD and the aims of the NPPF.

Impact on Highways and Public Rights of Way

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is proposed that the development would be accessed off a newly constructed 3-arm roundabout on the A17. In terms of pedestrian and cycle access, it is proposed to extend the existing footway/cycleway along the south side of the A17 from the Long Hollow Way roundabout to the proposal site.

The submitted TA concludes that the proposed development would lead to an increase in traffic, but that it would not significantly change conditions at the assessed roundabout junctions including the proposed site access, the Long Hollow Way roundabout and the two A1 roundabout junctions. This would be partly due to shift patterns which means that staff would be unlikely to be travelling on local roads at peak times. Analysis of local collision data did not identify a road safety issue in the local area.

The Framework Travel Plan states that a shuttle bus between the proposal site and travel hubs such as Newark's train stations and the main bus stops within Newark would be provided. Although the closest bus stops are outside the recommended catchment, the regular buses could be used to travel to the proposed development as part of a multi-modal journey. The Framework Travel Plan also refers to a ride home facility for members of staff travelling to the site by sustainable modes of transport, should undertaking their original travel mode become unfeasible. This measure would act as a 'safety net' for potential travelers by sustainable transport and would reassure car sharers by guaranteeing that a backup measure is in place should an agreed car share journey not go ahead as planned. Nottinghamshire County Council raise no objection to the application subject to securing these measures. Whilst they have recommended that conditions be imposed relating to each of these measures separately, it is considered more appropriate that these measures are secured as part of the overall Travel Plan.

An application to divert the public footpath is likely to be required under section 257 of the Town and Country Planning Act 1990 and a condition to control this requirement is recommended.

Subject to the conditions recommended by the Highways Officer, I am therefore satisfied that the proposal would not amount to a detrimental impact on highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flooding and Drainage

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

The site is within Flood Zone 1 according to the Environment Agency maps and is therefore at a low risk of flooding from rivers. The site is also outside of area at high risk of surface water flooding.

The indicative proposals include an on-site sustainable drainage system comprising a lake serving as an attenuation pond, as well as swales. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. This concludes that the site is not at risk of flooding and that surface water drainage can be managed to ensure that the development would not increase the risk of flooding elsewhere. Foul drainage from the development is indicatively proposed to be discharged via a package pumping station, rising main and a demarcation chamber to an existing Severn Trent Water sewer to the south of the application site.

Subject to the submission of more details at reserved matters stage, I am satisfied that the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF, subject to conditions.

Contamination

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. The Environmental Health Officer has reviewed the report submitted with the application relating to contamination and raised no objection to the development subject to the use of a condition to secure the remediation and verification requirements details in the reports. Overall, it is not considered that the proposed development would not result in any contamination issues that cannot be suitably be mitigated in accordance with Policy DM10 of the DPD.

Loss of Agricultural Land

Policy DM8 states that 'proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss'. Paragraph 174 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*'

Government guidance defines 'Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification' and at paragraph 175 of the NPPF requires that where significant development is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The application site is located on Grade 3 land. In the absence of soil testing, it is not known if the land is located in Grade 3a or 3b land. Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system and for developments not in accordance with an approved development plan. Natural England as a consultee on development like this which would result in the loss of agricultural land have not raised any objection to the application or concern in in this respect. Overall, it is not considered that the proposed development would have a significant adverse impact on Best and Most Versatile Agricultural Land, which is not located within the highest grades of classification in any event.

Nethertheless, there would be some loss of agricultural land (albeit not significant) and this is a matter considered further in the overall planning balance.

Other

Sustainability

An Energy and Sustainability Statement has been submitted with the application to show that a sustainable employment development can be brought forward on the site including a number of recommended sustainability measures e.g. BREEAM level of Very Good for all building, DUDS, EPC A-rating, intelligent lighting systems.

Indicative details state that the proposals would incorporate a range of environmentally sustainable features including photovoltaic panels, internal and external LED motion-senor lighting, electric vehicle charging points, rainwater and greywater harvesting and recycling, energy-efficient rooflights and sustainable waste management. The developers are aiming to achieve a 'Very Good' rating from BREEAM, the world's leading sustainability assessment method for buildings. A condition requiring more details regarding these measures is recommended in accordance with the requirements of Core Policy 10 which seeks to mitigate the impacts of climate change through ensuring new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation.

Statement of Community Involvement (SCI)

A SCI was submitted with the application which includes details of public consultation undertaken by the developer prior to the submission of the planning application. A consultation website was set up, a zoom call was undertaken with key stakeholders and a leaflet was issued to the closest 2,184 residential and business addresses to the site. Written consultation responses, comprising online feedback forms, emails and physical feedback cards, were returned. Of those, 47 (49%) agree with the proposals, 31 (32%) disagree and 18 (19%) are not sure. The development team subsequently took into consideration the comments received in relation to aspects of the proposals prior to submission of the outline application.

Conclusion and Planning Balance

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

The site falls adjacent to but outside of Newark Urban Area as defined in the DPD. As such, it falls to be assessed under Policy DM8 (Development in the Open Countryside) of the DPD. The proposed development is not considered to be small in scale and therefore does not meet the exception for employment development under the criteria of this policy. The proposed development therefore represents a departure from the Development Plan. As such, if approved the development could undermine the strategic objectives and targets for sustainable growth set out in the development plan.

In relation to impact on visual amenity, the proposal would alter the open character of the existing site. The building would be of comparable height (albeit slightly higher) to other industrial units in the area, with particular reference to the Dixons/Knowhow building to the west of the site. Taking all of these factors into account, there would be limited harm to the visual amenity and intrinsic character and beauty of the countryside in this location. The development would not result in harm to the setting of heritage assets (including the character or appearance of the nearest Conservation Area or any listed buildings). This is subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage. The application is not considered to result in any adverse impact upon highway safety, public rights of way, trees and ecology, flood risk or drainage, archaeology or residential amenity subject to conditions.

The limited environmental harm identified is not enough on its own to outweigh the fact that the development is unacceptable as a matter of principle and does not justify non-policy compliant development in the open countryside. The benefits arising from the delivery of this employment development as identified above are however, considered to represent a significant material planning consideration. This is because the NPPF states that significant weight should be placed on the need to support economic growth. The NPPG further confirms that the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).

Furthermore, the applicant has confirmed that they would be willing to accept a short-term permission and the reduction in the time limit for submission of any subsequent reserved matters application from 3 years to 1.5 years. This would help to prove that the demand is there and the development is more likely to come forward in the short term.

That being the case, the delivery of this site could meet an immediate need or demand for additional employment land within the District that may not otherwise be met by allocated sites in the short term, and provide significant economic and social benefits. **As indicated at the head of this report, Dixons Carphone have reiterated their interest in taking space on this development should planning permission be granted.**

The loss of Grade 3 agricultural land whilst representing a negative factor carries a very small amount of negative weight that does not alter the overall planning balance given that the scale of the development would not result in a significant loss of higher-grade best and most versatile agricultural land.

Consideration has been given to all comments from neighbours, interested parties and consultees.

On balance, the benefits are significant and represent sufficient material considerations in this instance to outweigh the harm identified (**i.e. loss of open countryside at this site**) to justify a departure from the development plan. Overall, taking all matters into account and having regard to the three dimensions of sustainable development – economic, social and environmental roles, the proposal is considered to represent a sustainable form of development.

RECOMMENDATION

That outline planning permission is granted subject to the conditions shown below:

Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 1 year from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Reserved matter submissions shall be in accordance with the maximum parameters defined on Drawing No 111002 Rev C 'Parameters Plan' and Location Plan Drawing No 110001 Rev A.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

04

Development other than that required to be carried out as part of an approved scheme of remediation or for the purposes of archaeological or other site investigations linked to this planning permission must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment including an UXO assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written

report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

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

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

05

No site clearance works including shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to September inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

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

06

No development shall be commenced until a Construction Environmental Management Plan (CEMP) incorporating a Reasonable Avoidance Measures Statement (RAMS) and timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

- a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction. This shall include the precautionary measures listed by Nottinghamshire Wildlife Trust in their letter dated 18/09/2020) and the pre-construction survey work and / or mitigation measures as summarised in paragraphs 4.24 and 4.27 of the Ecological Appraisal (July 2020 by fpcr);
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) details of a person responsible for the management of the protection zones.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

07

Any subsequent reserved matters application(s) shall be accompanied by a Biodiversity/Landscape Environmental Management Plan (LEMP). This shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock) or species individuals;

- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;
- m) disposal of wastes arising from the works.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity.

08

Any subsequent reserved matters application(s) shall be accompanied by the submission of a detailed lighting scheme. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, and structures they illuminate; a horizontal and vertical illuminance plan to include:

- Details of light intrusion, source intensity, and upward light; and
- Details of the lighting fittings including their design, colour, intensity and periods of illumination.

No external lighting works shall be installed within any part of the application site other than in accordance with the approved details or in accordance with any alternative external lighting scheme first submitted to and agreed in writing by the Local Planning Authority.

Reason: in the interests of visual amenity and biodiversity.

09

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

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

Reason: In the interests of residential amenity.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Link Engineering Flood Risk Assessment (FRA) ref. LE19105-NEW-LE-GEN-XX-RP-CE-FRA01 dated July 2020, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

11

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

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

- f. Details of 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 preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the area.

12

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

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

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

13

No landscape works shall take place until the Local Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

Reason: In the interests of visual amenity and biodiversity.

14

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written permission of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

15

No part of the development hereby approved shall be occupied / brought into use unless or until the new roundabout junction with the A17 has been provided as shown in principle on the drawings no. Drawing nos 17146-010 rev. E dated July 2019 as clarified by 17146 - SK200930.1 'Proposed Roundabout Layout Deflection Radii' dated September 2020 to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

16

No part of the development hereby approved shall be occupied / brought into use unless or until the extension of footway and cycle facilities from the Long Hollow Lane roundabout to the proposed site have been provided as shown in principle on the drawing no. no. 17146-010 rev. E 'Proposed Roundabout Layout and Pedestrian/Cycle Access Improvements' dated July 2019.

Reason: In the interests of highway safety and to promote sustainable travel.

17

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, and any proposed structural works. The development shall be implemented in accordance with these details.

Reason: To ensure the development is constructed to safe and adoptable standards.

18

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and implementation) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. For the avoidance of doubt, the Travel Plan shall include the following proposals:

- prior to the occupation of the development, details of a daily or more frequent return shuttle bus service to connect the development and travel hubs such as Newark's train stations and the main bus stops within Newark shall be submitted and approved in writing by the Local Planning Authority. This bus service shall be operational upon practical completion of the unit(s) and reviewed after at least three months, six months and after twelve months, and thereafter every twelve months and maintained for a period for a minimum period of 10 years from the commencement of the use unless, either a commercial bus service passing within 400 metres of the site comes into operation, or the bus service is proven to be no longer viable. If a commercial service does come into operation, or the bus service is shown to be no longer viable, then the applicant shall seek the written approval of the Local Planning Authority that the service is no longer required;
- car usage minimisation including the provision of electrical charging points for cars and other vehicles and the use of car sharing.
- details of the ride home facility for members of staff travelling to the site by sustainable modes of transport.

The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To promote sustainable travel.

19

Any subsequent reserved matters application(s) shall be accompanied by the submission of a Transport and Parking Appraisal in order to assess the level of on-site parking required for staff and visitors. This identified level of on-site parking shall be demonstrated on the submitted plans and shall also include for provision within the site for a shuttle bus stop/parking bay. Development shall be carried out and retained in accordance with the approved details.

Reason: To ensure that adequate off-street parking provision is made in the interest of highway safety.

20

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interest of promoting sustainable travel.

21

No development shall take place until written schemes of archaeological investigation and mitigation have been submitted to and approved in writing by the Local Planning Authority. These schemes shall include the following:

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

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

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

22

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant/developer shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

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

23

Reports of the archaeologist's findings (required by the above condition) shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 6 months of the works hereby approved being commenced.

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

24

The development will require the diversion of existing public rights of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To retain a safe and sustainable pedestrian route.

25

Any subsequent reserved matters application(s) shall include details of sustainability measures and environmentally sustainable features proposed and to be incorporated into the design of the development both during its construction and operation, which builds upon the aims of the submitted Energy and Sustainability Report 23/07/2020 (by Cudd Bentley).

Reason: In the interest of tackling climate change and securing a sustainable development.

Notes to Applicant

01

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

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

02

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

03

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.

04

There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks

Notice is required to process the closure and an alternative route on should be provided if possible.

If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.

If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.

05

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control Team (Newark & Sherwood) by phoning Nottinghamshire Customer Services on 0300 500 8080.

Should any subsequent amendment be required to the approved access plans referred to in Conditions 16 and 17, an amendment application under Section 73 or Section 96A of the Town and Country Planning Act 1990 would be required.

06

With respect to the archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development

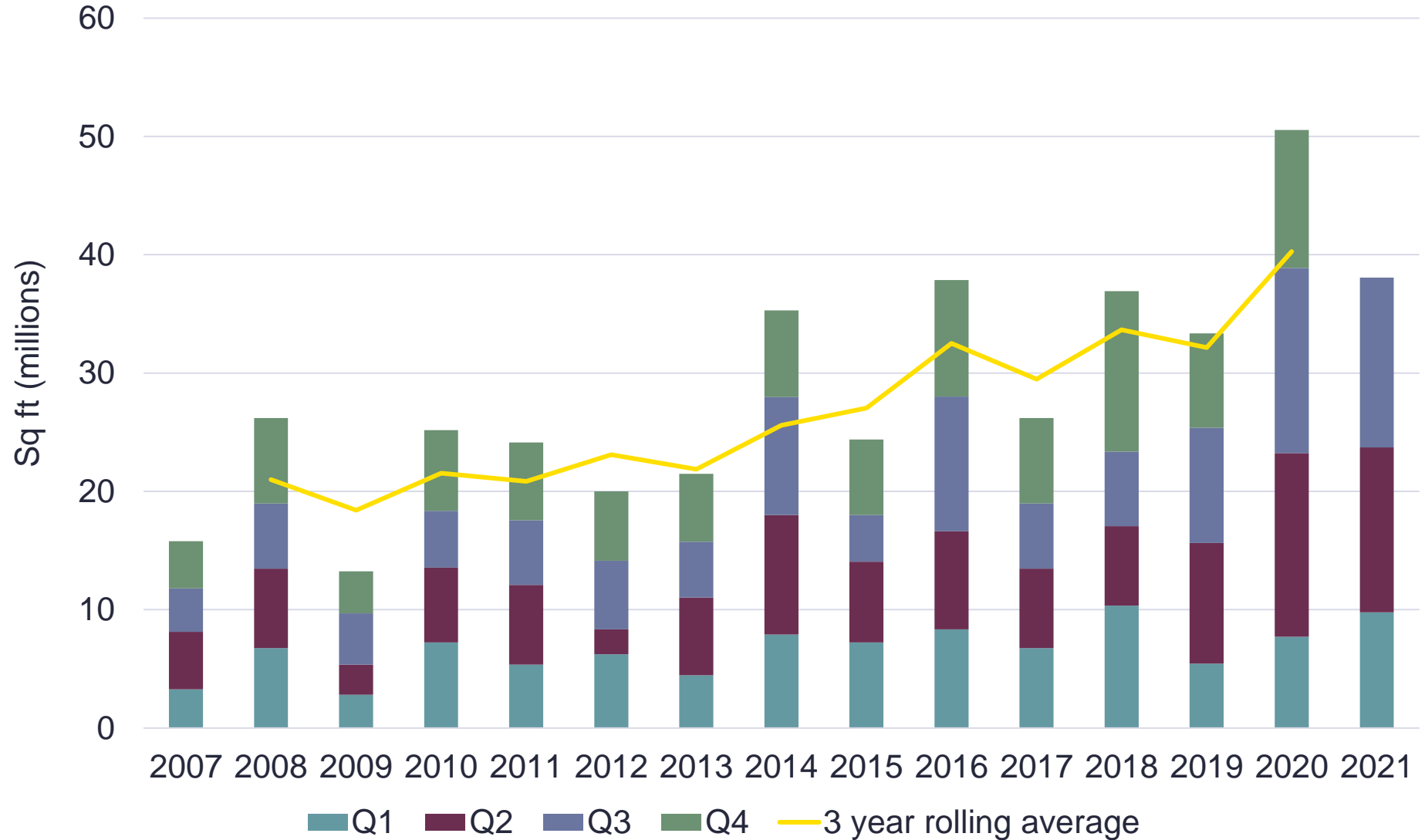
UK Logistics market overview

Q3 2021



2021 take-up just behind 2020, already 37% above the long-term annual average

- Take-up in 2021 has reached 38.06 million sq ft through 158 transactions, already 37% above the long-term annual average.
- In 2021, 34% of take-up has been built-to-suit, 33% of space transacted has been second hand 33% has been speculatively developed space.
- So far, in 2021 25% of the total take-up has been from Amazon.

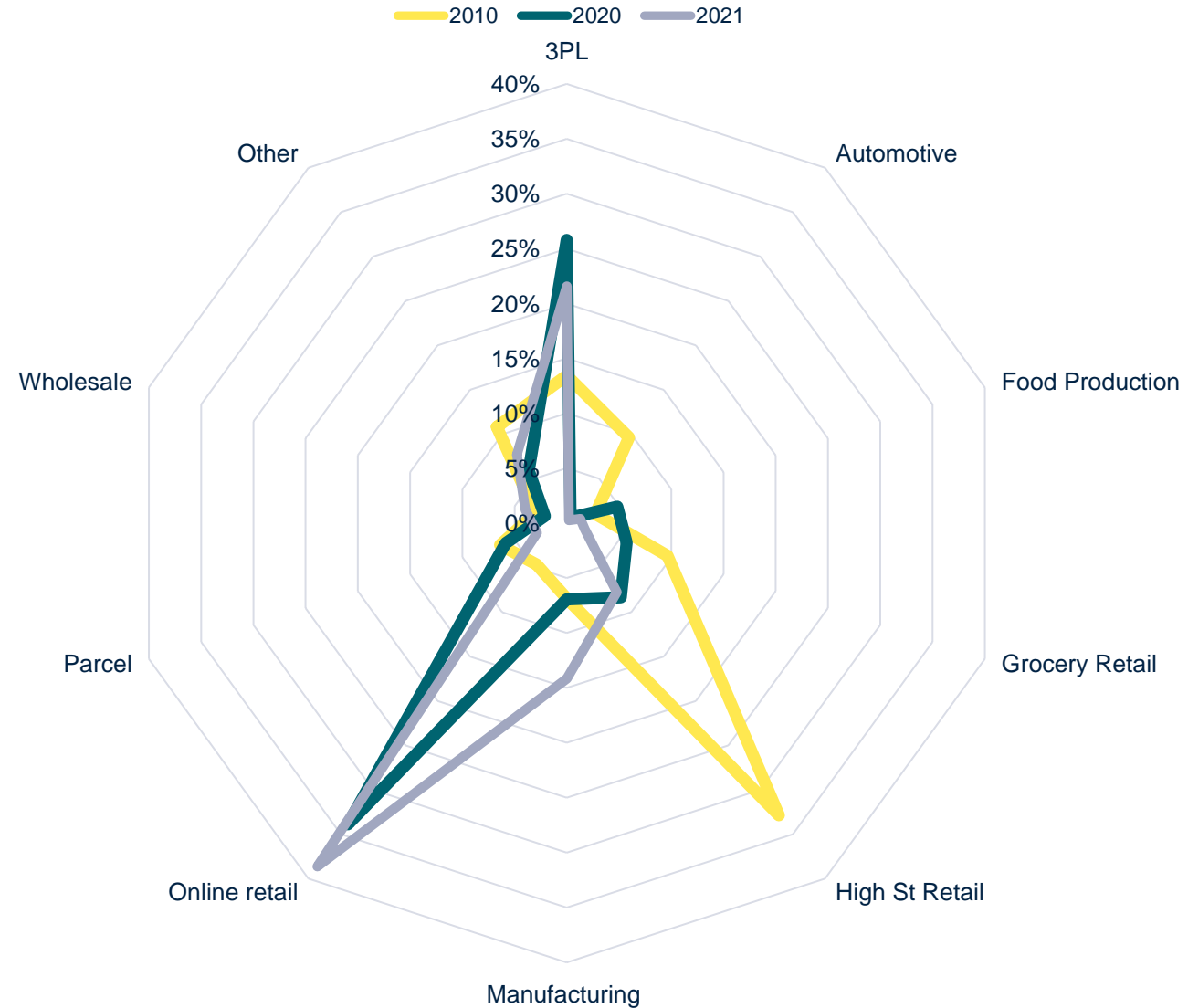


3PL's were dominant in 2019, online retailers are leading in 2020 and 2021



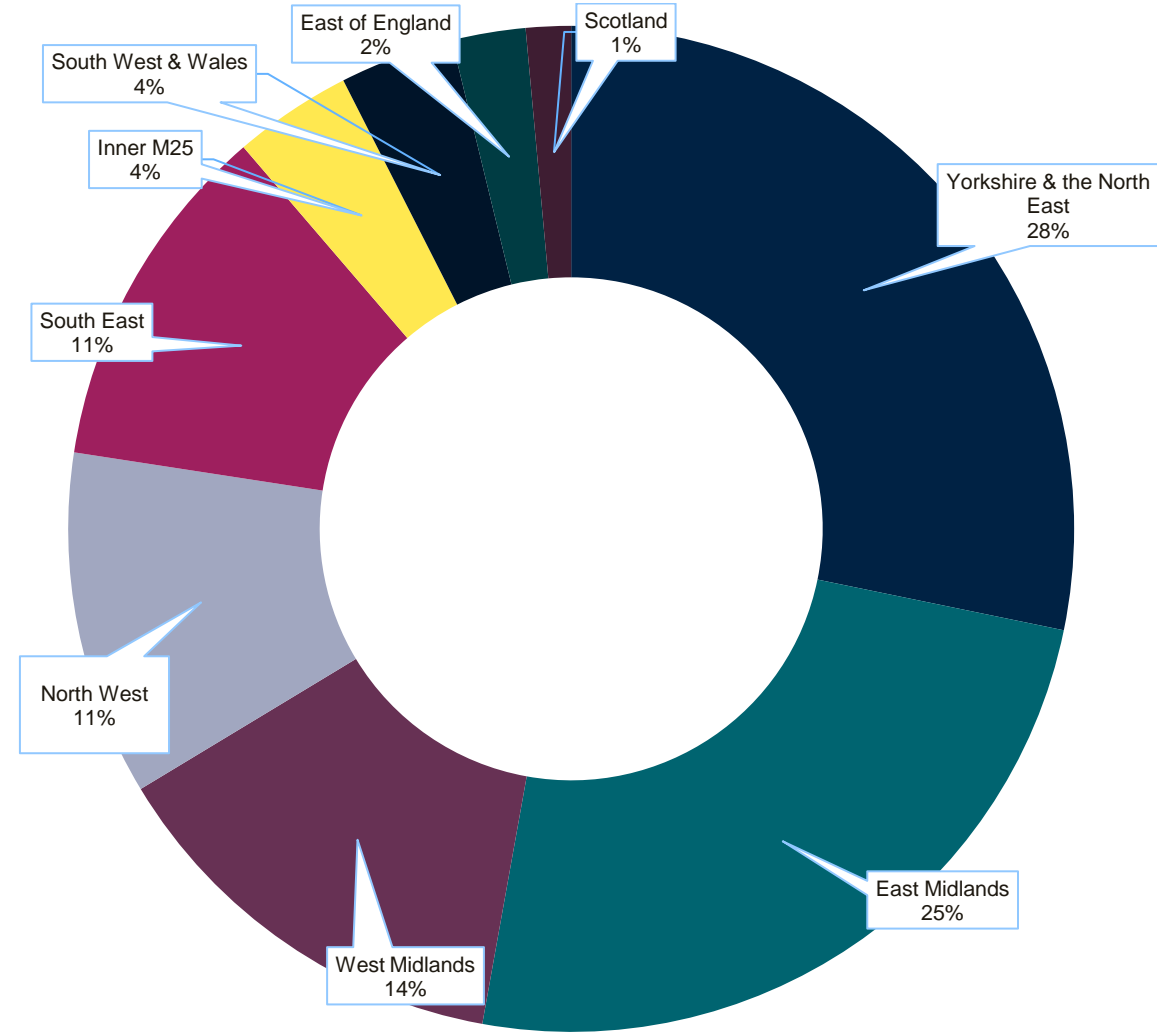
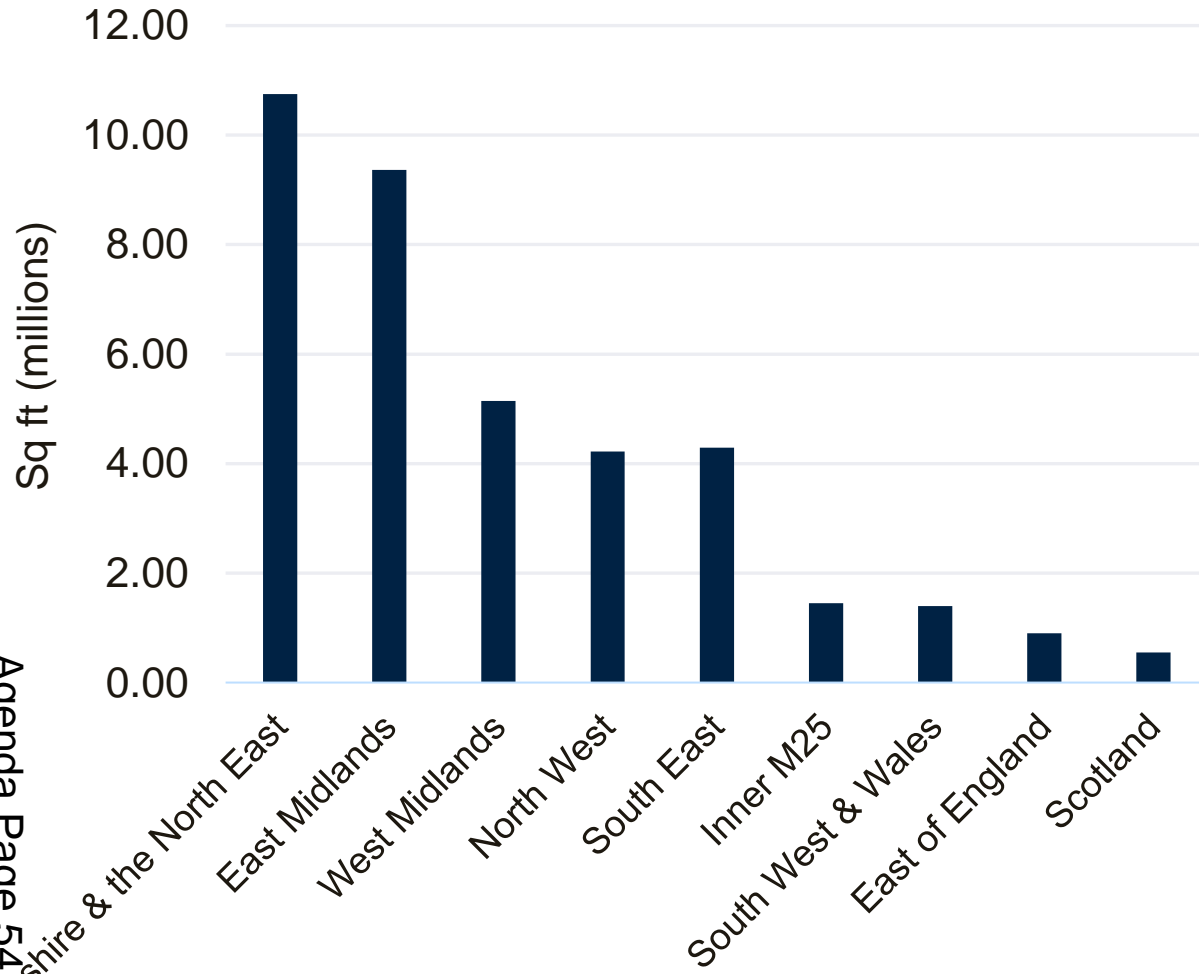
- In 2020, 36% of space transacted was from online retailers. 3PL's accounted for 26% of space transacted followed by Grocery Retailers at 6% and High Street Retailers at 8%. There was also a rise in activity from the 'other' sector accounting for 6% of all space transacted. This includes occupiers such as Data Centres and Film Studios.
- In 2021, 39% of space transacted has been from Online Retailers, 22% from 3PL's and 14% from Manufacturers. The remaining space was spread over multiple sectors.

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2021 take-up by region

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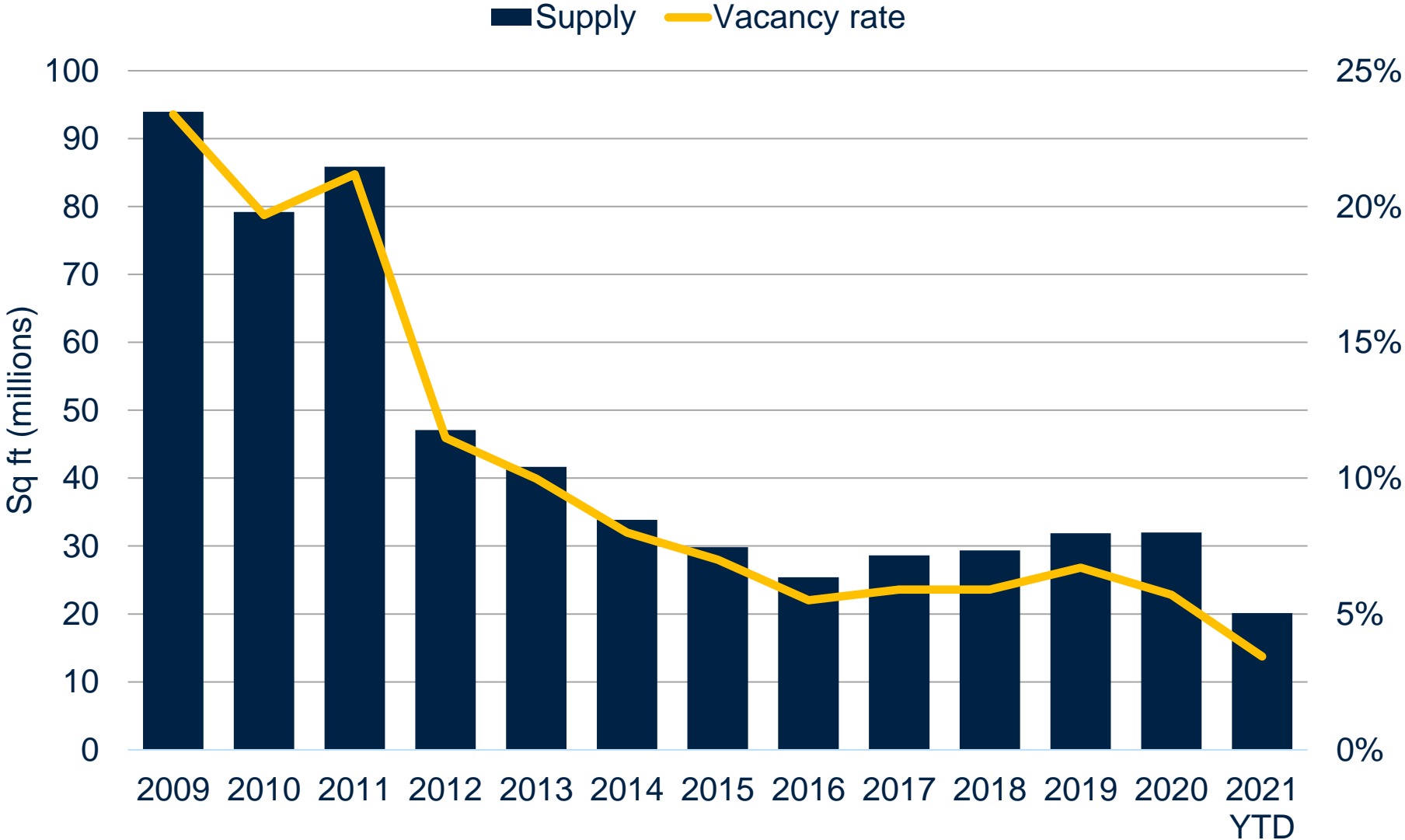


United Kingdom supply and vacancy is at its lowest level ever

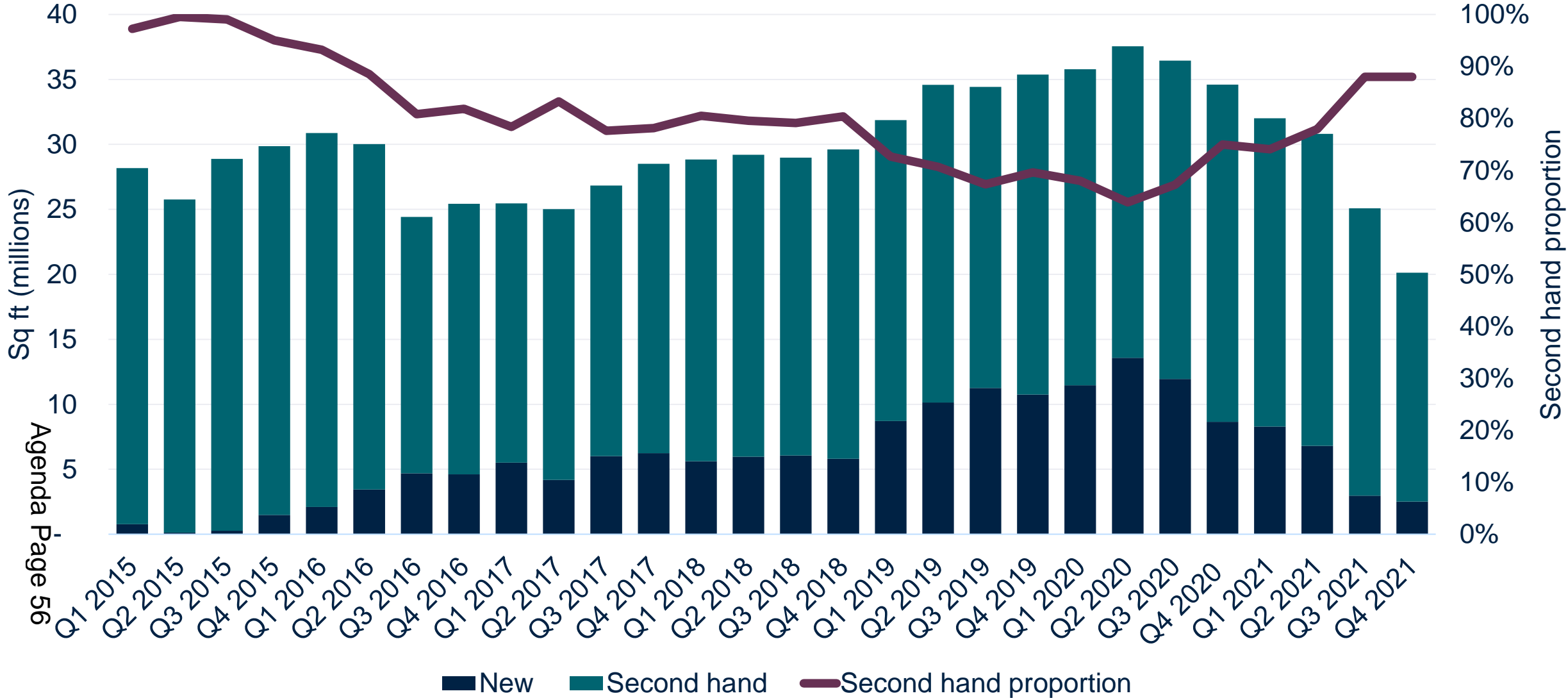


- The supply of warehouse space in the UK currently stands at 20.13 million sq ft across 113 separate units. It's the lowest level seen since Savills started recording the metric.
- This has pushed the vacancy rate to 3.43%, the lowest level Savills has recorded.
- Occupier preference towards grade A space has shifted the quality balance in the available supply. Currently 88% of the available space is second hand and just 2% is new.

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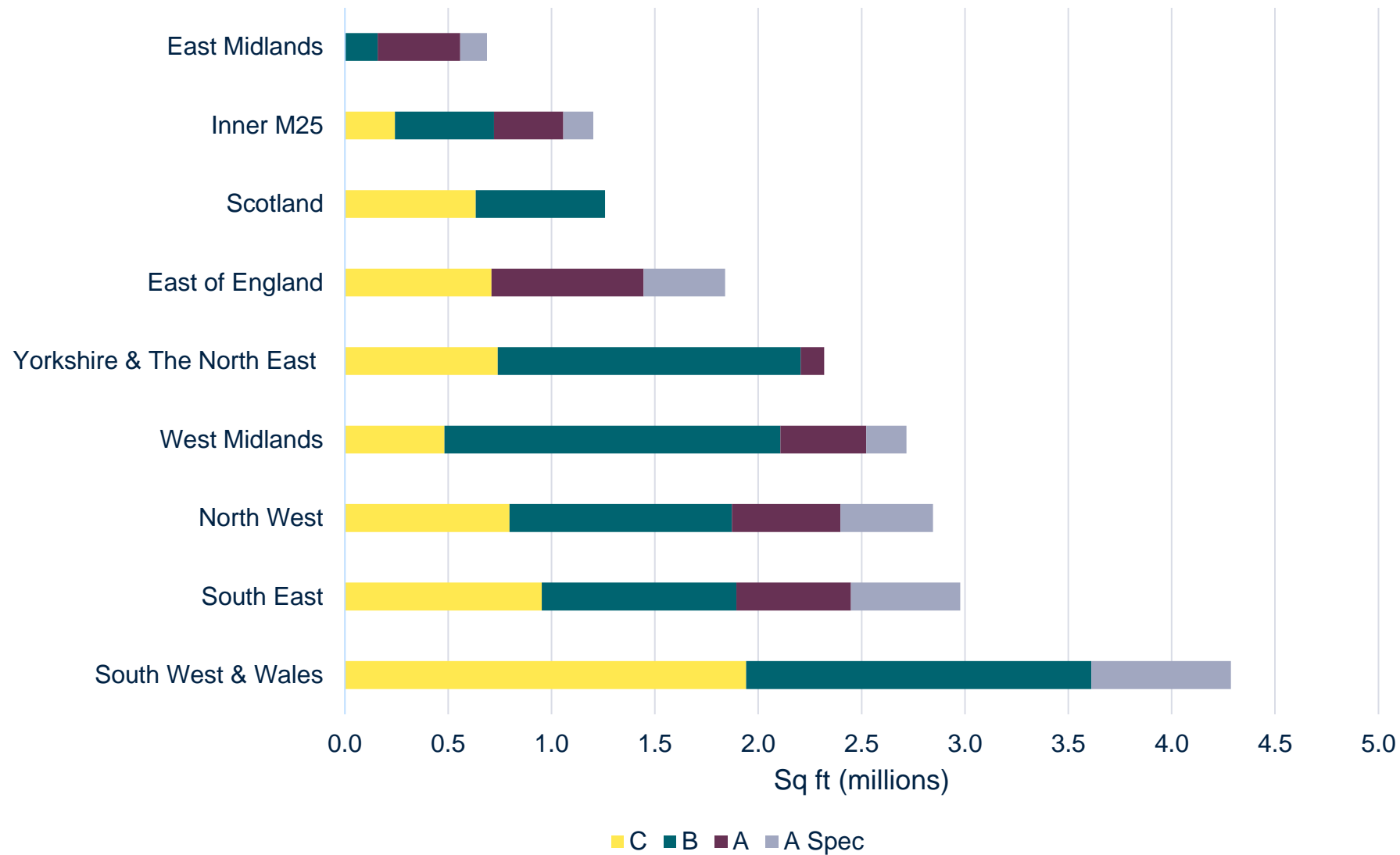


Almost 90% of current supply is 2nd hand

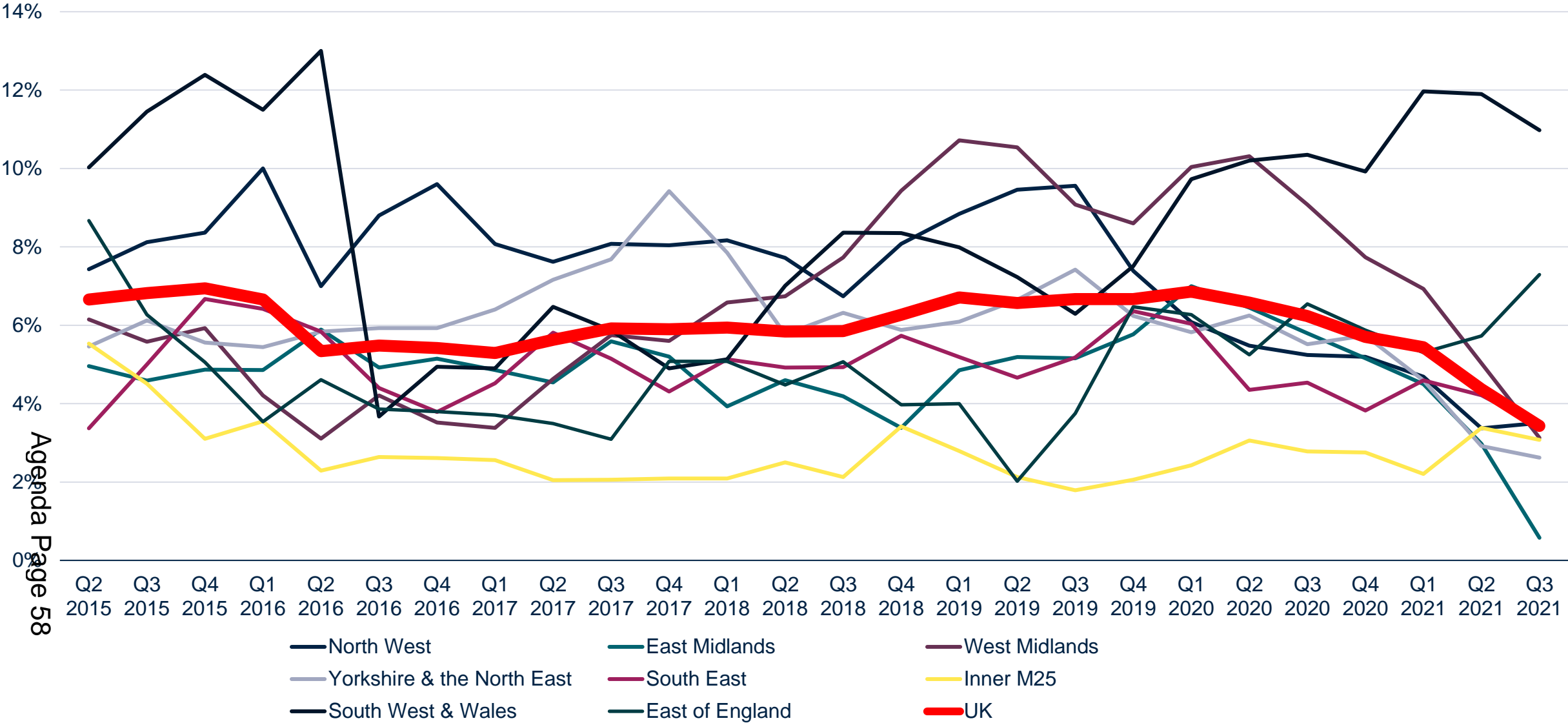


The quality and amount of supply varies regionally

- The South West & Wales has the highest amount of vacant stock with 4.29 million sq ft available, this is followed the South East with 2.98 million sq ft available.
- The North West has 2.85 million sq ft available, the West Midlands has 2.72 million sq ft and Yorkshire & the North East has 2.32 million sq ft available.
- Availability in the East of England currently stands at 1.84 million sq ft, Scotland 1.26 million sq ft and the Inner M25 has 1.2 million sq ft available.
- The East Midlands has the lowest level of supply with just c. 690,000 sq ft available.
- It should be noted that a vast majority of grade B & C supply could be considered obsolete through not being able to accommodate modern occupier requirements.



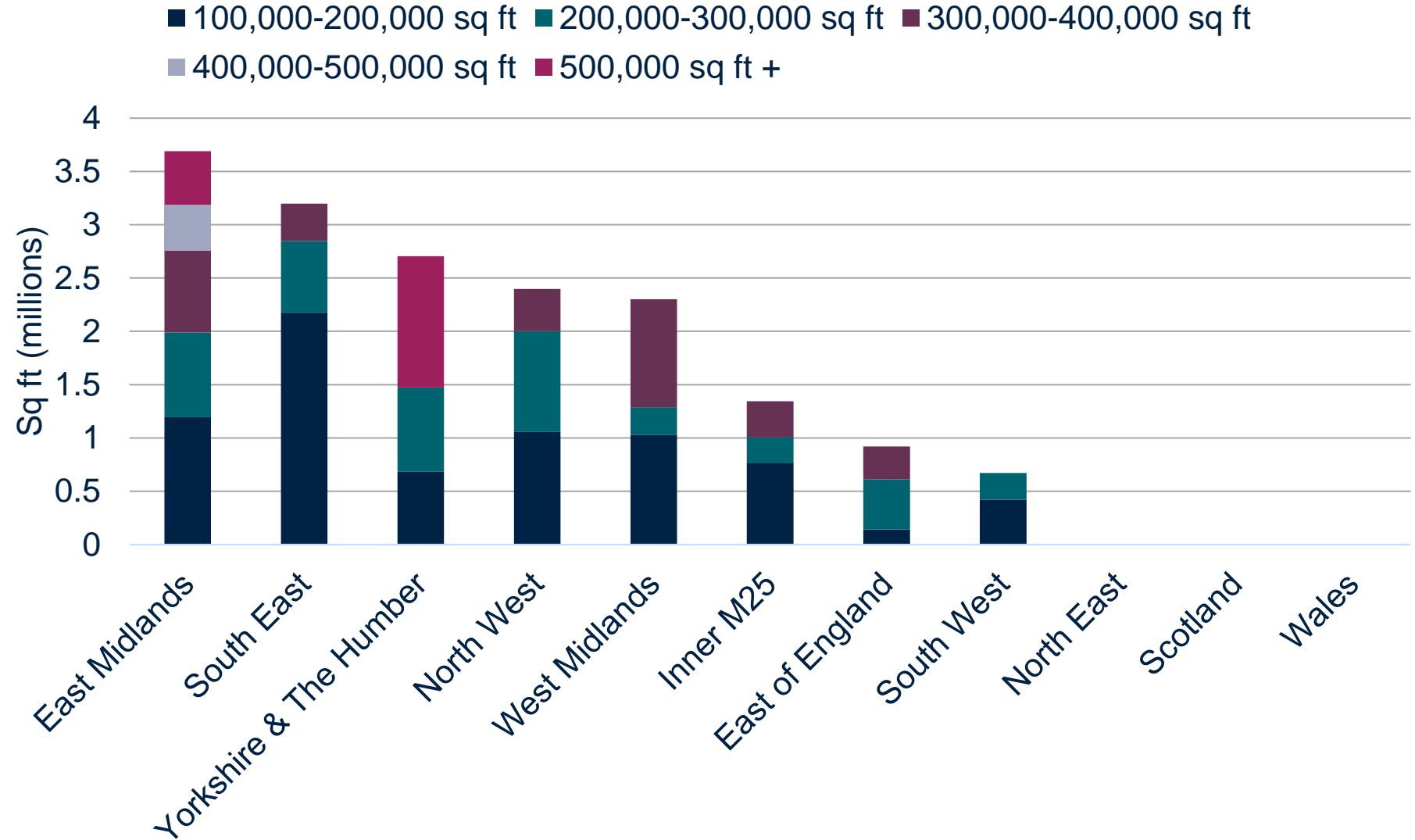
Vacancy is decreasing in most markets



There is 17.22m sq ft under construction speculatively

- The East Midlands has the highest amount of speculative development with 3.69 million sq ft under construction. This is closely followed by the South East with 3.2 million sq ft under construction.
- There is currently 2.7 million sq ft under construction in Yorkshire & the Humber and 2.4 million sq ft in the North West.
- There is currently 2.3 million sq ft under construction in the West Midlands.
- There is 1.34 million sq ft under construction in the Inner M25, c. 920,000 sq ft in the East of England and c. 670,000 sq ft in the South West.

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Helen Marriott
Growth and Regeneration Business Unit
Newark & Sherwood District Council
Castle House
Great North Road
Newark
NG24 1BY

Date: 18 October 2021

FAO Helen Marriott

Our ref: SD1

Dear Helen,

Land east of Newlink Business Park, Newark – Outline planning application for the development of site for distribution uses (Use Class B8) including ancillary offices and associated access, car parking and landscaping - 20/01452/OUTM

We write in relation to the above application which was heard at Committee on 5th October to respond to the Committee's request for more reassurance on the future occupation on the proposed development.

I set out below the following:

- Tritax's profile
- Occupier interest
- Market position
- Commitment to accelerated development to secure economic benefits
- Implications for planning decisions

Tritax Big Box REIT (TBBR) Profile and Current Portfolio

Tritax Big Box is a Real Estate Investment Trust listed on the London Stock Exchange as BBOX, dedicated to investing solely in the UK logistics sector. We are the UK's largest listed investor in high quality logistics warehouses, with the UK's largest logistics focussed land platform.

The TBBR portfolio currently comprises 61 fully let income producing assets totalling 32.3 million sq ft with a portfolio value of £4.89 billion (at June 2021). Tenants within our portfolio include Amazon, Argos, Tesco, Royal Mail, Ocado, Rolls Royce, DSG, Sainsbury's, Dunelm,

Tritax Management LLP

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T: +44 (0)20 7290 1616 E: enquiries@tritax.co.uk www.tritax.co.uk

Stobart and Unilever. TBBR are committed to delivering high-quality and sustainable logistics buildings for our customers, and attractive, secure, long-term returns for our shareholders.

TBBR adds to its portfolio by either purchasing buildings that have already been developed and let, or by creating new investments through development activity across the TBBR land portfolio, through negotiating pre-lets or undertaking speculative developments which are subsequently let to occupiers. TBBR has an extensive land portfolio at various stages of planning delivery, with a total of 10.2m million sqft of near term development pipeline and a rolling speculative development programme of c 2 million sqft. Upon receipt of planning, Tritax look to convert these consents into 'up and let' income producing facilities as soon as possible, as holding consented land that is non-income producing does not generate returns for investors.

Occupational demand is currently extremely high, against a backdrop of record low levels of supply. The structural tailwinds driving occupier demand was strong pre-pandemic and has been accelerated over the last 2 years, meaning there is currently a severe shortage of logistics space. This was highlighted in The Times only a few days ago - please see <https://www.thetimes.co.uk/article/warehouse-space-harder-to-find-after-online-boom-fgnkcx7cs>

Dixons Carphone Group (DSG)

In 2016, TBBR acquired the national distribution centre let to DSG Retail Ltd, part of the Dixons Carphone Group, which is one of the two existing DSG distribution centres located at Newlink Business Park in Newark. TBBR is therefore already heavily invested in Newark and has confidence in the location to attract new business.

As the Council is aware, TBBR has been in discussion with DSG about an expansion of its distribution complex at Newlink for the last couple of years. DSG has written in support of the planning application on 2 separate occasions and has confirmed that should planning permission be forthcoming it would be interested in discussing with us the options for taking space within the development. DSG has also noted that the development could provide opportunities for its supply chain to locate close to its facility. The most recent DSG letter is attached again for ease of reference.

Whilst discussions with DSG are ongoing and 'live', it is unable to make a commitment until such time as planning permission is given and the delivery timescale is more certain.

For the avoidance of doubt, should DSG take space on the application site it would not be possible for it to take access through the existing Newlink site due to the configuration of existing buildings and services, site layout and levels.

Other occupier interest

In circumstances where planning is granted and DSG decides not to take space within the development, our experience elsewhere in the UK means that we are extremely confident that with the planning consent in situ, we will secure alternative occupational interest, and I will set out our reasons for such confidence later in this letter.

We are aware from our agents JLL, that there are occupier enquiries with search parameters that include the Newark area which combined total over 2 million sq.ft. Whilst not every enquiry will suit the site we only need to secure a quarter of that footloose investment to bring the site to fruition. As ever such enquiries are commercially confidential but they include for example a specific requirement from a logistics operator for 300-400,000 sq.ft for occupation by 2023. Fulfilling a requirement like this would be achievable on the application site should planning be forthcoming quickly.

Market Commentary

We have set out previously in numerous evidence papers submitted with our application the strength of the UK logistics market. We are experiencing a simply unprecedented surge in demand and although the pandemic accelerated matters, it was happening beforehand. It is widely recognised that the logistics sector has become a critical driver for the UK economy and the demand for space is significantly outstripping supply. The latest research from agents Savills (attached) shows that UK logistics lettings in 2021 alone has now reached 38 million sq ft through 158 transactions. This is already 37% above the long-term annual average and we are only in Q3. Of that 38 million sq.ft, only 34% of take-up has been built with an specific occupier identified, 33% of space transacted has been second hand and some 33% has been 'speculatively' developed space. Of all the regions, The East Midlands has the lowest level of supply with just c. 690,000 sq ft available, and vacancy rates are consistency falling across the board.

In terms of current supply, research by DTRE attached shows that there are only 11 buildings nationwide that are either new or under construction, in excess of 300,000 sqft. Of these, 4 are either already let or under offer. None of these facilities are within the vicinity of Newark and therefore a facility in this location would provide space in an area currently undersupplied for this size of facility. This further evidences the case for development without a known end occupier committed from the outset

Planning Consent is Critical to Securing Occupier Commitment

It is important to understand that in this market the most important factor for occupiers looking for new space is certainty and speed of delivery. If a planning consent is not in place on land, then this will not be in what the market calls a 'credible delivery state' from an occupiers perspective and, as a result, they will focus attention on alternative locations where they know

the principle of logistics development has been established, and they can have confidence that their requirement can be satisfied in that location.

We would urge the Committee not to treat speculative development as something to be fearful of or somehow 'second rate' to occupier led development. It is an essential part of the logistics development sector, as it satisfies an increasing need from occupiers to acquire space quickly, where they cannot wait for bespoke buildings to be planned and constructed on their behalf.

In the logistics sector, speculative development is complementary to pre-let building, not competing with it. Not all occupiers are in business sectors that enable warehouse requirements to be known or planned years in advance, rather they have to react more quickly to changing business conditions and seek accommodation that is already built or in the process of being built.

Current Tritax Experience of Occupational Demand

TBBR has a rolling programme with c.2million sq ft speculative development currently under construction or about to start at any point in time, which has attracted significant occupier interest. In recent months, over 650,000 sqft has already secured by occupiers either just prior to commencement or during construction. We have a further 700,000 sqft of negotiations ongoing, all on units at early stages of construction.

For example, of the 650,000 sqft committed this year, 450,000 sqft was let to Ikea, with discussions commencing just before the start of construction and legal exchange occurring prior to completion of construction. Our other recent occupier commitments at Biggleswade and Aston Clinton were both secured very shortly after receipt of planning consent, and before we started construction. Both of these transactions form part of a multi-unit phase of construction. In addition to the schemes above, our development team have also recently secured lettings of speculative space at Banbury, with 334,000 sqft let to Great Bear shortly post completion, 198,000 sqft let to Arrival during construction, and a further 144,000 sqft under offer and due to exchange prior to construction completion.

In order to ensure our speculative pipeline flows consistently, we look to maintain a steady stream of planning consents coming through, and we have a further c.1m sqft of consents secured for potential future speculative development to replace space as it lets up.

However, because the planning consents are now in place, these are already attracting significant occupational interest, which means some of this potential speculative allocation will end up being pre-let, driven by occupiers having confidence /certainty of delivery because the planning consent is in place.

Of course not all speculative units will let during construction, and some will let post building completion. According to research by JLL, the average void (the time period between completion and letting) over the last 18 months is currently 6 months, whereas historically it

has been around 12-14 months. This is certainly what we are experiencing now, and therefore, should consent be granted on this site, Newark can have confidence that the jobs created by our investment should be delivered swiftly.

Job Creation

With regard to job creation and the potential numbers involved, I thought it would be helpful to give some current examples of jobs being created from our investments in developments elsewhere.

At Biggleswade, earlier this year we completed a 661,000 sqft distribution facility on behalf of the Co-Op which they are currently fitting out. Once operational in Q1 2022, they will be employing 1,000 people on site. The Co-Op were secured on a site that had an existing outline consent, which gave them the confidence to proceed with a further bespoke application for their facility.

In Glasgow, we are developing a new distribution facility of 552,000 sqft on behalf of Harper Collins. On completion, that facility will employ 800 people.

In Blyth, south of Doncaster, we let a speculative distribution unit of 151,000 sqft, 12 months after completion to Butternut Box, who have invested substantial sums into the facility and they will employ approximately 500 people on site. We also have detailed consent here for 570,000 sq.ft. on the balance of the land which is attracting significant occupational interest.

To further underscore the first-hand experience across the TBBR portfolio, our agents JLL have advised that they have been involved in marketing 14 speculative built units in the wider market, which have let to occupiers whilst still under construction. Occupiers are taking these early positions on speculatively built buildings to ensure that their future operational requirements can be satisfied in the face of uncertain future supply, and we expect this trend to continue with such limited opportunities being available.

As stated above, within our own current speculative pipeline of 2m sq.ft, we have secured occupier commitments on a third of that and experiencing significant occupational interest in another third, all of this interest being either prior to or during construction.

The common denominator across all these discussions, is that there is a planning consent in place, which gives occupiers the confidence and ability to open dialogue. Without a consent, the site or land in question is not in a 'credible delivery state' from an occupiers perspective as the planning uncertainty is too great for them to consider the opportunity in question. Leasing a new warehouse is a significant commitment, with the cost of fitting out the new premises being considerable. Such commitment can usually only be commenced if the delivery of the building is certain. This is why the key for occupiers to make early commitments to proposed speculative logistics facilities is the existence of a planning consent.

Commitment to Accelerated Development Programme and Investment

As previously stated by our planning agent, we wish to make it absolutely clear that we are fully committed to an accelerated development programme to bring the site forward at the earliest possible opportunity. On this basis we have agreed with your officers to reduce the time period for submission of detailed plans under reserved matters to 1 year, rather than the usual default period of 3 years. This is a highly unusual offer and hopefully demonstrates our confidence in Newark as a location for attracting new investment.

This accelerated development will bring the economic benefits of the proposal forward at the earliest opportunity. As a reminder these are:

- £30 million direct capital investment
- £85 million total economic output
- Around 500 FTE jobs across all skills sectors
- £1.1 million business rates per annum

Following 2 years of record take-up in the sector, the logistics industry is delivering significant economic benefits to those regions where the growth is being focused. This application is an opportunity for Newark to be part of this success story.

Implications for Planning Decision Making

As stated previously by our planning agent, the unprecedented market situation we are in, post-dates the Core Strategy and as such it is not reflected in its policies. Accordingly, and as recognised by your officers in their recommendation to approve, there are ample economic material considerations in play here to warrant a departure from the Core Strategy. Whilst we noted the positive comments made at committee about the potential suitability of the site during a future local plan review, that would merely serve to direct business and investment to other districts in the meantime. Given that there is no identified harm in planning terms of bringing forward the application proposal now, such a route is simply unwarranted and unnecessary. We also understand that any concerns about prematurity effecting a future plan review are also unfounded given Government advice on this issue.

We noted the comment at the last committee as to whether Newark is 'open to business'. We very much hope that this is the case and look forward to a positive determination on our application. Investment in an area is often a cumulative process and we believe that our proposals would help create the momentum Newark requires to harness investment elsewhere as part of the Districts wider economic growth objectives. A planning permission on this site will send a much needed and powerful message that Newark is indeed open for business.

Yours sincerely,

**Charlie Withers, MRICS – Partner, Development
Tritax Management LLP**

- *If you grant it, we will build it. Fast. Reserved Matters will be submitted inside a year.*
- *All the evidence points to the development being let quickly bringing the jobs and investment every bit as quickly as with a named operator.*
- *Tritax believe in Newark and this would increase their investment in the area to over £100m*
- *Officers recognise that, on balance, this is good for Newark.*
- *Newark will be Open for Business*

Benefits

- 560 Jobs
- £1.1 million business rates
- £30 million investment
- Newark on the logistics map and 'open for business'

Tritax

- UK's largest listed investor in logistics warehousing
- £300 million raised from shareholders to accelerate development programme
- As a stock market quoted REIT (Real Estate Investment Trust) Tritax exists to provide rental income for their investors.

The market

- Currently unprecedented demand plus lowest levels of supply accelerated by pandemic means severe shortage of space.
- Logistics space being created is 37% ahead of the annual average with three months still to go.

Job creation

- The development will deliver around 560 jobs based on average of 1.4 jobs per 1,000 sqft. These include specialist skills requiring training as well as warehousing jobs.
- The range and quality of jobs in logistics facilities is increasing as the sophistication of operations develops

to meet increasing demands of retailing, especially online.

- e.g. Automation often increases job numbers. e.g. Ocado at Bicester employs over 800 in just 163,000 sqft (4.9 jobs per 1000 sqft)
- Recent Tritax lettings have delivered even higher numbers of jobs e.g. Blyth 3.31 jobs per 1,000 sqft.

Accelerated development programme

- Tritax is committed to submitting the Reserved Matters application within 12 months

Planning issues

- Unprecedented market conditions predate N&SDC's Core Strategy and therefore there is no allocated land suitable for this kind of development.
- Officers consider that Economic considerations outweigh policy objections.
- Current market pre-dates the Core Strategy therefore not reflected in policies. The Fisher German report identifies the need for such land, not currently available.

8 December 2020

Charlie Withers
Tritax Management LLP
3rd Floor
6 Duke Street
St James
London
SW1Y 6BN

Dear Charlie

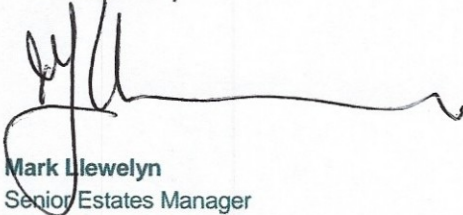
Newark - Land East of Newlink Business Park

Thank you for providing an update on the progress of the planning application for the development of the land adjacent to our Newark national distribution warehouses.

I am pleased to learn that your planning application to extend the Newlink Business Park at Newark is due to be considered by planning committee in the near future.

Whilst our future space requirements are under constant review I can confirm that, if you are successful in obtaining planning permission, we would be interested in discussing further with you the possible options for taking space on the development.

Yours sincerely

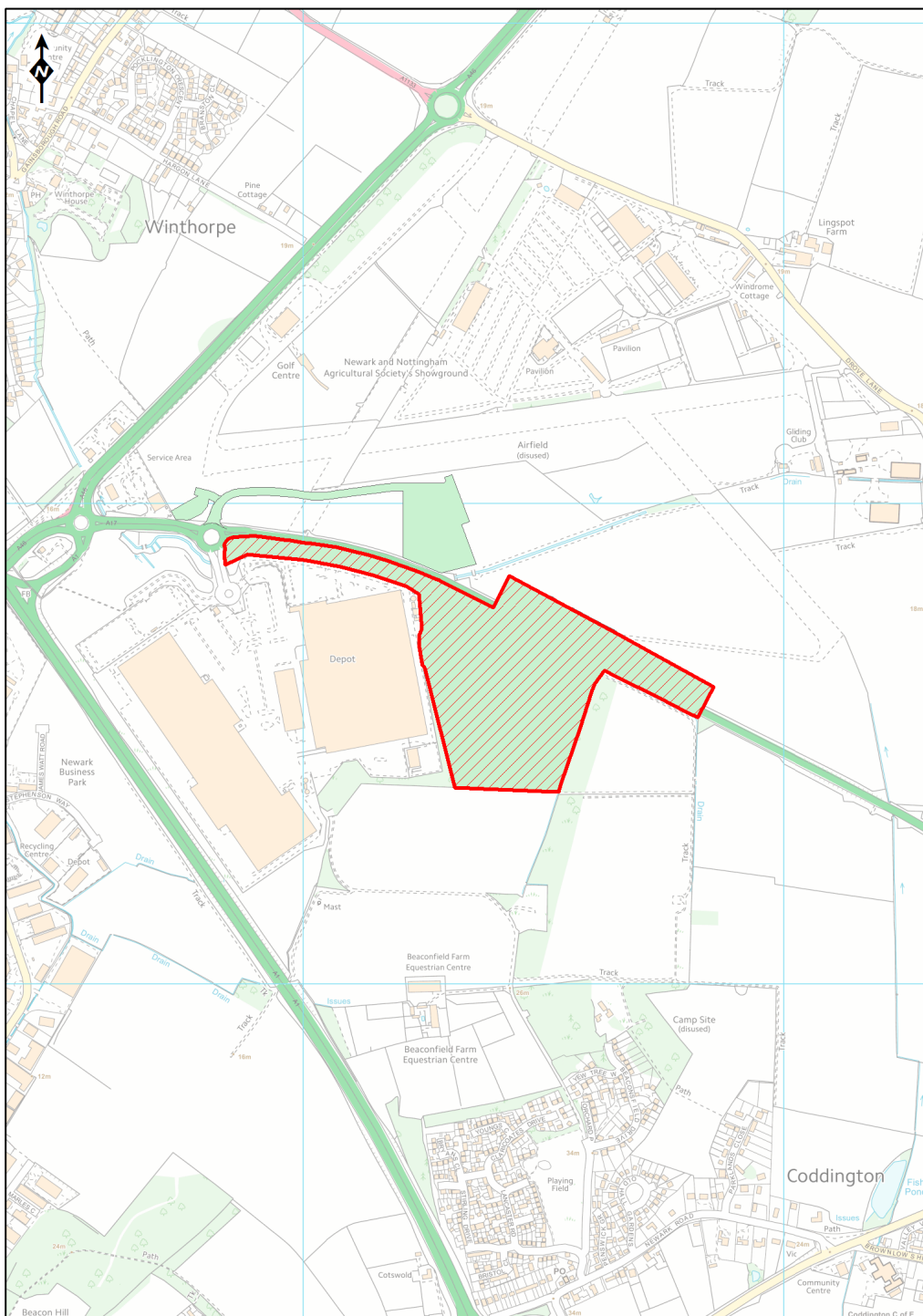


Mark Llewelyn
Senior Estates Manager

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Committee Plan - 20/01452/OUTM



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PLANNING COMMITTEE – 2 NOVEMBER 2021

Application No:	21/01704/FUL
Proposal:	Erection of 1 No. Dwelling (resubmission of 21/00851/FUL)
Location:	The Bothy, Mill Lane, Caunton, NG23 6AJ
Applicant:	Mr Joe Cook
Agent:	Mr George Machin – GraceMachin Planning & Property
Registered:	10.08.2021 Target Date: 05.10.2021
Link to Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QX0HR7LBGRW00

The application was initially referred to Planning Committee on 5th October 2021 by Councillor Mrs. S Saddington on ‘Health and Safety’ grounds due to the access of the site running over an existing private sewer. Members resolved to defer this application to allow discussions with Environmental Health on what mitigation measures would be desirable to compensate for the concerns over drainage impact to the surrounding area. Updates to the report are included in bold throughout.

Members requested that alleged tree removal within the Conservation Area, adjacent to the proposed access be investigated. The trees directly to the west are not within the red line of this application and are not owned by the applicant. Consent was granted in November 2020 for the removal of these trees under application ref. 20/01885/TWCA and replacement with fruit trees and a Yew hedge to the front boundary. Whilst the site has been cleared of shrubs, no trees have been removed within the application site itself.

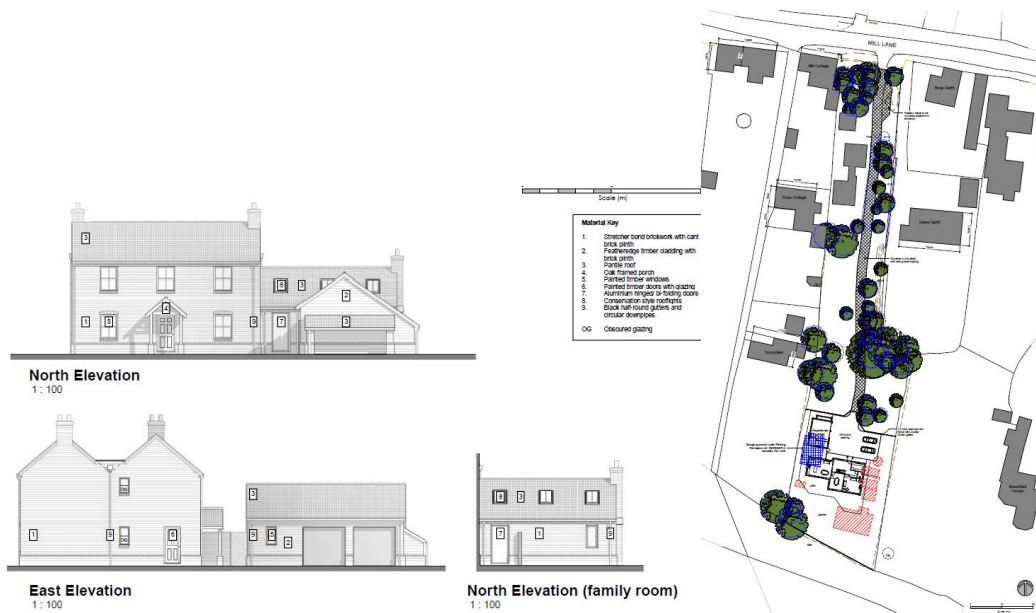
The Site

The application relates to a section of residential curtilage associated to ‘The Bothy’, a detached dwelling located in a back land position and accessed via a private drive off of Mill Lane. Immediately to north of the site is Orchard Croft, a detached dwelling set back from the highway. There are detached dwellings to the east and west of varying scale, design and age that also occupy back land positions in relation to the Mill Lane highway. The site falls within the village of Caunton and the Conservation Area. To the rear of the site, beyond ‘The Bothy’ is open countryside with a public footpath to the south offering views into the site from the public realm. A Grade II listed windmill is situated approx. 40m to the west of the site.

Relevant Planning History

21/00851/FUL - Erection of 1 No. dwelling – Withdrawn 08.07.2021

21/00289/FUL - Demolition of existing dwelling and outbuildings and erection of a replacement dwelling (Re-Submission of 20/02095/FUL) – Permitted 12.04.2021.



Approved Elevations and Site Plan of application 21/00289/FUL

20/02095/FUL - Demolition of existing dwelling and outbuildings and erection of a replacement dwelling – Withdrawn

20/00583/FUL - Householder application for detached double garage with log store and office – Granted Permission

The Proposal

The proposal seeks planning permission for the erection of a 3 bedroom detached dwelling. The proposed dwelling would have an L-shape layout and consist of both single storey and two storey design. Access would come via the existing private drive off Mill Lane which also serves The Bothy, however this is shown to be amended in layout with a widened access and spaces within the site for parking and turning.

The proposed dwelling would measure approximately 12m in width at the widest point and run for a total length of ~~20m~~ **23.5m including the attached car port**. The roof design would be dual pitched with a maximum ridge height of 5.9m along the two storey section. The external finish would be red brickwork on the elevations and red clay pantiles on the roof.

An amended parking layout has been received showing an extended driveway with 3 parking spaces and a single parking space within the proposed carport. The dwelling would be positioned approx. 2m from the boundary with Rose Cottage to the NW. There would be an area of grass between the new dwelling and the dwelling to the north and the new replacement dwelling to the south.

For the avoidance of doubt, owing to ownership queries an amended site location plan has been submitted clarifying the extent of land within the applicant’s ownership as per Title Deed plans.

Plans/Documents Deposited

- Site Location Plan – Ref. 1954.001 (deposited 15.09.2021)
- Existing Site Plan – Ref. 1954-050
- Proposed Site Plan – Ref. BMLC 2021 BP2 (deposited 20.09.2021)

- Elevations as Proposed - Ref. BMLC 2021 E1
- Floor Plans and Proposed - Ref. BMLC 2021 P1
- Proposed Delivery Vehicle Swept Path Analysis for internal site turning head – Ref. MA11480 600
- Drainage Strategy – Ref. 3080/02 P1
- Planning, design and Access Statement
- Arboricultural Report and Impact Assessment - Ref. AWA3741, Dated: April 2021

Departure/Public Advertisement Procedure

Letters have been sent to 15 neighbouring residents. A site notice has also been displayed at the entrance to the site and a notice has been printed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990

NSDC Parking and Design Standards SPD

Consultations

NB: As the scheme has been amended to address consultee comments only the most relevant comments have been included below. Full comments can be found on the online planning file.

Caunton Parish Council – No comment.

NSDC Conservation Officer – No objection - “Site Analysis: The site is located within the boundary of Caunton Conservation Area, which was designated in 1974. The area was designated due to its special architectural and historic interest. The boundary is drawn around the historic development of Caunton and its landscaping setting to the south. Close to the site is Caunton Windmill (LEN 1178722) which is Grade II listed. The windmill dates to the 19th century, identified in blue.



Mill Lane has many lanes running perpendicular, with many dwellings, cottages and buildings set away from the road. This follows the village’s historic development form. The site is identified in the red outline. As well as the 19th century, development there has been some 20th century development.

Assessment of Proposal

This application relates to the withdrawn application 21/00851/FUL. The conservation team had no concerns in relation to the proposed dwelling. However there were great concerns with the alteration to the access and turning head. This submission looks to address the access to the site. The width of the access has been reduced and this addresses conservations concerns. It is therefore considered the proposal will cause no harm to the character and appearance of the conservation area. The proposal therefore is in accordance with the objective of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.”

Relevant comments from the previously withdrawn application: “The proposal is for a one and half storey dwelling designed to look like a barn conversion. The design of the building reflects something that traditionally may have been in this location. Although the site has not been previously developed the proposal follows the general pattern of development this area of Caunton. The scale of the proposed development and relation to existing development in the area is not considered the proposal will impact the listed Caunton Windmill. The success of the scheme is reliant on the detail of the scheme. I therefore recommend the following conditions which relate to trickle vents, windows/door heads/cills, external materials, roof lights and architectural features. It is considered that the proposal preserves the rural character of conservation area and setting of listed building and therefore reflects the objectives of preservation required under section 16 and 72 of the Act. In addition, the proposal follows the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.”

Tree Officer – No objection subject to conditions - “Although the scheme has been slightly revised the submitted Arboricultural Method Statement refers to the previous layout and therefore does not take into account the further impact of the hard surfacing/footpath on north and west of the proposed dwelling or amended parking and turning area to the south. Recommend revisions are carried out to the AMS to reflect changes.” Conditions suggested relate to an arboricultural method statement and a scheme for protection of the retained trees/hedgerows, prohibited activities and a replacement planting scheme.

NCC Highways – No objection subject to conditions - the number of parking spaces has been increased to 3 and the width of the access has been set at 5m for 7.5m back from the end of the carriageway which has been agreed following negotiations.

- Condition 1: that the access as indicated on the drawing is provided prior to occupation
- Condition 2: that the parking and turning areas are provided and kept solely for the parking and turning of vehicles for the lifetime of the development

Environmental Health – “You should be aware that the driveway where it curves will run over a private sewer which takes septic overflow waste from a significant number of properties on Mill Lane and so the construction of the driveway must be compliant with current building regulations and not impede in any way the flow of the sewer.”

The Environment agency – No objection - “The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site. However as previously indicated on our response to 21/00851/FUL the applicant will need to consider how they dispose of foul sewage. As such please refer the applicant to the below advisory note [...]”

Comments have been received from **4** interested parties that can be summarised as follows:

- Flood risk concerns: there are drainage gates on the right hand side of the lane but these are insufficient to cope with the volumes of water when heavy or prolonged rainfall occurs. Development should be directed to areas that are not at risk from flooding.
- Drainage: Gates Garth has a steep incline from Mill Lane – the proposed drawings now show rainwater and foul and sewerage waste discharging into the small existing drainage pipe which already takes rainwater and foul and sewerage waste from several properties. The proposed system for rainwater is a cellular storage system which will have little or no impact on rainwater volumes. As this part of Caunton is on a clay bed this storage system would soon fill up and run off would be as normal.
- Concerns that this dwelling will be in addition to the replacement dwelling recently approved at the south of this site.
- Concerns that the existing sewerage pipe will be damaged due to hard surfacing over its length.
- The increased driveway will increase noise disturbance to surrounding properties.
- The turning area will result in light nuisance to surrounding properties
- The widening and removal of the existing kerb will cause problems for drivers and pedestrians as Mill Lane is narrow and cars will wait along the dropped kerb to allow vehicles to pass.
- The previous planning permission granted on the Bothy site replaces a bungalow of little architectural value with another dwelling. Though overly large, it is a replacement, one dwelling for another. It was considered on its own and not as part of a bigger development plan on this site.
- This is a conservation area because it is rurally attractive and historically important – adding another dwelling will spoil the attractive leafy character of the area.
- The development proposed would be cramped, with a higher ridge than surrounding properties which would have a negative visual impact.
- Concerns over increased traffic on Mill Lane and parking congestion.
- Impact on the drainage running through the site resulting in flood sewerage issues.
- Over development of the site
- Further loss of trees
- The village is an unsustainable village with very little amenities.
- The proposed dwelling would result in an imposing structure along the full length of the neighbouring dwelling

- Harm to heritage assets and no public benefits to the scheme to offset them
- No precedent for backland development in open spaces in the conservation area.
- Confusion over ownership on land north of Orchard Croft.
- Concerns raised over the piecemeal approach to submitting planning applications and development the entire site.

Comments of the Business Manager

Principle of Development

The Council's Core Strategy sets out the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria contained within Spatial Policy 3 (SP3). Caunton is considered to be an 'Other Village' in the settlement hierarchy and I consider the site to be 'within the village' for the purposes of this policy and as such, policy SP3 is applicable. SP3 requires proposals to be assessed against five criteria: location, scale, need, impact and character:

Location - SP3 requires that in terms of location 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls.' I consider the site is located within the village of Caunton which benefits from a church (St Andrew's Church), a primary school (Dean Hole C of E), two public house (Caunton Beck and Plough Inn Caunton) and a shop (Caunton County Supplies). There is also a bus service to Newark Town Centre which provides further services as well as easy vehicular access to the A1. As such the location of the site would be considered to be in accordance with SP3.

Scale - The scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. I note the proposal is for one new dwelling which would be small scale and, notwithstanding comments received from local residents, I consider it unlikely to significantly affect local infrastructure. The proposal would therefore be considered appropriate for this settlement and meets the scale criteria of SP3.

Need - The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the facilities within Caunton itself, I am satisfied that the occupiers of the proposed dwelling would have sufficient opportunity to support and help sustain the longevity of the existing local services in the area and therefore the application would comply with this criterion of SP3.

Impact - In some respects, the impact criterion lends itself to discussion in the context of other material consideration such as the impact on the highways network and neighbouring amenity (which are discussed in further detail below but in short have been found to be acceptable). However, in respect of local infrastructure, I am satisfied that one new dwelling could be accommodated within existing infrastructure without causing a detrimental impact. Therefore subject to the more detailed highways and neighbouring amenity appraisals below the proposal could also satisfy this criteria of SP3.

The wider impact of the development on the character of the area will be discussed in further detail in the following section of this appraisal. However, it is concluded that the development would not result in any adverse impact on the character of the area. Therefore, having considered the five criteria of SP3, I consider the proposed development would be acceptable in principle in accordance with SP3 subject to considering the more site specific impacts as set out below.

Impact upon Character of Area and Heritage Matters

SP3 requires the scale of new development to be appropriate to the proposed location and the character of new development to be in keeping with the character of the location or its landscape setting. CP9 states that new development proposals should demonstrate a high standard of sustainable design that both protects the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 of the DPD states that new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site lies within the Conservation Area and to the NW of the site is the Grade II listed Caunton Mill, as such the relationship with this designated heritage asset is an important consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. 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, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

I note the new dwelling would be set behind an existing property that fronts on to Mill Lane, between it and the replacement dwelling that has recently been approved to the rear of the site. The dwelling has been designed with an L-shape and would be constructed out of traditional materials. I note the comments from the conservation officer and concur with the view that the location and position of the proposed development, while within a backland position, would follow the general pattern of development within this section of Caunton. Furthermore, it is considered that the modest height dimensions and use of traditional materials and detailing give the appearance of a traditional outbuilding which would have been found within this area.

The proximity to the listed windmill is noted, however given the level of separation and presence of intervening properties, I am satisfied that the proposal would not result in any adverse impact on the setting of the listed building.

As such, I agree with the overall conclusion made by the conservation officer, in that the proposal would preserve the rural character of the conservation area and setting of the nearby listed

building subject to conditions which have been suggested by the CO and are considered appropriate and proportionate to attach to any grant of planning permission. I therefore consider the proposal would accord with the requirements of policies SP3, CP9 and DM5 in this respect. I also consider a scheme to comply with the objective of preservation set out under Sections 66 and 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

Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

I am mindful of the relationship with the closest neighbouring properties, in particular Rose Cottage to the north-west of the application due to the close proximity to the shared boundary with this property. The proposed dwelling would be sited approx. 2m from the shared boundary. When considering the relative positioning, relationship and the modest height dimensions of the proposed dwelling, which range between 4.65 and 5.9m, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact on neighbouring amenity which would warrant the refusal of planning permission. Similarly, given separation distances I do not consider there would be any adverse overlooking, overbearing or overshadowing impact on the property directly to the north, north-east, the replacement dwelling to the south or the property directly to the west, particularly given the design of the new dwelling, window to window relationships and the positioning of the dwelling relative to neighbouring properties private amenity spaces. The roof lights proposed on the west elevation are noted, however as these would be set at 1.8m above finish floor level, it is considered that there would be no material overlooking impact on the property to the west.

Nevertheless, acknowledging the close relationship between the proposed dwelling, the site boundaries and the positioning of neighbouring properties I do consider it reasonable to restrict the properties permitted development rights to restrict the installation of further windows/roof additions and extensions to ensure no unacceptable overlooking relationship could be introduced.

Noting the comments from local residents I am mindful that the private driveway is shown close to the boundary with Gates Garth to the north-east. However, whilst the proposal would see an intensification of the use of this driveway, as the driveway already serves an existing dwelling with vehicles already travelling along the driveway, it is considered that the slight change in layout from existing and an addition of one additional dwelling being served by this driveway would not give rise to such impact by virtue of noise and light disturbance to result in a material impact on neighbouring amenity.

I am also satisfied that there is a sufficient level of separation to the other neighbouring properties surrounding the site, to the proposed dwelling for the proposal to not result in any material impact on neighbouring amenity and that a sufficient level of external amenity space would be provided for the new dwelling (subject to restricting permitted development rights for the erection of outbuildings within the curtilage of the dwellinghouse). As such, the proposal is considered to be acceptable in this respect, in accordance with Policy DM5 and the guidance in the NPPF.

Impact upon the Highway

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

An existing access point currently serves the site and the property known as The Bothy (to the south). The submitted amended layout plan shows 3 off street parking spaces to serve the proposed dwelling (which includes the undercover carport) which accords with NSDC Parking Standards and Design SPD. I am satisfied that the proposal would include an adequate level of off street parking amenity to serve the proposed dwelling without relying upon on street parking along Mill Lane (noting the amended plans have taken on board advice from the Highways Authority) and that there would also be sufficient space to turn and manoeuvre within the application site. Initially concerns were raised by the Highway Authority about the design of the access into the site however following negotiations and the submission of an amended layout plan the Highways Authority have confirmed their support for the scheme (subject to conditions). Whilst I note other comments have been made from interested parties raising concerns relating to highway safety I note that the Highways Authority do not raise any objection in this regard. I therefore consider the development would accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Impact on Trees

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

A tree survey has been submitted in support of the proposal. From the submitted survey I note the trees shown for removal are T19 Blackthorn which is classified as low amenity value, T22 Elder which is classified as dead, T24 Apple with low amenity and G18 Hawthorn, Blackthorn and Elder with a moderate amenity value. While the loss of trees on site in order to accommodate the proposed development is regrettable, I am mindful that these trees have been assessed as being either, low amenity value or dead. I am also mindful that the hedge (G18) is a garden boundary hedgerow which could be removed without consent from the local planning authority. As such, this is outside of the control of this application.

In light of the above, it is considered that a condition which requires replacement planting would adequately mitigate the harm from the loss of the trees and also provide an opportunity to enhance the site though the provision of trees with a higher amenity value than those identified for removal. I also note the comments from the Tree Officer which raise no objection to the development subject to conditions relating to construction measures for tree protection.

I note comments from the tree officer were received on the previously withdrawn application in relation to the initial and repeat pruning works of Trees T17 and T3. However, I am of the view that the regular maintenance of these trees would not be an unreasonable burden for the future occupiers of the proposed dwelling and would also not be a justifiable reason for withholding planning permission.

In conclusion, with a suitably worded landscaping condition, I am of the view that the proposed development would not result in any adverse impact on the green infrastructure at the site. Furthermore, the provision of replacement planting with a high amenity value would enhance the sites biodiversity and geological diversity in accordance with the aims of Core Policy 12.

Drainage

The concerns raised by local residents in relation to the drainage running through the site and the change in layout of the private drive are noted. So too are the concerns of the local ward member. For clarity, the existing driveway runs over a private sewer which takes septic overflow waste from a number of properties on Mill Lane and discharges into an open drain. Concerns from local residents relate to altering the access into the site over this private sewer and potential implications on its capacity. However, the relevant changes in this application are limited to the realignment of the access track and the addition of 1 dwelling. Noting there is already a dwelling (The Bothy) to the south of the site which utilises this existing access point which crosses the sewer, the impact of this application would be limited to minor hard surfacing changes and adding one additional dwelling to the site.

Comments received from interested parties raise concerns about the existing capacity of the sewerage/foul water drainage in the area citing problems with overflow, smell and noise pollution and concerns that this proposal would further contribute to this issue. To this I would note that this proposal need only mitigate its own impact on the existing infrastructure (rather than alleviate existing issues). Comments from the Environment Agency and Environmental Health note the presence of the existing drain within the site and raise no objection to the proposal subject to the improved driveway being constructed in accordance with building regulations. It is considered that one additional dwelling could be accommodated at the site (in addition to the existing and approved replacement dwelling) without unduly compromising the existing drainage network. In any event, a drainage strategy can be controlled by condition to ensure an appropriate drainage strategy for the site.

I also note that the site lies within Flood Zone 1 and thus there is no requirement to assess the flood risk to the development or to apply the sequential test, despite comments received from neighbouring residents. Indicative drainage plans have also been submitted with the application which details the type of drainage system that could be put in place to adequately deal with the demand of the new dwelling.

Following discussions with the Environmental Health Officer they have advised that specialist advice would be required from Building Regulations following input from drainage and structural engineers to ensure protection of the existing drainage pipe and adequate drainage for the new dwelling. An informative note to the decision can be attached (and is recommended) to recommend the applicant engages with specialist advisors and Building Control to ensure adequate mitigation. The development would require approval from building regulations and therefore the drainage, for this dwelling, would be adequately provided for.

Other matters

The concerns raised over the piecemeal approach to the submission of applications on different areas of the wider site owner by the applicant are noted. However, it is within the applicant's gift to submit stand-alone applications. Each application is considered on its own merits and takes into account the previously approved development which also have the potential to come forward within the same time frame.

CIL

The site is located within the High Zone of the CIL charging schedule where the CIL rate is £70. The CIL charge on this application would be £11,533.82 (based on 116.8m² at GF and 45m² at FF).

Conclusion

The principle of the proposed development is considered acceptable and the location sustainable in accordance with the requirements of SP3. The design of the proposed development would preserve the character and appearance of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also not considered that the dwelling would impact the setting of any nearby listed buildings in line with Section 66 of the Act. There have been no material adverse impacts identified in relation to neighbouring amenity, highway safety, and the green infrastructure at the site in accordance with the Development Plan and the NPPF which is a material consideration. There are also no other material considerations which indicate that the proposal should not be approved, I therefore recommend that planning permission is granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Amended Site Location Plan – Ref. 1954-001 (deposited 15.09.2021)
- Proposed Site Plan – Ref. BMLC/2021/BP2 (deposited 20.09.2021)
- Elevations as Proposed - Ref. BMLC/202/E1
- Floor Plans and Proposed - Ref. BMLC/2021/P1

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the following external materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority:

- Bricks
- Roof Covering
- Windows and Doors

Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

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

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

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

05

Trickle vents shall not be inserted into the windows/doors hereby permitted.

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

06

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority 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;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

07

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in

writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

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

08

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

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

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme during construction.

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

09

Prohibited activities

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

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

- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

10

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

11

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material with the highway boundary clearly demarcated in accordance with approved plan reference 'Proposed Site Plan' BMLC/2021/BP2 (deposited 20.09.2021).

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

12

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan reference 'Proposed Site Plan' BMLC/2021/BP2 (deposited 20.09.2021). The parking and turning areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

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

13

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

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

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

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

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

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted

Development) (England) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and future occupiers.

Notes to Applicant

01

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

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

02

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

03

Note from the EA:

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply

with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

04

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

05

The applicant is advised to seek specialist advice from Building Regulations and drainage and structural engineers to ensure the foul drainage and surface water disposal scheme for the site is developed so as to protect the existing drainage pipe within the site and to provide adequate drainage for the new dwelling.

BACKGROUND PAPERS

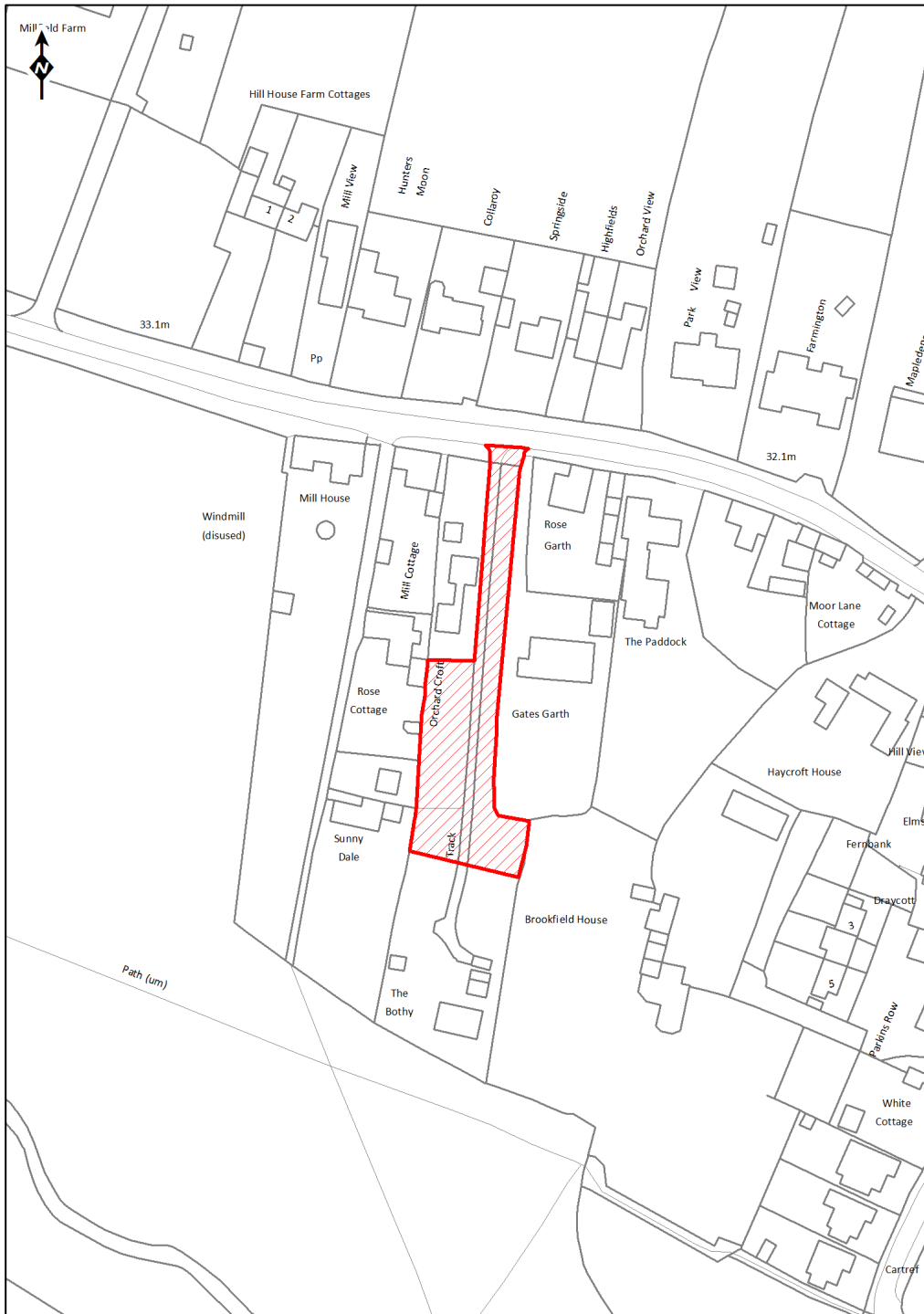
Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/01704/FUL



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PLANNING COMMITTEE – 2 NOVEMBER 2021

Application No:	21/00891/S73	
Proposal:	Application to vary condition 1 of planning permission 18/01443/FUL to amend the temporary permission to permanent	
Location:	Land Off Sandhills Sconce, Tolney Lane, Newark	
Applicant:	Messers Coates, Gray, Wilson, Calladine, Biddle, Coates etc	
Agent:	Murdoch Planning Ltd - Dr Angus Murdoch	
Registered:	19 April 2021	Target Date: 14 June 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

This report was presented to the Planning Committee for consideration on 7 September 2021, when Members resolved to grant a temporary permission for 2 years, which reflected the change to the recommendation by Officers following receipt of information received after the report was published, subject also to no objection from the Environment Agency.

In response to this re-notification, the Environment Agency have stated:

“Thank you for notifying us of the committee’s intention to grant a temporary permission for a further 2 years.

The LPA are aware that the EA object to permission on this site either on a permanent or temporary basis due to the flood risk associated with this site. Please refer to our response dated 28th May 2021 for our detailed reasons for objection.

However we do recognise the challenges faced by the LPA in allocating alternative sites for the gypsy and traveler community in Newark.”

Whilst the EA have not removed their objection, due to the lack of alternative sites and on the basis of land being allocated as part of the current gypsy and traveler allocations process, it is considered reasonable to grant a temporary planning permission. It is recommended that this is for 2-years to 30th November 2023 to enable the allocation of sites.

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

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Core Strategy and within the open countryside. The site is located at the south-westernmost end of Tolney Lane which runs from the Great North Road, on the north-

west side of the River Trent and which leads to a dead end. The site, known as Green Park, is accessed from Tolney Lane via an access road through an existing Gypsy and Traveller site known as Hiram's Paddock, which has been extended to the south-west to serve this site. Green Park represents the final gypsy and traveller site at the south-western end of Tolney Lane.

The site measures 1.35 hectares in area, is roughly rectangular in shape and its authorised use is as a gypsy and traveller residential caravan site on a temporary basis. The site is sub-divided into 10 pitches, all served by a central roadway. There are open fields to the north-west and south-west of the site with a more recent gypsy and traveller site to the south-east.

Hedges define the north-west and south-east boundaries, which are protected by a Tree Preservation Order (11/00099/TPO) and the Old Trent Dyke forms the south-western boundary of the application site.

The majority of the site is within Flood Zone 3b on the Environment Agency's flood maps, which means it is at the highest risk of fluvial flooding, and is defined as being within the functional floodplain. Parts of Tolney Lane itself, the only access to and from the site, are also at high risk of flooding from the River Trent, with low points that are liable to flood before the site itself.

Tolney Lane accommodates a large gypsy and traveller community providing approx. 300 pitches.

Relevant Site History

18/01443/FUL

Application for the variation of condition 1, to make the temporary permission permanent, attached to planning permission 12/00562/FUL granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071) (Change of use from paddock to gypsy and traveller residential caravan site - retrospective). Temporary permission was extended for a further 3 years until 30 Nov 2021.

17/00954/FUL

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

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

In the opinion of the Local Planning Authority, to allow permanent occupation of the site at such

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

14/01640/FULM

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

12/00562/FUL

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

The Proposal

Planning permission is sought to vary Condition 1 attached to the current permission under reference 18/01443/FUL to allow the gypsy and traveller use to become permanent rather than continue on a temporary basis.

Condition 1 states:

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

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

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

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

In support of the application the agent has submitted the following comments:-

“As you know the site has been occupied without any problems since 2013 and has been subject to a series of temporary consents, the most recent of which was approved by your authority in 2018. In the Officer’s Report for that application it states:

“The Inspector examining the Amended Core Strategy has reached the view, as set out in post-hearing note 4 (issued 8 May 2018), that “the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA is insufficient.”

This is enlarged upon later in that Report as follows:

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

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

The Report concluded:

“The recommendation to Members is that a further temporary permission be granted for a further 3 year period, to allow the applicant’s immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process. This would tie in with the Allocations and Development Management DPD which is forecast for adoption in November 2020.”

The reason only a temporary rather than a permanent permission was granted was because unmet [need] was still unquantified at that time and therefore flood risk was considered to outweigh that unquantified need. Since then, the 2020 GTAA has been published in June of this year (attached) which discloses a substantial level of unmet need of some 169 pitches. This means that need is now quantified. No alternative sites have been identified and no allocations made to meet these considerable needs. Each of these factors attract substantial weight.

In terms of flood risk, since the 2018 permission, the Applicants’ Flood Risk expert Ian Walton and I

were involved in an Appeal for a Travellers site that was, like here, located in FZ3b (that site was also in the Green Belt) and where mitigation was by way of evacuation (as proposed here since 2014). I attach that Appeal Decision dated January 2020 from which you will see that the Secretary of State granted a permanent, non-personal planning permission. Need in that case was for just 21 pitches, unlike the 169 pitches required in Newark.

It is therefore now clear that the material considerations have changed significantly since the 2018 approval:

1. Need was unquantified in 2018; the 2020 GTAA establishes an unmet need of 169 pitches;
2. The 2018 Report indicated that allocations to meet need would be in place by November 2020; currently (April 2021) no such allocations have been made;
3. The position in 2018 was that flood risk outweighed an unquantified need; there is recent authority from the Secretary of State that Traveller sites can be permanently located in FZ3b.

This is a well-run site of long-standing that the Officer's Report accepts is in a sustainable location. In the 6 years the site has been occupied, the residents have become part and parcel of the local community and have demonstrated by their actions that they are good neighbours. Approving this application would resolve the accommodation needs of 10 Traveller families on a Previously Developed Site, whilst reducing unmet need and making a meaningful contribution to the required 5 year supply.

For all these reasons, the proposal should be supported by the Council."

As this represents a Section 73 application, no plans or Flood Risk Assessment have been submitted with the application as reliance will be made on those submitted under reference 12/00562/FUL. The Inspector commented on the FRA's submitted with the original application stating:- *"It is common ground that the 2 FRA's submitted with the application the subject of the appeal D were inadequate. For the Environment Agency (EA), Mr Andrews pointed out that the submitted FRA's did not: analyse the flood risk from the adjacent Old Trent Dyke; identify mitigation measures to take account of works undertaken on site; or analyse the hazards associated with the access and egress route, with input from the emergency services. I still do not have a document which constitutes a FRA approved by the EA and that is an additional breach of the requirements of the Framework, PPG and CS. However, during the course of this inquiry, I have heard a considerable amount of expert evidence on behalf of the appellants and the EA regarding flood risks and it falls to me to consider the risks on that basis."* On this basis, the Inspector sought to rely wholly on site evacuation following a Flood Alert warning from the Environment Agency.

This application submission has been supported by a copy of an appeal decision for Horton Road, Datchet dated 23 January 2020 (link to access attached to Background Papers listed at the end of this report).

Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 : Settlement Hierarchy
Spatial Policy 3 : Rural Areas
Spatial Policy 7 : Sustainable Transport
Core Policy 4 : Gypsies & Travellers – New Pitch Provision
Core Policy 5 : Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople
Core Policy 9 : Sustainable Design
Core Policy 10 : Climate Change
Core Policy 13 : Landscape Character

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design
Policy DM8 – Development in the Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (on-line resource)
- Planning Policy for Traveller Sites – August 2015

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

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

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

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

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

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

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

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020
- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

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

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

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

Consultations

Newark Town Council – “It was AGREED to OBJECT to this application on the same grounds as put forward in 2012:

'The Committee OBJECT to this application on the grounds that the area is prone to flooding and is a further extension to the wash land'.”

Environment Agency – “We wanted to point out that since the previous application in November 2018 there has been no change in flood risk/modelling information or policy and therefore we would like to re-iterate our previous response:

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

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

Furthermore, we object to this application because it fails the second part of the flood risk exception test. The NPPF and PPG clearly state that change of use applications, where the

proposed use is a caravan site, are not exempt from application of the exception test. The NPPF makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer's FRA fails to:

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

Flood risks to the site

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

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

- The site could flood to a level of 12.61mAOD during a 1 in 1000 year event, which equates to flood depths of up to 1.03m.
- The site could flood to a level of 12.34mAOD during a 1 in 100 year 20% climate change event, which equates to flood depths of up to 0.77m;
- The site could flood to a level of 12.15mAOD during a 1 in 100 year event, which equates to flood depths of up to 0.59m;
- The site does not get flooded during a 1 in 20 year event.

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

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

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

Local Planning Authority are responsible for determining the adequacy of flood warning and evacuation plans, in consultation with emergency planners.

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

Previous decisions

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

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

Further to this we note that the planning committee, when considering the November 2018 application resolved to grant a further 3 year temporary permission. However, it is vitally important that your Authority consider the planning position that might result from the continuous granting of temporary planning permissions; whilst case law can be seen as a fluid situation, we are aware of scenarios where continuous 'temporary' permissions could result in a 'deemed permission' for permanent use. Your Authority, and planning committee, must consider this in reaching a decision re: temporary use. Our recommendation is that if you are indeed minded to approve another temporary permission, you only do so with a time limit that would prevent the use from becoming 'permanent' through case law.

Next steps

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

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

If you are minded to approve the application on a permanent basis, we must stress that we would consider instigating the call in direction as we consider the risks to this site to be too significant to

allow permanent 'highly vulnerable' development to proceed, without further work to reduce flood risks to the site beforehand."

N.B. Whilst the above comments from the EA confirm that the application site is within Flood Zone 3a, the case officer sought additional clarification as it was their understanding that the majority of the site was within Flood Zone 3b. The EA have since confirmed in writing that the majority of the site is indeed within Flood Zone 3b (within the functional floodplain).

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

Comments of the Business Manager

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

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

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

The original permission was granted following the Inspector balancing the lack of available gypsy and traveller pitches at the time of consideration against the high level of flood risk on the site. The decision was intended to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. That permission was renewed for a further 3 year temporary permission in 2018, which expires on 30 November 2021. As confirmed in the PPTS, there is no presumption that a temporary grant of planning permission should be granted permanently, and legal advice has been sought which confirms that as long as there is a good, sound reason for the continued granting of temporary permission, that this would not lead to a greater likelihood of a permanent permission being found to be more acceptable over time. However there would need to have been a material change in circumstance since the determination of the previous permissions to justify any permanent permission, and this is considered further below.

Need

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

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

The new GTAA (with a baseline of February 2019) recorded 10 pitches on the application site, with 11 households meeting the planning definition of a traveller with a further 2 households being undetermined. However, notwithstanding the results of the survey carried out as part of the GTAA in 2019, it was accepted by the Inspector in 2014 that all the then applicants met the definition and given that the permission continues to be personal to 10 named households, it is accepted that this application is being assessed on this same basis. The current need is therefore considered to be for 10 pitches. Beyond this, additional need was also identified to occur within the first and then two subsequent five year tranches in order to address the needs of planning definition households forming through demographic change.

Accordingly, the granting of permanent permission would allow for the current planning definition need, picked up as part of the GTAA to be met and contribute progress towards a five year land supply. This weighs heavily in the favour of granting permanent permission, and robust and justifiable reasons are needed to depart from a permanent approval on this basis. Officers consider, however, as did the Inspector previously that given the potential risk to people and property, flood risk has the potential to form such a reason.

Flood Risk

The final criterion of Core Policy 5 states that ‘Proposals for new pitch development on Tolney Lane will be assessed by reference to the Sequential and Exception Tests as defined in the Planning Practice Guidance. These will normally be provided temporary planning permission.’ The NPPF states that local planning authorities should minimise risk by directing development away from high risk areas to those with the lowest probability of flooding. National guidance/policy relating to flood risk since 2014 has introduced new guidance in relation to climate change that increases the bar in relation to the assessment of new development. Core Policy 10 and Policy DM5 also reflects the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding.

Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

The site is located within Flood Zone 3(b) and as such is within the functional floodplain of the River Trent, and at the highest risk of fluvial flooding, as are parts of the only access to and from it, along Tolney Lane.

Table 2 of the Planning Practice Guidance states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 of the Practice Guidance states that within Flood Zone 3b, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.

In coming to his decision in 2014, in the appeal on this site, the Inspector acknowledged that the development was contrary to local and national policies concerning flood risk such that it would represent a highly vulnerable use and therefore inappropriate development in Flood Zone 3 that should not be permitted. However, he concluded that if residents of the site could be evacuated within 8 hours of the first flood alert warning, before flood levels are likely to prevent safe evacuation from the site for the residents, then there would be no input required from the Council or emergency services, and the development need not give rise to an additional burden. (No comments have been received from the Council’s Emergency Planner on this application). The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent, subject to managing the risk to occupants of the site through the use of very prescriptive conditions to reduce the risk and secure a site specific evacuation plan.

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

It is accepted that the granting of permanent pitches would pass the Sequential Test, as there are currently no reasonably available alternative sites at lesser risk of flooding. The NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from assessment under the Exception Test and the NPPF makes it clear that both elements must be passed for development to be permitted. Paragraph 164 of the NPPF states, “To pass the exception test, it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

Whilst it is considered that sustainability benefits to the community could be met in this case, the proposal would fail part b, as confirmed by the comments received from the Environment Agency.

The agent continues to rely on Flood Risk Assessments that were submitted in support of the 2012 application. Both FRA’s submitted were considered inadequate during the Inquiry process and do not address the Exception Test or the technical ability of the site itself to be safe for its proposed

use and demonstrate that it would not increase flooding elsewhere, but instead relies wholly on the requirement to evacuate the site on receipt of a Flood Alert warning from the Environment Agency prior to a flood event occurring. As such, the Environment Agency continue to object to the proposed development on the basis of the failure to pass the Exception Test.

The EA have commented previously on the appeal decision at Datchet, where the same decision was submitted in support of another application, and stated:-

“Horton Road, Datchet

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

Comparison with application 12/00562/FUL at Tolney Lane

Application 12/00562/FUL (or 18/01443/FUL) at Tolney Lane has never been accompanied by an adequate Flood Risk Assessment, as quoted above in the Inspector’s appeal decision, so no mitigation measures were proposed. The EA has responded with a policy objection for the same reasons as they did at the Horton Road site; a policy objection because of the PPG/NPPF. At the Horton Road appeal, the Inspector went against this policy and approved the proposal based on the ‘very special circumstances’ of that case (being located in Green Belt) where both local and national policy allowed for inappropriate development to be permitted where the very special circumstances justification is made. The Inspector concluded that when account was taken of all the material considerations in favour of the development, they considered them to clearly outweigh the harms identified, thereby amounting to the very special circumstances in that case. This site is not within the Green Belt and therefore ‘very special circumstances’ do not apply in this case.

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

On this site, no adequate FRA has ever been produced to demonstrate what height the caravans’ finished floor levels will be compared to the flood levels, no evidence has been produced to show if there is a safe refuge on site above flood levels and no details of any floodplain compensation schemes have been submitted. In fact, the requirements set out under Conditions 5 (to removed solid boundary walls on the site and replace with post and rail fencing) and 6 (to lower the ground levels on Plot 8 to their original levels) set out by the Inspector for flood mitigation have not been complied with since their imposition in 2014. It is therefore not possible to put aside the in principle policy objection on flood risk grounds because no other acceptable forms of mitigation

can be provided in this case to demonstrate that the occupants of the site would be safe from flooding, nor that flood risk would not be increased elsewhere. Looking at the flood levels in the Tolney Lane area, the EA suspect that flood levels are higher than those at Horton Road, although they don't have any figures for Horton Road to compare.

As such, the submitted appeal decision at Datchet can be given little weight in the consideration of this application, as the weight to be given to different material planning considerations will differ on different sites and the flood risk issues in particular are clearly materially different and cannot be compared, in any event.

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

Flood risk therefore continues to weigh significantly against the proposal for a permanent permission and this is considered further within the Conclusion and Planning Balance set out below.

Other Matters

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

Conclusion and Planning Balance

Both the extent of future pitch requirements identified by the GTAA and level of shortfall towards a five year land supply are acknowledged, and weigh heavily in favour of granting permanent consent.

Crucially, however, the purpose of the temporary consent was to allow time for the Authority to conclude production of its new GTAA, establishing the level of need, and to formulate a strategy towards site allocation to ensure that those needs can be met; whilst simultaneously allowing the immediate accommodation needs of the applicants to be met. The temporary consent does not expire until the 30th November 2021, and so there remains a limited level of time until this is reached. Production of the new GTAA has been concluded, and progress towards a detailed site allocation strategy has been made – to the extent that public consultation commenced this summer. Whilst it is too early in the process to afford meaningful weight to the emerging Amended Allocations & Development Management DPD, it sets out a clear position around what sites located on Tolney Lane will be potentially considered for allocation to meet their future needs, and how planning issues in the area will be managed in the future. This position is one which would not support the allocation of land that is within functional floodplain or unless flood risk is reduced via provision of flood resilient access to Great North Road. Green Park's location within functional floodplain would be unaffected by provision of road improvements.

Flood risk, therefore represents a significant material consideration against the granting of a permanent consent, and one which is not considered to have the potential to outweigh matters of

supply; particularly given the potential risk to people and property within the functional floodplain.

In allowing the appeal decision at this site (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weighed positively including significant unmet need, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. This decision was reflected in the previous granting of a temporary permission for 3 years on the previous approval granted on this site. It is concluded therefore that there has been little material change to planning considerations since that decision was reached.

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

Notwithstanding the failure to pass the second part of the Exception Test, there is the precedent where previous permissions have accepted application of a temporary mitigation strategy - and so there can be no issue with this being repeated on this site in November when the current temporary permission expires. Progress towards the identification of land elsewhere in and around the Newark Urban Area is being made through the Plan Review, and will provide an option for the occupants to meet their accommodation needs in a location at lesser flood risk. The current timetable anticipates Examination of the Submission Amended Allocations & Development Management DPD will occur in June 2022, receipt of the final Inspector's report in December 2022 and Adoption of the DPD in February 2023. As such, an extension of the existing temporary permission for a further two years on this site ~~may be~~ **is** considered appropriate ~~in assessing any renewal of the temporary consent later this year.~~

However, it remains the case that the granting of a permanent permission cannot be supported, **however it would be appropriate to grant permission on a temporary basis to enable the Council to assess site allocations for gypsy/travellers, which the applicant has agreed to.**

RECOMMENDATION

That planning permission is approved subject to the following conditions:

01

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

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones

- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 November 2023, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 November 2023, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 7 hereof.

Reason:

In the recognition of the current need for gypsy and traveller sites within the District and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Amended Core Strategy (March 2019).

02

No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which none shall be a static caravan, shall be stationed on the site at any time.

Reason:

In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

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

Reason:

In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

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

Reason:

In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

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

Reason:

In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

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

Reason:

In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

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

Reason:

In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

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

- (i) Within 28 days of the date of this permission, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency that they have done so;
- (ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second anniversary of the date of this permission; and (b) any written request from the local planning authority for such confirmation;
- (iii) Each of the residents shall notify the Local Planning Authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second anniversary of the date of this permission; and (c) any written request from the local planning authority for such details;

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

Reason:

In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

Notes to Applicant

01

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

Background Papers

Application case file.

Link to Committee Report for application 18/01443/FUL –

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/461DBB74E8E93E1ECADF1FB2362BD61C/pdf/18_01443_FUL-COMMITTEE_REPORT-925151.pdf

Link to appeal decision from Horton Road, Datchet -

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/FF1957075D103CBBADBA7C6A5EC5E615/pdf/21_00891_S73-COPY_OF_APPEAL_DECISION_FROM_DATCHET-1221221.pdf

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

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

Lisa Hughes

Business Manager – Planning Development



Application No:	21/01503/RMAM
Proposal:	Erection of 136 No. dwellings
Location	Former Noble Foods Ltd, The Moor, Bilsthorpe
Applicant:	Harron Homes And Walrus Real Estate Ltd
Registered:	12.07.2021 Target Date: 11.10.2021
	Extension of Time Agreed Until 05.11.2021
Website Link:	21/01503/RMAM Erection of 136 No. dwellings Former Noble Foods Ltd The Moor Bilsthorpe (newark-sherwooddc.gov.uk)

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

The Site

The site comprises an area of approximately 5.46 hectares which is fairly irregular in shape. It is currently empty and consists of areas of hardstanding and grass with some mounds of rubble in relation to the previously demolished factory buildings which once occupied the site. There are areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway.

The site is on the south eastern edge of the village of Bilsthorpe. The site is located within the built up area as defined by the village envelope. The village envelope was extended to include the site upon adoption of the Allocations & Development Management Plan (2013). As a consequence the site forms part of a site allocation on the Bilsthorpe Proposals map with another allocation site immediately to the south (Bi/Ho/1).

There is one existing access point from the south via Kirklington Road. The site is bordered by agricultural fields to the east and north. To the west are residential dwellings and the residential area of Bilsthorpe Moor. To the south eastern site boundary is a now vacant care facility known as Wycar Ley. Further to the east, approximately 350m in distance is a large factory and commercial site.

The site is within Flood Zone 1 in its entirety. The site falls within the buffer zone for the potential Special Protection Area for Nightjar and Woodlark in the Sherwood Forest area.

Relevant Planning History

Outline planning permission was granted on 1st May 2020 for the residential development of the site for up to 136 dwellings (**18/00931/OUTM**). The application was determined by Planning

Committee on 4th June 2019 with an Officer recommendation of approval. Following the submission of a viability case, the applicant offered the provision of 10% on site affordable housing. However, Committee Members (in line with Parish Council discussions) opted to forego the affordable housing in preference for monetary contributions as outlined below.

The permission was subject to numerous conditions as well as an associated legal agreement (dated 30th April 2020) which secured the following:

- Bus stop contribution to be used towards existing bus stop provision within the vicinity of the site - **£17,000**;
- Community Facilities contributions towards community halls, village halls and indoor areas for sport - **£188,253,52**;
- Children and Young people space – not less than **575m²** to be provided on site;
- Education contribution to accommodate additional primary pupils - **£332,195,29**;
- Libraries Contribution for library stock - **£6,062**;
- Open space contribution to be used towards the provision of outdoor sports or recreation - **£100,329.92**;
- Public Open Space – not less than **1,872m²** to be provided on site;

There is more historic planning applications relating to the site but these are no longer considered relevant in the context of the extant outline permission.

The Proposal

The proposal has been amended during its lifetime as discussed in the relevant sections of the appraisal below. An additional round of consultation has been undertaken on the basis of the revised scheme received 22nd September 2021. The proposal as revised seeks reserved matters approval for the detailed design of 136 dwellings divided into the following mix:

No. of Bedrooms	No. of Storeys	No. of Units
2	1	6
2	2	12
3	2	36
4	2	73
5	2	9
Total		136

The scheme would be delivered through 17 different house types. The 6 bungalows were originally presented as affordable provision in lieu of financial contributions albeit as discussed in the appraisal below this is not what was secured through the outline application and therefore the applicant has confirmed through the revised scheme that these will now form market housing in line with the requirements of the Outline legal agreement.

As is presented through the submitted Design and Access Statement, the dwellings would include detailing such as projecting gables; varied ridge lines; bay windows and covered porches as examples. Materials include red brick and render brick course at the ridge of projecting gables; stone cills and soldier brick heads and a brick plinth feature on the larger properties.

The development would include three main separate areas of public open space. The largest

would be broadly central within the site albeit slightly towards the western end at the end of the main access road. This would include an area for junior play. Another area of public open space would be towards the eastern boundary of the site which includes a drainage tank (underground). Finally there would be a small area with space for infant play towards the south east corner of the site. A landscaped buffer is demonstrated along the eastern boundary of the site.

The application has been considered on the basis of the following plans and documents:

- Location Plan Dwg.No. 556-003;
- Proposed Site Layout, Dwg.No. 556-001 E;
- Materials Plan, Dwg.No. 556-005 A;
- Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A;
- Tree Retention and Removal Plan, Dwg.No. 556-008_Rev C;
- Site Sections, Dwg.No. 556-009;
- Coloured Site Layout, Dwg.No. 556-020;
- Visualisation, Dwg.No. 556-021;
- Sales Area Signage and Access, Dwg.No. 556-201 A;
- Topographical Survey, Dwg.No. 556-501_Rev B;
- Landscape Masterplan Dwg.No. DR-5224-01.02;
- Edlingham Buff Brick (Floor Plans), Dwg.No. PD.04.03;
- Edlingham Buff Brick (Elevations), Dwg.No. PD.04.04;
- Harrington Red Brick, Dwg.No. PD.09.01;
- Porchester Red Brick, (Floor Plans). Dwg.No. PD.10.01;
- Porchester Red Brick, (Elevations). Dwg.No. PD.10.02;
- Bamburgh Red Brick, Dwg.No. PD.100.01;
- Hadleigh Buff Brick, Dwg.No. PD.101.02;
- Salcombe V1 Buff Brick, (Floor Plans) Dwg.No. PD.14.03;
- Salcombe V1 Buff Brick, (Elevations) Dwg.No. PD.14.04;
- Sutton Red Brick, Dwg.No. PD.151.01;
- Settle V1 Buff Brick, (Floor Plans) Dwg.No. PD.53.03;
- Settle V1 Buff Brick, (Elevations) Dwg.No. PD.53.04;
- Windsor Red Brick, Dwg.No. PD.55.01;
- Alderton Red Brick, Dwg.No. PD.70.01;
- Thorpe Red Brick Dwg No. 556.TP.01;
- Hambleton Red Brick Dwg No. 556.HM.01;
- Nidderdale Red Brick, Dwg.No. PD.54.01;
- Settle V0 Red Brick (Floor Plans) Dwg No. PD.56.01;
- Settle V0 Red Brick (Elevations) Dwg No. PD.56.02;
- Shelford Red Brick (Floor Plans) Dwg No. 556.SF.01;
- Shelford Red Brick (Elevations) Dwg No. 556.SF.02;
- Salcombe V0 Red Brick (Floor Plans) Dwg No. PD.06.01;
- Salcombe V0 Red Brick (Elevations) Dwg No. PD.06.02;
- Banbury Red Brick (Floor Plans) Dwg No. 556.BN.01;
- Banbury Red Brick (Elevations) Dwg No. 556.BN.02;
- Double Garage Buff Brick, Dwg.No. PD.G1.02;
- Design and Access Statement, Carter Jonas (March 2021);
- Planning Statement, Carter Jonas (April 2021);

- Phase I and II Site Assessment Report and gas monitoring letter: Geo-matters Consulting Engineers (February 2021);
- Preliminary Ecological Appraisal Report: Brooks Ecological (Feb 2021);
- Flood Risk Assessment, Fortem (April 2021);
- Archaeological Evaluation WSI: PCAS (January 2021);
- Tree survey: Brooks Ecological (February 2021);
- Tree Protection Plan and Arboricultural Method Statement for protection of significant existing trees and hedgerows: Brooks Ecological (March 2021);
- Housing Need Assessment (April 2021), DLP;
- Envance report on great crested newts dated 01/09/2021;
- Bat Activity Survey: Brooks Ecological – ER-5224-02 dated 08/10/2021;
- Stopping Up Plan Dwg No. 556-010 C;
- Amended Parking Schedule for 556-001 D;
- Planting Specification Dwg No. DR-5224-02.02 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.01 – Layout 1 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D
- Detailed Planting Plan Dwg No. DR-5224-02.03 – Layout 3 Rev. D;
- Archaeological Evaluation Report by PCAS Archaeology dated October 2021.

Departure/Public Advertisement Procedure

Occupiers of 101 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. As above there was an additional round of re-consultation on the basis of the revised plans received during the life of the application.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 – Spatial Distribution of Growth
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 – Sustainable Transport
 Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

Allocations & Development Management DPD

Policy Bi/Ho/2 – Bilsthorpe – Housing Site 2
 Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 Policy DM2 – Development on Allocated Sites
 Policy DM3 – Development Contributions and Planning Obligations

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

Other Material Planning Considerations

National Planning Policy Framework 2021;
Planning Practice Guidance;
Developer Contributions SPD;
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021;
National Design Guide – Planning practice guidance for beautiful, enduring and successful places;
Homes England – Building for a Healthy Life.

Consultations

Bilsthorpe Parish Council – *(received 16th August 2021, no comments received in relation to the revised plans to date).*

Object to the proposal. Insufficient village infrastructure, services and insufficient S106 agreement values.

The impact of the Noble foods development on Bilsthorpe would affect the local primary care service, local education services and activities within the village.

An increase in travel would see more cars using the road network within the village with parking in key areas concerning and the junctions to very busy main roads difficult to negotiate.

The 106 contribution from the developers is focused on the provision of affordable bungalows of which the parish council feels is adequately provided for already and the contributions should be supportive of the increased health, education and social needs that this development will inevitably bring to Bilsthorpe.

NCC Planning Policy – No comments received.

NCC Highways Authority – *Revised comments received 18th October 2021:*

Subsequent to our previous observations, the applicant has been working with the Highway Authority to resolve issues.

Now content that the layout is generally acceptable, including the stopping up of highway which falls outside of the visibility splay for the access with Kirklington Road.

However, the details shown on the Planting Plan Layout 2 indicate that ornamental planting is proposed within the visibility splay adjacent to Plot 122. This land should form part of the maintenance agreement for the public open space and be kept clear of obstruction. Ornamental planting is likely to impede this and we will therefore require a condition to ensure that this drawing is amended to specify planting below 600mm or grass surfaced.

Accordingly, no objections subject to conditions and informatives.

NCC Flood – No objection subject to condition.

NCC Ecology – No comments received.

NSDC Tree Officer - Latest comments on amended scheme confirming soft landscaping details are now acceptable.

Natural England – No comments specific to this application.

Nottinghamshire Wildlife Trust - No comments received.

Archeology – Latest comments recommend approval of the evaluation report and discharge of any outstanding conditions relating to archaeology, subject to deposition of the site archive and dissemination of the report to the Notts HER and Archaeology Data Service (OASIS) as detailed in the WSI.

NSDC Parks and Amenities – No comments received.

NSDC Strategic Housing – No comments received.

NSDC Conservation - Overall, the proposed development would not cause any further harm to the setting or significance of these designated heritage assets.

CCG – Request for contribution towards costs of primary health care provision.

Environmental Health (contaminated land) – Concur with the findings of the submitted reports and recommend that full phased contamination condition is applied.

Environmental Health (noise) – No objections subject to conditions for a construction management plan.

Environment Agency – No objection.

Severn Trent – No comments received.

Cadent Gas - No comments received.

Representations were received from 15 local residents/interested parties in relation to the original plans, all of which form objections, which can be summarised as follows:

Principle of Development

- The village does not have the infrastructure to cope with another 136 houses;
- Comments from the outline should be duplicated to this application;
- The outline comments were made before the other major housing schemes in the village came forward and are therefore out of date;
- Loss of green belt land;
- The number of houses should be reduced;
- Unsure as to why a development of this size is required;

- Residents should be the primary focal point when assessing planning permission, not the developer's needs;
- The village has already substantially changed in recent years;

Impact on Character

- The layout and density is not in keeping with the older half of Bilsthorpe;
- The development would dwarf the existing developments;
- The density is not based on the need and alignment to the village requirements;
- The design is not in line with sustainability requirements such as solar powered homes;
- Bungalows should be on the roadside instead of two storey houses;
- The development would be more like a city estate than a village;
- Less dwellings with bigger gardens should be proposed;
- Bilsthorpe sits in a very picturesque green area of Nottinghamshire;

Impact on Amenity

- There will be significant noise; pollution and disturbance;
- Construction hours should be controlled;
- The houses will impose on privacy of existing houses, namely 1 Meadow Close – conservatory; en-suite and garden;
- A tall evergreen tree line should be retained between the new houses and the existing properties;
- In support of bungalows in the place they are positioned;

Impact on Environment

- A number of substantial conifers would be removed;
- Trees in neighbouring properties are due to be trimmed back but no permission has been sought from landowners;
- The conifers support wildlife; birds and bats;
- Wildlife has settled over the time since the site has been vacant;
- There would be an impact on endangered and protected species;

Impact on Highways

- The small rural roads will have to cope with extra traffic;
- Concerns about additional traffic entering and leaving the village and measures proposed nearby the Kirklington Road / Farnsfield junction;
- There is no traffic report included within the application and no mention of the impact on the road infrastructure;
- There are already 120 homes being built at Crompton Park and 103 at Mickledale Lane;
- There would be a massive impact on congestion in the village;
- The site should include a roundabout and pedestrian crossings;
- The footpath on Kirklington Road is not shown on any plans;
- There is an error in the design and access statement which says Kirklington Road is subject to a 40mph speed limit;

Impact on Infrastructure

- There is only 1 doctors;
- The chemist and post office have to share 1 small shop between them;
- The school only has so much capacity;
- The site does not have good access to existing facilities;
- Bus services are limited;
- There is no clothing store in the village as suggested so the level of research for the application is flawed;
- The drainage system has suffered problems in recent years;
- Bilsthorpe is renowned for localized electric cuts / failures;
- The police station serving Bilsthorpe is in Ollerton and the fire services are 5 miles away;
- It is unclear how soakaways would be incorporated into the boundary lines;
- Lack of leisure facilities in the village for children;
- Significant areas in Bilsthorpe are under flood risk and the development would exacerbate this;

Other Matters

- Articles suggest Harron Homes do not build quality homes;
- Would be good to understand the contamination present prior to any work being undertaken;
- The green space improvement plan for the Council concludes there is not enough green spaces in Bilsthorpe – green spaces should be made available for the wellbeing of residents.

Following the round of re-consultation, an additional 5 letters of representation were received raising the following new comments (the representations largely repeated the original summarized comments):

- Frustrated that the amendments do not reduce the volume of housing;
- The letter refers to informal agreement with the planners so what is the point of consultation;
- Driveways for Plots 134-136 will be opposite the junction with Meadow Grove with no space for visitors to park;
- Can't see comments from highways where safety issue has been analyzed and assessed;

Comments of the Business Manager

Preliminary / Procedural Matters

The site layout plan demonstrates that the title deeds for the applicant do not match the red line site location plan which was approved at outline application stage. Essentially what this means is that the applicant owns land in addition to the application site, the largest area being to the east of the proposed site entrance (adjacent to Plots 1 and 11 on the proposed plans). No development has been proposed in these areas as this would be outside of the scope of a reserved matters submission where the site location plan must match that approved at outline.

It also appears that parts of the application site are not within the control of the applicant. Again, no development has been shown in these areas (namely a small portion of land to the south of the

area of open space at the east of the site but also the very north eastern corner of the site). For the avoidance of doubt, the application has been correctly submitted in that the red line site location plan matches that which was approved at outline stage.

The original application was presented on the basis that the proposal would include 6 affordable bungalow units in lieu of financial contributions which were secured through the outline permission (on the basis of the applicant's submission that the discount paid to a registered provider on six affordable bungalows equates to a similar amount to the sum currently within the S106). As per the planning history above, the outcome of the Outline application and its associated legal agreement was a direct intervention by Planning Committee Members (in line with the Parish Council intentions). The Committee decision was on 30th April 2020 and there is nothing to suggest that Member's position has changed in the interim, in fact to the contrary, the Parish Council comments make it clear that they would wish for the scheme to be delivered in line with the Outline application's legal agreement.

The original reserved matters application submission stated that should the bungalows be for market sale, the applicant would seek to agree a 'plot-substitution' clause in the legal agreement which would effectively allow the applicant to substitute a bungalow with a house if the bungalow had previously failed to sell at a reasonable price and within a set timeframe. However Officers have confirmed that this would not be appropriate through the reserved matters process as clearly it would have implications to other material planning considerations such as amenity and parking provision.

The application has not been accompanied by a drafted deed of variation or an updated viability position and thus the legal agreement secured at Outline stage would still be relevant to the development of the site should the reserved matters submission be acceptable.

There is a suggestion from the latest round of consultation by an interested party that Officers have already agreed that the scheme is acceptable and therefore consultation is redundant. Whilst there have been ongoing discussions during the life of the application as is normal practice and recognised within the National Planning Policy Framework, a decision will not be made until Planning Committee have considered and debated the application.

Principle of Development

The principle of the development has been set by the Outline permission which remains extant until 1st May 2023. Notwithstanding the extant permission, the site is allocated for residential development in the Allocations and Development Management DPD which is up to date for decision making. The approval of other housing schemes in the village since the Outline approval is not material to this application and does not render the housing delivery which this site would provide unnecessary. Those applications were considered in light of the Outline permission having been granted. Paragraph 74 of the NPPF (2021) is clear that local planning authorities should identify a supply of specific deliverable sites sufficient to meet housing needs. The delivery of this site would make a meaningful contribution towards the Districts housing supply which weighs positively in the overall planning balance.

Housing Mix and Type

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing

types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies at the time and the housing market at the time of delivery.

The maximum quantum of dwellings has been set by the Outline approval which considered a developable area of 4.6 hectares equating to a residential density of almost 30 (29.6) dwellings per hectare. This was accepted in principle and it is not considered necessary to further discuss the site density at reserved matters stage.

The Council, as a strategic housing authority has a statutory duty to undertake regular assessments of housing need. The Assessment is used by Local Planning Authorities to assess the size, type and tenure of housing needed for different groups in the community.

In 2020, the Council undertook a Housing Needs Assessment comprising a household survey based upon a random sample of 13,266 households and also a review of relevant secondary data as well as obtaining views and information from a wide range of stakeholders.

Bilsthorpe falls within the Sherwood sub-area for the District. The overall housing mix required, as shown by the 2020 data is as follows:

Type	Overall Mix Required %
1 to 2 bedroom house	15.5
3 bedroom house	20.2
4 or more bedroom house	35.8
2 or more bedroom flat	1.2
2 bedroom bungalow	14.4
3 or more bedroom bungalow	12.9

When compared to the District as a whole, there is a greater need for 4 or more bedroom family housing. Notwithstanding that the Outline approval did not secure any affordable housing, the need for affordable rented homes is as follows:

Type	Affordable Rented Homes Needed %
1 to 2 bedroom house	23
3 bedroom house	9
1 bedroom flat	3
1 bedroom bungalow	5
2 bedroom bungalow	10
3 or more bedroom bungalow	4

The table below repeats the overall housing mix requirements for the sub area but with additional columns to show the percentages for the proposed development as originally proposed and then as revised.

Type	Overall Mix Required %	Proposed Development (Original Scheme) %	Proposed Development (Revised Scheme) %
1 to 2 bedroom house	15.5	8.8	8.8
3 bedroom house	20.2	25	26.5
4 or more bedroom house	35.8	61.8	60.3
2 or more bedroom flat	1.2	0	0
2 bedroom bungalow	14.4	4.4	4.4
3 or more bedroom bungalow	12.9	0	0

The ‘ranking’ of the percentages would align with that shown in the recent housing needs evidence (i.e. the greatest delivery would be four or more bed houses, followed by three bed houses). However, the clear discrepancy is the significant skew to larger 4 or 5 bed units which as a consequence leaves the overall bungalow provisions at 4.4% rather than what would combine to a 27.3% need (for both 2 and 3 beds) from the survey.

Matters of housing mix were subject to discussion at pre-application stages and as a consequence the application submission has been accompanied by a Housing Mix Report prepared by DLP Planning. This document includes a review of the 2020 Housing Needs Assessment but also seeks to analyse any other relevant information regarding housing mix and housing delivery in the Sherwood Sub-Area and Bilsthorpe. The document draws attention to paragraphs 2.6 and 2.7 of the Council’s Housing Needs Assessment which confirms that 17% of the District housing stock is bungalows, whereas 26.5% of the housing stock in the Sherwood sub-area is bungalows. A case is also made that meeting the needs of older persons goes beyond bungalow provision (a point which is not disputed).

The document analyses dwelling commitments in Bilsthorpe specifically concluding that four bed dwellings make up 15% of total committed developments (thereby falling short of the 35.8% requirements from the housing needs data). It goes on to state:

6.15 With respect to provision of bungalows, whilst only 3% of existing dwelling commitments in Bilsthorpe Parish are for bungalows, when factoring in the recent 30 total completions for Bilsthorpe, the total percentage of bungalows increases to just under 9% (16 bungalows from 181 dwellings).

It is material that since the Outline approval (and indeed since the pre-application discussions), the authority has debated matters of housing need in Bilsthorpe in a public inquiry forum. Through the Planning Inspectorate, planning permission has been granted for 85 dwellings at the other end of the village (off Eakring Road) under planning reference 20/00873/FULM. The Inspector’s decision

makes the following comments on housing mix and whether it will meet the housing needs in the area:

45. The study also identifies a need for 2 and 3 bedroom bungalows to meet the needs of older people and those with disabilities. To a lesser extent there is also a need for one and 2 bedroom flats. There are no bungalows or flats proposed as part of the scheme. Nevertheless, the Council's Housing Need witness identified that the district is well served by bungalows and I am cognisant of the fact that bungalows do not represent the only means of providing for an ageing population and bungalows are not the only means of ensuring a dwelling is adaptable for disabled needs. The Council's Planning witness confirmed that there is no policy requiring bungalows to be occupied by older people and I was not directed to a policy requiring a specific percentage of new homes to be built to accessibility standards, irrespective of the recommendation for such a policy inclusion in the HNA.

46. At the Inquiry the Council acknowledged that every site cannot meet every need. I am satisfied that the housing mix proposed would make a positive contribution in meeting a housing need for which there is significant demand in the area and therefore would fulfil expectations made in allocating the site.

There are two ways to look at the above paragraphs. The first, is that the Inspector's assessment would be directly applicable to the current application (with the exception that this scheme does include 6 bungalows). The second, is that in approving this reserved matters proposal, there would be three extant planning permissions in Bilsthorpe totalling 341 dwellings where just 6 dwellings, i.e. 1.8%, would be bungalows. (The other extant permission being the 120 unit Gleeson scheme at Oldbridge Way which includes no bungalow provision – 20/00642/FULM).

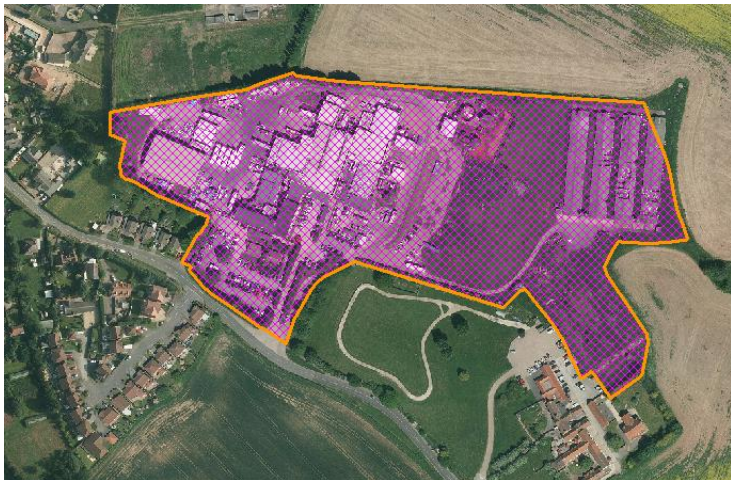
It is fully appreciated that an individual development, even when it's for as many as 136 units, could not be expected to deliver every type of housing but there are no other housing allocations in the village. Therefore any further bungalow provision would be entirely reliant on windfall applications.

Housing mix has again been subject to discussions during the life of the application and whilst the applicant has made marginal revisions (essentially 2 additional three beds and 4 additional five beds with 6 less four beds) the bungalow provision proposed remains at just 4.4%.

The applicant has put forward a well-structured and considered case and it is not disputed that recent housing completions in the village have been skewed towards bungalows (presented as at least 45%) including a 7 unit scheme at Scholars Way and 6 units at Goodman Close. In fact, all recorded (Land Registry data) new build dwellings sold in Bilsthorpe in the past 5 years are bungalows. This is perhaps unsurprising given the status of the allocated sites (i.e. either in planning stages or recently acquired planning permission) but is still a notable statistic. Unfortunately as evidenced through the recent public inquiry, I do not consider that the housing needs data alone is enough to justify a refusal purely on the basis of a lack of bungalow provision. The lack of adherence to the recent 2020 housing needs data does however weigh negatively in the overall planning balance.

Landscape / Visual Impact including Trees

The site represents previously developed land once occupied by an industrial egg packing factory. Whilst the built form associated with this use has now been demolished, it is clear from aerial imagery (2013) that the site previously displayed very different visual characteristics:



The extant Outline approval has accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to both the previous land use of the site but more importantly the site as existing which is primarily overgrown, low lying shrubbery.

The site is unusual in that it was not allocated as a whole in the Development Management and Allocations DPD, but rather a combination of a site with planning permission and a residential allocation for around 55 dwellings. Nevertheless, the design guidance in the specific allocation (Policy BI/HO/2) is still considered relevant to the current assessment. In particular, the policy states that development on the site will be subject to an appropriate design which addresses the site's gateway location and manages the transition into the main built area. In this respect Officers agree with the stance of the design and access statement that the eastern boundary of the site is the most sensitive, given that it can be viewed on the approach to Bilsthorpe from the open countryside.

As per the layout indicated at Outline stage, the proposed site layout seeks to address the site allocation policy requirement through a wooded tree belt on the eastern boundary of the site. This native woodland belt buffer would be 5m in width albeit the original planting schedule submitted to accompany the application did not give details of specimens / heights to be planted. This has since been provided showing the species proposed but also that heights of planting would be up to 3.5m. The intention is for the buffer to be marked by a fence allowing wildlife benefits with gated access for maintenance from the adjacent open space.

Clearly the buffer would not entirely screen the development noting that the proposed houses would be visible above it. However, one of the main areas of public open space would also be adjacent to the eastern boundary which would limit the number of residential curtilages which share their boundaries with the open countryside. Visually, the wooded landscape with the roofs of the houses beyond would not be an uncommon expectation on approach to a village. Thus, subject to the trees within the wooded tree belt being planted in accordance with the planting specification submitted, the approach to the transitional arrangement between countryside and built form is considered to be acceptable.

As existing there are areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway. The application has been accompanied by a Tree Survey showing that the majority of the trees within the site are fast growing cypress trees, planted to screen and provide an ornamental landscape to the factory. A total of 29 individual trees and twenty groups of trees were surveyed. Of these, fifteen trees were identified as retention category 'B' and thirty-three trees/groups were identified as retention category 'C'. One category 'U' tree/stump was identified. There were no retention category 'A' trees identified.

A number of individual tree specimens are intended for removal albeit none of which are Category B. There are some crown lift works proposed to Category B trees but the vast majority of the higher quality specimens are not expected to be affected by the development. The loss of tree specimens would be balanced by proposed mitigation planting which includes individual specimens within plot frontages as well as specimen trees 'extra heavy standards' along the site entrance and frontage with Kirklington Road. This is welcomed in the context of paragraph 131 of the NPPF which acknowledges the contribution which trees make to the character and quality of urban environments and sets an expectation for new streets to be tree lined.

One of the neighbor representations received during the application made reference to the proposed works to 'T46' which is a Category C Ash tree positioned at the end of The Acorns (south west corner of the site). The Tree Survey details the need for a crown lift and crown reduction to the eastern side of the tree but also comments that the tree is located on neighbouring land. However, the revised plans showed that the tree would be reduced to a wildlife stump. This has been subject to discussions with the applicant and the Tree Officer and it has been confirmed that the tree is within the title boundary of the site and thus the Tree Survey is inaccurate in terms of ownership. It has been negotiated that the tree is suitable for retention and therefore the site / landscaping plan has been updated to reflect the works now proposed (rebalancing of the canopy and removal of deadwood).

The application has been assessed by the Council's appointed Tree Officer. Their original comments required further consideration for more native species (in the context of the proposed landscaping) and greater biodiversity but on the basis of the latest landscaping schedule the Tree Officer has agreed that the soft landscaping details proposed are acceptable.

Layout and Dwelling Design including Parking

Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The NPPF sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). The Design and Access Statement includes an assessment of the development against the 12 criteria of Building for Life 12 (the predecessor for BHL). The original 12 point structure and underlying principles within Building for Life 12 are at the heart of BHL. According to the applicant's assessment, the scheme would score a green light against all of the 12 criteria.

The following outlines an Officer assessment of the scheme against BHL.

Integrated Neighbourhoods

Natural connections

The site is at the south eastern edge of the village envelope and is not at present publically accessible. The only existing connection to the site is the now redundant vehicular access from

Kirklington Road along the southern boundary of the site. Given the size of the site, and that it is within the village envelope, the number of residential curtilages which the site adjoins is limited to just 10 in total. These are towards the south western corner of the site and predominately relate to boundaries shared with rear gardens. Plot 105 would however be adjacent to the end of a private access drive known as the Acorns. There is a slight missed opportunity in that the plot turns its back / side elevations on the private access drive but it is appreciated that there are land ownership issues which would prevent the vehicular access for the plot being through this connection.

Although the main point of connection along the southern boundary would be altered slightly, this is not fundamental and if anything would bring the access point marginally closer to the rest of the village. There is pedestrian footways from the access to the rest of the village.

There is an existing public right of way approximately 425m from the eastern boundary of the site but the intervening distance is agricultural land outside of the applicant's control and therefore there is no obvious solution to introduce connectivity to this path.

Given the positioning of the site at the edge of the village, it is considered that the proposal has done enough to demonstrate connectivity to the wider site context.

In terms of the connectivity within the site, it is notable that NCC Highways in their original consultation response noted the lack of connectivity within the site with the layout forming a series of cul-de-sacs (their comments made in the context of vehicle movements rather than pedestrian desire lines). I would concur that connectivity within the site on the original scheme was poor. Other than a footpath link through the main area of public open space, the proposal was predominantly a series of shared drives which lead to nowhere which would be frustrating to residents as pedestrians would be forced to follow the footpaths around the vehicular accesses which are often longer more convoluted routes (with the exception of the footpath through the public open space).

BHL specifically identifies that a 'red' development (based on a traffic light system) is likely to have single or limited points of access; have an extensive use of private drives and internal streets and paths that are not well connected or are indirect.

The applicant has sought to address connectivity through the revised scheme with the main change being a linkage in the road network at the north eastern corner of the site:



Original scheme

Revised scheme

It is accepted that anything other than a single point of access is unrealistic given the limited amount of the site which shares a boundary with Kirklington Road. The revised plans do show some improvements to overall connectivity and Officers accept that any further interventions are likely to affect the quantum of development which in turn would affect the overall viability and deliverability of the scheme.

Walking, cycling and public transport

In some respects this links back to the previous assessment that pedestrians and cyclists would be largely reliant on the pavements adjacent to the road network with the only notable shortcut being the path through the main area of public open space. There are however some pedestrian paths which cut across the verge on the wider bends on the main access road creating a slightly shorter route.

Kirklington road is subject to a 40mph speed limit, with the site frontage having a speed limit of 30mph, this limit will be extended to the eastern end of the site to improve safety and reduce vehicle speeds. A pedestrian refuge will be added into a priority junction with a ghost island to reduce the overall crossing width for Kirklington Road.

In terms of public transport, there is a bus stop located approximately 400m from the centre of the site on Kirklington Road and Farnsfield Road and the Section 106 which accompanied the Outline permission includes a contribution of £17,000 to be used towards existing bus stop provision within the vicinity of the property.

Facilities and services

The facilities and services which the development will provide have been dictated by the Outline approval in accordance with the triggers set by the Developer Contributions SPD. The Parish Council have an active engagement with the improvement of existing facilities and the money secured through this proposal will be valuable to both the proposed occupiers of the dwellings and the existing local community.

The site itself would be generously served by three distinct areas of open space which include areas for infant and junior play. The areas of open space are well overlooked by principle elevations which will create attractive and usable environments.

Homes for everyone

This category would link back to the above section on housing need. As above, it is still considered that the proposal could be improved if more bungalows were provided given the results of the recent housing needs data.

Distinctive Places

Making the most of what's there

Given the brownfield nature of the site, there aren't many features to take into account in the design of the scheme. The Design and Access Statement includes an opportunities and constraints plan which shows existing site circumstances have been considered. The site does benefit from being almost entirely surrounded by the open countryside and the houses at the edge of the development would have the knock on benefit that their rear gardens would overlook the countryside beyond (particularly notable in the context of the houses along the northern boundary which would have north facing rear gardens).

Another benefit is the placement of the majority of the proposed bungalows adjacent to the existing residential boundaries to create a sensitive transition in terms of building heights. The positioning of houses at the end of roads is also welcomed as these would be a more attractive desire line moving through the site (i.e. rather than gaps in the street scene or parking areas).

There are some direct contradictions with the aspirations of BHL however, for example the retention of existing hedgerows which appear to have been placed in rear garden boundaries (Plots 13 to 24). The applicant has responded specifically to this point contending that the only way to avoid this would be to front the hedge with a single sided carriageway which would be expensive and an inefficient use of the land. A hit and miss fence is proposed to enable the hedge to be retained but it would be reliant of individual plot owners not removing the hedge at a later date which would be difficult for the LPA to control.

A memorable character

The Design and Access Statement contends that the building forms, materials and elevational treatments have been designed to be appropriate to the local context. Nevertheless, the applicant is a national house builder and therefore as expected, the house designs are reliant on a standard product which in the case of Harron Homes are of a neo-Georgian style. Dwellings exhibit features such as projecting gables; varied ridge lines; bay windows and porches. Materials would vary throughout the site with the two main pallettes being red and buff bricks (heavy predominance of red brick).

The dispersed areas of open space throughout the site will assist in creating memorable features when users are navigating the wider development as too will the aforementioned positioning of houses at the end of the roads. This is a direct result of a design evolvement as this was not the case at pre-application stage.

Despite being a national house builder, the house types promoted do display visual intrigue. Landscaping is also offered as a primary source of character through the use of street trees. For a modern development of this nature, the character is considered to be memorable which is welcomed.

Well defined streets and spaces

Notwithstanding the overall skew to a car dominated scheme, the street scene will be defined by landscaping. On the whole, corner plots have been specifically designed to have a dual aspect with ground floor projecting gable windows on the side elevations. These will create active frontages which would be more welcoming for pedestrian movement.

Boundary plans have also been submitted which show a variety of boundary treatments including brick walls at more prominent positions (a benefit compared to having close boarded fences against the highway).

Easy to find your way around

As above, the revised scheme is improved in terms of overall connectivity reducing the number of cul-de-sacs. However, the Design and Access Statement discusses primary roads; secondary roads and private drives which would have varying highway specifications. There is also a distinction between design elements such as soft landscaping (e.g. secondary streets would have longer front gardens and private drives would be an open plan arrangement without hedges).

Streets for all

Healthy streets

As already identified, there are some factors of the street hierarchy which appear to have given consideration to pedestrians, (e.g. slight path shortcuts on bends to follow usual desire lines) but on the whole the streets have been designed with vehicles in mind. Although there are pavements on either side of the main access roads, there is nowhere in the street which would be inviting to stop and socialize (advocated as an example of a green scheme in BHL).

Benefits such as active frontages and street trees have already been identified as has the distinct areas of public open space throughout the site but the scheme is still not considered particularly exemplary in terms of healthy streets.

Cycle and car parking

Although the BHL document includes specific examples of what should be expected for cycle and parking provision, the Council has recently adopted an SPD on residential cycle and parking standards and therefore it is considered more relevant to assess the scheme against the provisions of this document. The relevance of this document was highlighted to the applicant at pre-application stages despite being in draft form at the time.

Despite a request at pre-application stages, the original application was not accompanied by a plot schedule demonstrating how many parking / cycle spaces had been allocated to each plot. The planning statement confirms that cycle parking would be within garages (and was therefore silent on plots without garages) but that electric vehicle charging facilities will be provided for all homes.

This was also raised through the original comments of NCC Highways. Other issues were identified including an under provision of spaces for 3 and 4 bed dwellings and parking spaces not meeting the required dimensions set by the SPD. Highways Officers also raised concern that there were a number of examples of disassociated parking but in Officer's view this is limited to 3 or 4 plots which is not unreasonable for a scheme of this size.

A parking schedule has now been provided based on the latest plans. This shows number and size of spaces against the size of the dwellings and also indicates whether or not there is conformity with both NCC and NSDC guidance. For the avoidance of doubt, the recently published SPD on parking standards requires the 2 bed units to have 2 spaces and the 3; 4 and 5 bed units to have 3 spaces. Spaces should be a minimum of 3m x 5.5m with an additional 0.3m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and 0.6m if bounded on both sides.

Overall the sizes of spaces are considered appropriate, there are some cases where they would fall slightly short of the SPD requirements (e.g. spaces in tandem are not 11m in length) but this is where there would be space for cars to overhang into curtilages (rather than public highway) if necessary and therefore this element isn't considered fundamentally detrimental. There are also cases of three spaces in tandem but this only affects 3 plots which for a scheme of this size is considered acceptable.

In terms of the number of spaces, 17 of the three bed units would only have 2 spaces rather than the required 3 spaces. In the majority of cases (10 out of 17) this affects plots which have a garage but due to the size of the garage it cannot be reasonably counted as a parking space (Alderton house type). For completeness there are 6 plots which would exceed the parking requirements providing 4 or 5 spaces.

With the exception of the spaces for plots 93-96 (which notably is not a through road), parking spaces are well separated with street frontage landscaping.

It has been confirmed during the life of the application that cycle provision for plots without garages would be reliant on occupiers erecting sheds etc. in their rear gardens on the basis that not all residents want sheds and some prefer to optimize the rear garden for leisure uses.

The applicant has taken on board issues with parking provision during the life of the application and the revised scheme represents an improvement in terms of size and number of spaces. The scheme still does not entirely conform with the advice within the SPD with the biggest discrepancy being that 17 of the 3 bed units would only have 2 spaces. However, it is accepted that for 10 of these plots at least, there would be ample garage space which would allow for cycle storage. In the absence of a formal objection from the highways authority it is difficult to see how these discrepancies would hold up a refusal in an appeal scenario.

Green and blue infrastructure

The submitted layout plan is not overly specific in terms of the function of the areas of open space with the exception of the landscape buffer along the eastern boundary of the site which is intended to have a dual function as a wildlife corridor. Whilst there would be the aforementioned natural surveillance of the public open space, the areas of open space are not particularly well connected in terms of providing a wildlife corridor or a connected and accessible route throughout the site. In some respects this is not considered fundamental to this specific scheme given the

open countryside which bounds the site would provide numerous habitats for wildlife but is still considered to be a missed opportunity of the overall design concept. The implications in terms of ecology are discussed further in the relevant section below.

Back of pavement, front of home

As identified above, there would be strong boundary treatments throughout the scheme which would assist in defining the areas of public and private space. Set back of dwellings from the highway are generous (largely due to them being adjacent to parking spaces so requiring some length) but this would at least increase the opportunity for social interaction. It is stated that all units will have access to their rear gardens enabling waste and recycling provisions to be located at the rear of properties.

There is undoubtedly a reliance on parking in front of dwellings rather than to the side but the spaces are at least broken up with areas of landscaping.

Overall, given the constraints of the site, and the viability of the scheme which was explored in full at outline stages, it is considered that the scheme as revised has reached an appropriate level of design. There are however undoubtedly still compromises which will need to be explored in the final planning balance below.

Impact on Highways Network

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The assessment of the Outline application included a detailed account of the impacts of the development on the wider highways network with the main access being approved. NCC Highways have made reference to the access not taking the full opportunity of visibility in terms of land ownership but as above this is due to the need for the red line site location plan to match the site location plan approved at outline stage.

The development would be served by a single point of access from Kirklington Road with a priority junction and ghost island proposed to protect right turning vehicles and provide a pedestrian refuge. The existing access will be stopped up.

NCC Highways original comments raised a range of other issues which were passed to the agent during the life of the application for review. Some of the issues relate to design factors which have already been identified above (e.g., lack of overall connectivity and inadequate parking provision). Discussions were undertaken with NCC prior to the formal re-submission of the amended plans in an attempt to overcome their original concerns.

The revised comments acknowledge that the applicant has resolved the vast majority of the original issues during the life of the application. The exception to this being an area of ornamental planting being shown on the landscaping plans within the visibility splay adjacent to Plot 122. As suggested a condition could be imposed requiring this element of the landscaping plan to be updated. Although Plot 122 is a corner plot, the area of planting is marginal in overall context of

the scheme and thus the loss to provide adequate visibility in highways safety terms is considered acceptable.

Subject to the above, and a number of other suggested conditions, NCC are content that the revised layout is acceptable. One of the suggested conditions relates to the access arrangements which were approved through the Outline permission however as discussed below, the conditions of the Outline permission will still stand and therefore the re-imposition of this condition is not necessary. On the basis of the revised plans submitted during the life of the application, the proposal is now compliant with Spatial Policy 7 in highways safety terms.

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. For a development of this size there will clearly be numerous amenity relationships which require careful assessment.

There are a number of existing residential curtilages which would be potentially affected by the development proposed. Notably to the SE where plots have helpfully been annotated on the submitted plans.

The intention for Plot 134 to broadly follow the building line established to the west is welcomed. Clearly the outlook from these existing plots (i.e. no. 117 to 125 Kirklington Road) would fundamentally change but their rear gardens are of a sufficient length to achieve sufficient distances with the proposed development (between 25 and 35m). Perhaps the most affected property would be no. 125 Kirklington Road given that their boundary will be shared with three residential curtilages. There are some existing trees along this boundary which as per the submitted tree survey would be retained (albeit trimmed back). Although the application has been accompanied by a boundary plan, the plan annotations at this point of the site state that the exact fencing height is to be confirmed as the existing exceeds 1.8m. In addition to this, there is an area to the side of Plot 105 which states that the exact positioning and height of the boundary will need to be confirmed following hedge trimming etc. This is not considered to be a fundamental issue and could be solved by a condition seeking the details prior to the occupation of the affected plots.

There are also properties immediately to the west of plots 104 and 105. Plot 105 would be one of the proposed bungalows but Plot 104 has been amended to a two storey dwelling in the revised scheme. The side elevation of Plot 104 would be approximately 17m away from the nearest neighbouring property to the west. Although there would be two first floor windows proposed on the side gable of this plot, these would both serve bathrooms and therefore it would be reasonable to condition that these windows are obscurely glazed. On this basis the positioning of a two storey dwelling on this plot is not considered to amount to overbearing or overlooking impacts which would warrant concern, particularly given that the main bulk of the dwelling would be at an oblique angle to the neighbouring property.

Moving then to assess the amenity provisions for the proposed occupiers, each dwelling has been afforded an area of private amenity space. As to be expected these vary in size throughout the site but would be sufficient to meet the size of the dwelling to which they would serve.

Back to back distances within the site are limited. Where they do exist, they are typically between 20m and 23m but no less than 20m. In terms of side to rear relationships these would be no less than 11m. These distances are on the cusp of acceptance to safeguard against overbearing and overlooking impacts but in the context of a new residential development of this nature (across a relatively level site) are considered to be acceptable. No justification has been identified for the removal of permitted development rights on any of the plots (other than the aforementioned window obscuring for plot 103).

Overall I have identified no specific amenity harm which would warrant resistance of the proposal against the relevant provisions of Policy DM5.

Impact on Ecology

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

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

As is discussed above, it is considered that the proposals have missed an opportunity to create an integrated ecological network within the site but it is too accepted that the site is mostly bounded by the open countryside and therefore this is not in itself a fundamental barrier to development (noting the brownfield nature of the site).

The application has been accompanied by a preliminary ecological appraisal based on a survey carried out in January 2021. This acknowledges that the vast majority of the site is occupied by crushed hard core arising from the previous demolition of buildings with pockets of grassland establishing in areas where thin soils have developed. At present the habitat lacks structural diversity and is dominated by willowherbs; thistles and other common course species. At the time of the survey, the site did however include a number of standing water bodies as well as scattered trees.

The ponds have arisen since the demolition of the buildings. The report specifically requires further eDNA analysis at the optimal time of year (suggested as April - May). This has been raised as an issue during the life of the application as it appears that the report was produced in February so it is not clear why these surveys were not commissioned.

A follow up letter has been received (dated 6th September 2021) which outlines an agreement with NCC Ecology team to submit an appraisal instead of specific eDNA surveys (due to the time of year which they are required being missed). The appraisal concludes with the following:

“Due to the absence of waterbodies likely to be used by GCN [Great Crested Newts] on the site, the limited value of terrestrial habitats and the lack of connectivity of the pond to other waterbodies within the wider landscape it is considered very unlikely that great crested newts will be present on site, however, precautionary working methods are recommended”

It is notable that the letter explains that the approach was agreed with NCC and therefore a consultation has been undertaken to corroborate this. Unfortunately despite numerous consultation requests, no comments have been forthcoming from NCC Ecology and therefore it falls to Officers to determine if the approach taken is appropriate. The addendum letter has been provided by a qualified ecologist and includes details of a site inspection of the previous waterbody referred to in the original ecological surveys. At the time of the survey in August the previous areas of standing water were dry and entirely vegetated with terrestrial / ruderal species. It is appreciated that the survey was not undertaken at the optimal time of the year but aerial photography from earlier in the year has also been assessed.

On the basis of the evidence presented the presence of great crested newts is considered low and therefore it is not considered reasonable or necessary to delay the decision to insist on further survey works even taking into account the 'precautionary principle'.

The site provides some potential foraging and commuting habitat which is likely to be used by local bat populations. However, the scale and nature of the site suggest local populations will not be reliant on the site. Nevertheless a single activity survey is recommended to gather baseline information and outline specific mitigation requirements. A bat activity report has been received (the survey having been done in Summer). This found that the site attracts low levels of foraging by a limited range of common bat species. Based on these findings and the proposed landscaping, it is considered that the proposed development is unlikely to significantly impact local bat populations. The report includes a number of recommendations which are already secured through the Outline consent.

Existing hedges; scrub and trees is identified as providing a potential habitat for birds but no further surveys are considered necessary provided standard precautions are applied. The report is silent on the presence of the site within the buffer zone for the possible Sherwood Forest's potential Special Protection Area (pSPA). However, this was addressed at Outline stage (concluding the impact on nightjar and woodlark is likely to be minimal and therefore an appropriate assessment was not necessary) and it is therefore not considered necessary to repeat this assessment at this stage given it is part of the same residential 'project'.

No harmful impacts / further surveys are recommended in terms of water voles; badgers; hedgehogs or reptiles subject to precautions being in place during development works. Condition 017 of the Outline permission requires compliance thus ensuring the duty in relation to any protected species is carried out.

Impact on Flood Risk and Drainage

The site is within Flood Zone 1 in its entirety according to the Environment Agency maps. The application has been accompanied by a site specific flood risk assessment owing to the site area. This document states that development surface run off is proposed to discharge to the unnamed open watercourse located on the eastern boundary of the site. It is proposed to pump the foul water flows from the development to the existing 150mm foul sewer located at the junction of Meadow Grove and Kirklington Road.

The drainage principles have been reviewed by NCC as the Lead Local Flood Authority. No objections have been raised albeit a condition has been requested to agree the precise details with the overall aim being to demonstrate that the development will use SuDS as a primary means

of surface water management. The Outline consent already has a condition relating to the means of surface water drainage and therefore to impose one to the reserved matters consent as well is considered unnecessary. However, there is more detail to the requirements in the wording of the condition suggested through this application and therefore for completeness, this wording could be added as an informative to assist in the discharge of the Outline condition.

Developer Contributions

The extant outline approval was accompanied by a Section 106 agreement. As above, this secured contributions towards

- Bus stop contribution to be used towards existing bus stop provision within the vicinity of the site - **£17,000**;
- Community Facilities contributions towards community halls, village halls and indoor areas for sport - **£188,253,52**;
- Children and Young people space – not less than **575m²** to be provided on site;
- Education contribution to accommodate additional primary pupils - **£332,195,29**;
- Libraries Contribution for library stock - **£6,062**;
- Open space contribution to be used towards the provision of outdoor sports or recreation - **£100,329.92**;
- Public Open Space – not less than **1,872m²** to be provided on site;

Space for children and young people would total the 575m² required (broken down into 250m² for infant play and 325m² for junior play). The remaining areas of public open space would far exceed the S106 requirements and therefore the provisions of the S106 would be met in land take terms.

Other Matters

Colleagues in Environmental Health have requested a construction management plan be conditioned which would be a reasonable request for a development of this nature.

No conditions have been discharged since the time of the outline approval (May 2020). For the avoidance of doubt the conditions attached on the Outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

Condition 1 – Time

The reserved matters application has been received within three years of the outline decision. In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.

Condition 2 – Details

The current submission includes details of all reserved matters thereby complying with this condition.

Condition 3 – Landscaping

The current submission includes landscaping details thereby complying with this condition.

Condition 4 – No more than 136 dwellings

The current submission is for 136 dwellings thereby complying with this condition.

Condition 5 – Existing and Proposed finished floor levels

Existing site levels are included with the current application submission however the finished floor levels of the proposed dwellings will need discharging at a later date.

Condition 6 - Surface water drainage

No specific details have been submitted regarding surface water drainage to date and therefore this condition will still need to be discharged prior to development commencing.

Condition 7 –Works during bird breeding season

This condition will require ongoing compliance.

Condition 8 – Highways works in accordance with plan

This condition will require compliance before the dwellings are occupied.

Condition 9 – Footway connection to bus stop

This condition will require compliance before the 50th dwelling is occupied.

Condition 10 – Roadway layout

The current submission includes roadway details thereby complying with this condition.

Condition 11 – Land Contamination

A contaminated land report has been submitted during the life of the application and has been subject to consultation with colleagues in Environmental Health. Whilst the findings are not disputed, the original condition remains of relevance and will still need to be formally discharged at a later date.

Condition 12 – Archeological work

A WSI has been submitted with the current application and reviewed by the Historic Environment Officer. The latest comments confirm that subject to deposition of the site archive and dissemination of the report to the Notts HER and Archaeology Data Service (OASIS) as detailed in the WSI the requirements of the archaeological condition have been met.

Condition 13 – Piling Risk Assessment

This condition will require ongoing compliance.

Condition 14 – Contamination of site (EA condition)

This condition will require discharging prior to development commencing.

Condition 15 – Site remediation (EA condition)

This condition will require discharging prior to occupation.

Condition 16 – Contamination not previously found (EA condition)

This condition will require ongoing compliance.

Condition 17 – Updated Ecology Survey

This has been submitted with the reserved matters application and therefore this condition has been complied with provided the precautionary measures are adhered to.

Condition 18 – Ecological Mitigation

This condition will require ongoing compliance.

Overall Balance and Conclusion

The site has an extant Outline permission to allow for the residential delivery of the site in line with the aspirations of the Development Plan.

The Outline scheme was subject to a viability case which continues to limit the scope of what can be brought forwards in developing the site (i.e. Officers suggestion to reduce the quantum of development / increase the number of smaller bed units has been discounted). The scheme has been revised during its lifetime to marginally improve the overall housing mix and connectivity of the scheme. Whilst there remain to be compromises in terms of bungalow provision, the applicant has presented a persuasive case taking into account housing delivery in the village. In the context of the recent appeal decision at the Eakring Road site, Officers do not consider that there is scope to refuse the application purely on the basis of housing mix.

The appraisal above identifies other deficiencies of the scheme including a number of the three bed units not being served by enough car parking spaces in line with the recently adopted SPD. However, the overall placement of parking spaces is welcomed and as discussed above, the majority of the affected three bed units would also have garages, which whilst discounted as a parking space would at least be able to cater for cycle storage.

Members approved the Outline scheme with no provision for affordable housing and therefore this is not open for debate. The associated Section 106 did however secure a number of other contributions which will ensure the scheme does not add extra burden to the services in the village.

The development will make a meaningful contribution to the housing delivery of the District and in the absence of any formal objections from statutory consultees, Officers have attached positive weight to the housing delivery of an allocated site and recommend reserved matters approval subject to the conditions outlined below.

RECOMMENDATION

That reserved matters approval is given subject to the conditions and reasons shown below:

Conditions

01

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

- Location Plan Dwg.No. 556-003;
- Proposed Site Layout, Dwg.No. 556-001 E;
- Materials Plan, Dwg.No. 556-005 A;
- Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A;
- Sales Area Signage and Access, Dwg.No. 556-201 A;

- Landscape Masterplan Dwg.No. DR-5224-01.02;
- Edlingham Buff Brick (Floor Plans), Dwg.No. PD.04.03;
- Edlingham Buff Brick (Elevations), Dwg.No. PD.04.04;
- Harrington Red Brick, Dwg.No. PD.09.01;
- Porchester Red Brick, (Floor Plans). Dwg.No. PD.10.01;
- Porchester Red Brick, (Elevations). Dwg.No. PD.10.02;
- Bamburgh Red Brick, Dwg.No. PD.100.01;
- Hadleigh Buff Brick, Dwg.No. PD.101.02;
- Salcombe V1 Buff Brick, (Floor Plans) Dwg.No. PD.14.03;
- Salcombe V1 Buff Brick, (Elevations) Dwg.No. PD.14.04;
- Sutton Red Brick, Dwg.No. PD.151.01;
- Settle V1 Buff Brick, (Floor Plans) Dwg.No. PD.53.03;
- Settle V1 Buff Brick, (Elevations) Dwg.No. PD.53.04;
- Windsor Red Brick, Dwg.No. PD.55.01;
- Alderton Red Brick, Dwg.No. PD.70.01;
- Thorpe Red Brick Dwg No. 556.TP.01;
- Hambleton Red Brick Dwg No. 556.HM.01;
- Nidderdale Red Brick, Dwg.No. PD.54.01;
- Settle V0 Red Brick (Floor Plans) Dwg No. PD.56.01;
- Settle V0 Red Brick (Elevations) Dwg No. PD.56.02;
- Shelford Red Brick (Floor Plans) Dwg No. 556.SF.01;
- Shelford Red Brick (Elevations) Dwg No. 556.SF.02;
- Salcombe V0 Red Brick (Floor Plans) Dwg No. PD.06.01;
- Salcombe V0 Red Brick (Elevations) Dwg No. PD.06.02;
- Banbury Red Brick (Floor Plans) Dwg No. 556.BN.01;
- Banbury Red Brick (Elevations) Dwg No. 556.BN.02;
- Double Garage Buff Brick, Dwg.No. PD.G1.02;

Reason: So as to define this permission.

02

The landscaping details shown on the following plan references:

- Detailed Planting Plan Dwg No. DR-5224-02.01 – Layout 1 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.03 – Layout 3 Rev. D;

shall be completed during the first planting season following the first occupation of the development and thereafter maintained in accordance with the details set out within the Planting Specification Dwg No. DR-5224-02.02 Rev. D with the exception of the ornamental planting area shown in the curtilage of Plot 122. 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.

Reason: To enhance and protect the landscape value and biodiversity of the site.

03

The area of ornamental planting shown on Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D within the curtilage of Plot 122 shall not exceed 600m in height.

Reason: To ensure that highways visibility is maintained.

04

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary, with suitable drainage to prevent the transfer of surface water. The drive shall then be maintained as such for the life of the development.

Reason: To reduce the possibility of deleterious material and surface water being transferred to the public highway, in the interests of general highway safety.

05

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, 6.1 metres for up and over doors or 6.5 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

06

Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction Environmental Management Plan shall include:

- i) Measures to minimize the creation and impact of noise, dust and artificial lighting including wheel washing facilities for construction traffic;
- ii) A layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
- iii) Details regarding parking provision for construction workers and plant on the site.
- iv) Hours of construction / delivery;
- v) A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity.

07

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.

Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

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

08

Prior to the occupation of each plot save for Plots 105, 106 and 109 the boundary details and electric vehicular charging point for that plot shall be implemented in full in accordance with the details shown on Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A.

Reason: In the interest of residential amenity and sustainability.

09

Prior to the occupation of Plots 105; 106 and 109, updated boundary details shall be submitted to and approved in writing by the Local Planning Authority. The boundaries and electric vehicular charging point for that plot shall thereafter be implemented in full in accordance with the approved details prior to the occupation of the specified plots.

Reason: In the interest of residential amenity and sustainability.

10

The first floor window openings on the western side elevation of Plot 104 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

Notes to Applicant

01

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

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

02

The approval should be read in conjunction with the outline permission and its associated S106 Agreement (Planning Obligation) which accompanies this permission.

03

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

04

The following comments from the Flood Team at Nottinghamshire County Council should be noted in discharging condition 06 of the outline consent:

The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

05

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

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new

building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.

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

Correspondence with the HA should be addressed to hdc.north@nottsc.gov.uk

06

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

07

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk

08

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.

BACKGROUND PAPERS

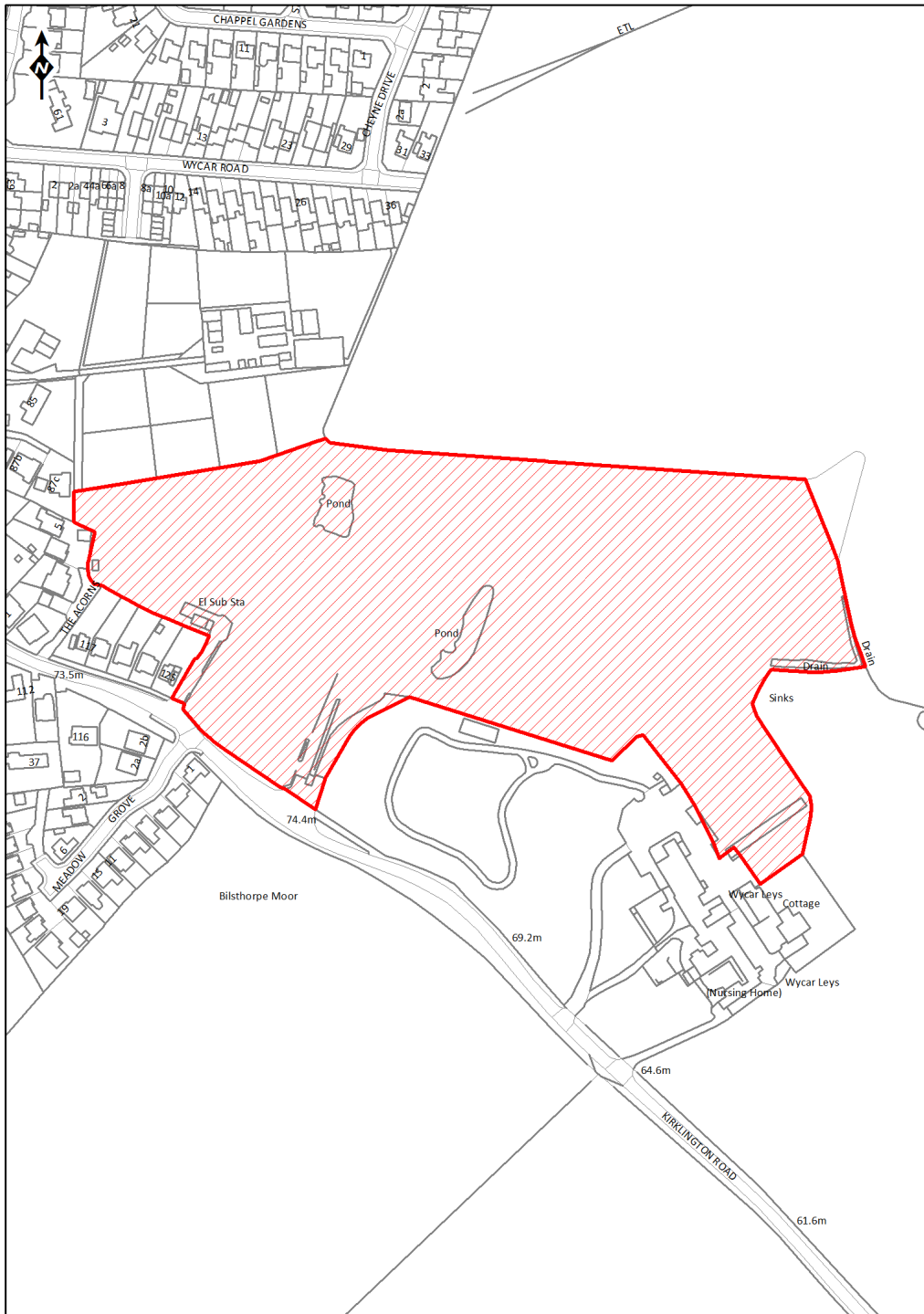
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/01503/RMAM



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PLANNING COMMITTEE – 2 NOVEMBER 2021

Application No:	21/01900/FUL	
Proposal:	Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works (retrospective)	
Location:	Land at Shannon Falls, Tolney Lane, Newark NG24 1DA	
Applicant:	S Price, Smith, Winter, Donaghue, A W Coverdale, Lowe, J Coverdale	
Agent:	Alison Dudley, Zenith Planning and Design	
Registered:	8 September 2021	Target Date: 3 November 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

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

The Site

The application site is situated west of the defined boundary of the Newark Urban Area, within the Rural Area as designated by the Newark and Sherwood Core Strategy and within the countryside. The site sits on the north side of Tolney Lane which runs in a westerly direction from the Great North Road and which terminates in a dead end. It sits close to the junction where Tolney Lane forks into two and the northern arm runs towards the railway line. It is located between the River Trent to the south-east (approx. 20 from the southern boundary of the site) and the railway line to the north-west.

The application site represents the eastern part of a wider site known locally as Shannon Falls which is located between the larger gypsy and traveller sites known as Church View to the east and Hoes Farm to the west. Shannon Falls has now been sub-divided into two larger western and eastern areas and a smaller site to the north-west. The western half of Shannon Falls has a temporary permission for 8 gypsy and traveller pitches, although the site is not formally set out as approved and it is not clear whether this permission has been implemented. The southernmost part of this western half of Shannon Falls appears to be being used as a small unauthorized haulage yard. The smaller north-western part of the Shannon Falls site was granted permission in 2018 for a permanent gypsy and traveller pitch which has been completed.

This application site measures 0.5 hectare in area and is roughly rectangular in shape. The application form describes the site as unused scrubland although it also confirms that works and the change of use commenced on 1 May 2021 and therefore the application is now retrospective as works continue to be undertaken on the site.

Lying both within Flood Zone 3a and 3b (functional floodplain), the site has a high probability of

fluvial flooding, according to Newark and Sherwood's Strategic Flood Risk Assessment. In addition, the adjacent section of Tolney Lane itself is the first area to flood and to significant depths. The submitted topographical survey shows the southern boundary of the site is the lowest part, with typical ground levels of 11.1m AOD. Ground levels on the northern boundary range from 11.6m AOD and 11.9m AOD.

The application site is outside the designated Newark Conservation Area but the boundary of this heritage asset runs along the southern side of Tolney Lane, opposite the site.

Historically, the site has been subjected to material being tipped onto the land to raise ground levels which occurred roughly in 2001. This has never been authorised in planning terms and continues to be the subject of an Enforcement Notice as set out in the history section below.

The site is surrounded on three sides by existing residential caravan sites occupied by gypsy and travellers and their existing boundary treatments. The southern boundary of the site is defined by the road. Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 300 pitches.

Relevant Planning History

Including the application site and adjacent land to the north and west:

E/1/1129 - Use of the land as a site for caravans, refused in 1959;

E/1/2531 - Construct a residential caravan site, refused in 1970;

02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate but on 25 May 2006, the appeals were dismissed and the enforcement notices upheld and still stand on the land.

Whilst the site had ceased being used as a caravan site in compliance with the Enforcement Notice (prior to these retrospective works and the temporary permission approved on the remainder of the Shannon Falls site in 2019), the unauthorised tipping however, remains on the land and artificially raises ground levels.

On land directly to the north-west but excluding the application site:

15/01770/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building, refused by Planning Committee in May 2016 on the grounds of flood risk.

17/02087/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site consisting of one mobile home, one amenity building and two touring caravans and associated works, approved on a permanent basis by Planning Committee in June 2018. Permission has been implemented.

On land directly to the west but excluding the application site:

12/01088/FUL - Change of Use of scrub land for the siting of 8 static mobile homes for gypsy travellers (and 8 associated amenity blocks). Planning permission was refused by Planning Committee in July 2013 on grounds of flood risk.

16/01884/FUL - Change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5mAOD was refused by Planning Committee on 25 January 2017 on grounds of flood risk.

This decision went to appeal and within their appeal submission, additional information was provided which gave greater clarity on the gypsy and traveller status of the proposed occupiers. Having received this additional material information, the proposal was again reported to the Planning Committee in February 2018 when Members resolved that if this further information had been submitted with the original application submission, they would have resolved to grant a temporary permission for 3 years which would have been personal to the occupiers and subject to other conditions relating to flood risk mitigation. This was duly reported to the Planning Inspector prior to the Informal Hearing which was held on 28 February 2018. However, in a decision letter dated 26 April 2018, the appeal was dismissed on flood risk grounds (a copy of this decision is attached as a link at the end of this report).

18/02167/FUL - Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers was approved by Planning Committee for a 3 year temporary period until 28 February 2022. Unclear whether this has been implemented.

The Proposal

Retrospective planning permission is sought for the change of the site from scrubland to the creation of 13 pitches, and measure on average approx. 360 sq m in area. Each will accommodate 2 trailer caravans and according to the submitted plans:-

- 11 of the pitches are served by a single amenity building (9.5m x 4.3m and max of 3.75m high; brick walls and concrete pantiles with white UPVC windows and doors);
- Pitch 5 has two smaller amenity buildings (6m x 4m and max of 3.7m high; timber cladding, profiled metal sheeting with anthracite UPVC windows and doors) and
- Pitch 3 has one smaller building (6m x 3.7m by max 3.5m high; brick walls and concrete tiles with white UPVC windows and doors).

The pitches are located either side of a central spine road, served from an access leading from Tolney Lane which terminates in a turning head, constructed of crushed stone and permeable tarmac for the first 5 metres. The currently submitted plan shows a hedge to be reinstated along the front boundary with Tolney Lane. Pitches would be defined by new 1.5m high post and rail

fencing and existing treatments define the outer wider boundary of the site.

The submitted Planning Statement states that the applicants fall within the definition of Travellers set out within the Planning Policy for Traveller Sites 2015 but no further information is given. It states:- “All of the pitches have already been allocated to Traveller families who are in immediate need of a site and some of whom have already moved onto the site.” It concludes that the Council do not currently have a 5 year land supply for gypsy and traveller sites and the recently revised GTAA (Gypsy and Traveler Accommodation Assessment) has identified a need for 118 additional pitches by 2034 and 77 by 2024, of which only 2 have so far been granted planning permission. The submitted Planning Statement also refers to the Option Report which proposes the provision of flood resilient access to Great North Road, which includes an option of raising the ground level of Tolney Lane. Although it acknowledges that the Review of the Allocations and Development Management is still in its early stages, it concludes that the Council consider this is the most appropriate area for future allocations as a permanent site for gypsy and travelers, subject to the flood alleviation measures being implemented.

A Flood Risk Assessment has also been submitted which concludes that the development passes both the Sequential and Exception Tests. It states the latter test is passed because the benefits of the provision of a site in an area where there is an established need for such development and flood mitigation measures will reduce the vulnerability of people at the site.

In terms of risk, it identifies that the site is at risk of surface water flooding and fluvial flooding (in the 1 in 100 chance each year) with estimated flood depths of 0.15m and 0.9m respectively. It acknowledges that over time there will be a gradual increase in risk due to climate change, which increases the 1 in 100 chance each year fluvial event with climate change estimated to be 12.2m AOD. Flood depths at the site would range between 0.2m and 1.1m. It recognizes that the proposal increases the impermeable area and therefore there will be increased volumes of surface water that has the potential to increase flood risk.

It recommends the following flood resilience measures:-

- that the finished floor levels of the amenity buildings are 0.3m above the surrounding ground level;
- there is a water entry strategy allowing flood water to enter the amenity buildings and drain freely from them;
- the electrical supply and switchboard within the amenity blocks are elevated above the flood level;
- the users of the site should register to receive flood warnings from the Environment Agency to reduce the vulnerability of people at the site;
- the occupants of the site should identify the actions to be undertaken in the event of receiving a flood warning; and
- surface water run-off is managed so that stormwater from the development will not affect any adjoining properties or increase the flood risk elsewhere.

It also recommends that prior to occupation of the site a Flood Warning and Evacuation Plan should be in place and that the applicants are responsible for maintaining and implementing this plan for the life of the development. The Plan should, as a minimum, it advises:

- identify who is responsible for maintaining the Plan and its implementation;
- identify the locations to which residents would evacuate;
- identify the period from receipt of the first flood warning for residents to evacuate the site

- including the removal of caravans and vehicles; and
- identify the arrangements for returning to the site.

The plans under consideration are:

- Site and Location Plans (Drawing No: SF-21-P01 Rev B)
- Amenity Buildings (Drawing No: SF-21-P02 Rev A)
- Topographical Survey (Drawing No: 41263_T Rev 0)

Departure/Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 : Settlement Hierarchy

Spatial Policy 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

Core Policy 4 : Gypsies & Travellers - New Pitch Provision

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

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Core Policy 14 : Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Planning policy for Traveller sites – August 2015:

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

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

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

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

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

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

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

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020;
- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

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

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

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

Consultations

Newark Town Council – Object on grounds that:-

- i. The area is in Flood Zone 3;
- ii. Severe risk to life if flooding were to occur;
- iii. Numerous sites in near proximity impedes emergency evacuations.

The Environment Agency – Object, the proposed development falls within a Highly Vulnerable flood risk vulnerability category that should not be permitted within Flood Zone 3, in which the application site is located and they recommend the application should be refused as being contrary to the NPPF and PPG.

They go on to state:-

“While the proposed development is not appropriate for this location in policy terms, we would also like to take this opportunity to outline the specific flood risks to the area. Comparison of our modelled data against the topographic survey provided by the applicant indicates likely maximum flood depths of:

- 0.25m during the 5% Annual Exceedance Probability (AEP) event. The event used to determine the functional floodplain
- 0.78m during the 1% AEP event
- 1.08m during the 1% AEP event and including a 30% allowance for climate change
- 1.24m during the 1% AEP event and including a 50% allowance for climate change
- 1.32m during the 0.1% AEP event

The above noted flood depths would put any future occupants of the development at a significant degree of flood risk, with the submitted Flood Risk Assessment (FRA) failing to demonstrate how future occupants would be kept safe.

The FRA proposes to rely on evacuation before a flood event occurs in order to keep any future occupants safe during a flood event. Where a development proposes to rely on flood warning and evacuation, our preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths.

Absence of safe access and egress from the proposed development coupled with the lack of safe refuge during a flood event makes this an extremely hazardous location in which to locate highly vulnerable development.”

The EA go on to provide an advisory note on foul sewage disposal, stating the drainage hierarchy should be applied with septic tanks representing the last resort. A permit may also be required from the Environment Agency which may not be approved even if planning permission is granted.

NCC, Highway Authority – As the proposal includes a new vehicular access onto the adopted section of Tolney Lane, a revised plan needs to be submitted to show visibility splays (which may necessitate the lowering or removal of fencing and hedging fronting Tolney Lane, either side of the access) and swept path analyses for a large car/van with a towing caravan.

Trent Valley Internal Drainage Board – Have no comments to make in respect of this application.

NSDC, Emergency Planner – “The proposed development is sited in Flood Zones 3 and the access road is also within Flood zone 3. The Tolney Road area has been subject to previous significant flooding requiring evacuation. The access road can be flooded to a level designated as ‘Danger to All’ meaning that emergency service vehicles would also face danger during any attempt to cross the flood waters. The proposed site for the static vans in Flood zone 3 may still have risk and caravans are classed as ‘highly vulnerable’ structures.

In the event of the need to evacuate, such action will create an immediate strain upon emergency and local authority services and resources, including hardship grants for flooded residents and businesses. It would appear to be inappropriate to sanction development that will trigger additional resource needs. The Newark and Sherwood Area has experienced significant flooding 3 times in 3 years. During each event emergency services and local authorities have struggled to meet demand from existing communities and established dwellings. Again any additional strain creates a risk that services cannot reach and protect vulnerable people.

Typically members of the travelling community evacuate the site and use a mobile touring caravan as their accommodation during the floods. It should be noted that the lorry park currently designated as the evacuation point for caravans removed from Tolney lane is also an area subject to a flood risk. Whilst an alternative site is desirable no such site has yet been identified. Any additional number of caravans may place an unacceptable strain on resources.

In support of my comments I would draw your attention to point 1.2 of the National Planning Policy Framework ;

New developments must have access and egress routes that allow residents to safely exit their property during flood conditions.

I have not had sight of a specific emergency/evacuation plan for the proposed site. As per the National Planning Policy Framework (NPPF) I would draw attention to Section 3 highlighting emergency/evacuation plans; Developers are advised to have flood emergency plans in place for developments in flood risk areas to ensure that evacuation and flood response procedures for the development are documented and agreed. These plans should include:

- Aims and objectives of the plan
- Maps showing development and flood risk areas, including depth and velocity of flooding
- Evacuation or containment procedures, including evacuation routes
- Flood warnings (EA Flood Warning Service) and identification of local flood warden.
- Safe refuge information
- Identification of vulnerable residents
- Utility services
- Procedures (including details of any stores containing flood defences e.g. sandbags)
- Emergency contact information
- Media information e.g. local radio stations and warning processes for residents.”

NSDC, Environmental Health – If planning permission is granted, an application for a caravan licence will need to be submitted to the Council.

NSDC, Environmental Health (Contaminated Land) – Potential for contaminated land, request standard phased contamination condition is attached to any consent.

NSDC, Conservation – no formal comments received.

Representations have been received from three local residents/interested parties (one anonymous) which can be summarised as follows:

- In favour of building amenity blocks and hope it will include recycling facilities;
- It would be appreciated if the traveller community could develop some kind of self-policing/neighbourhood watch scheme;
- The site plans are incomplete failing to show how the pitches will be laid out/location of septic tanks/room for caravans/parking vehicles, having regard to the adjoining caravan site and site licencing requirements;
- Are septic tanks appropriate here given flood risk and high water table?
- Elevations of utility buildings fail to show raised FFL as recommended in the FRA;
- There is no consideration of the personal needs of the intended occupiers and their search for more suitable locations;
- The site adjoins a site granted temporary consent until early 2022 due to flood risk concerns;
- The draft Local Plan confirms the Council has failed to address the need for Traveller pitches and has failed to find suitable land that is not at serious risk from flooding;
- I can think of no other Council in England prepared to tolerate families living with a flood record like Tolney Lane; Traveller lives matter too! No one should be expected to live on these sites and it reflects very badly on the Council;
- On land adjacent to this site, large lorries/vehicles are being parked without the necessary operator's licence;
- The site access is on a blind bend in the road and so is dangerous;
- Ground levels on the site have been artificially raised without planning permission;
- The site has been used recently for the burning of toxic waste – e.g. industrial tyres which has caused breathing difficulties and affecting people's stress and having detrimental psychological impacts;
- Construction has been occurring on the site at un sociable hours causing noise, vibrations, ground shudders from steel containers being delivered and repaired on the site;
- If they are gypsy and travellers why do they need solid structures to be built on the site?
- It is doubtful whether the occupiers are travellers in the true sense of the word;
- Concerned that if this application is granted it will set a legal precedent.

Comments of the Business Manager

The main planning considerations in the assessment of this proposal are the need for gypsy and traveller sites and lack of a 5 year supply, flood risk, the planning history of the site, the impact on the appearance of the countryside and the character of the area, highway issues, access to and impact on local services, residential amenity, personal circumstances of the applicants and their status.

Core Policy 4 of the Amended Core Strategy states that the District Council will, with partners, address future Gypsy and Traveller pitch provision for the District which is consistent with the most up to date Gypsy and Traveller Accommodation Assessment (GTAA) through all means necessary, including, amongst other criteria, the granting of planning permission for pitches on

new sites in line with Core Policy 5. It goes on to state that future pitch provision will be provided in line with the Council's Spatial Strategy with the focus of the Council's efforts to seek to secure additional provision in and around the Newark Urban Area.

Core Policy 5 lists criteria to be used to help inform decisions on proposals reflecting unexpected demand for traveller sites, by reflecting the overall aims of reducing the need for long distance travelling and possible environmental damage caused by unauthorized encampments and the contribution that live/work mixed use sites make to achieving sustainable development.

Background and Planning History

The Council has considered the principle of a residential caravan use on this site in 2002 and it was refused on grounds of flood risk. Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorized tipping from the land so that no part of the site is above the level of 10.5m AOD. The applicant appealed to the Planning Inspectorate and the appeals were dismissed. The Inspector concluded:

"I fully understand that the occupants of the site would make sure they were well aware of any imminent flooding and, because of their experience of travelling, they could vacate the site quickly, if necessary. However, this does not address the concerns about the continuing availability of functional flood plain, and the consequences of development for flood control over a wider area."

The consideration of such a use in this location has already been considered and found to be unacceptable on flood risk grounds both by this Council and the Planning Inspectorate in 2006.

However, on the adjacent land to the west, (also included as part of the Shannon Falls site and on land covered by the 2006 decision) and notwithstanding a dismissed appeal by the Planning Inspectorate in 2018 (decision letter saved in Background Papers list below), the Planning Committee resolved to approve an 8 pitch gypsy and traveller site (for tourer caravans only) on a temporary basis until February 2022 (with no removal of any tipping material), Ref: 18/02167/FUL.

In addition, on the adjacent site to the north-west, an application for a single traveller pitch which included some removal of the unauthorized tipping material, notwithstanding the Environment Agency objection and the appeal dismissal on the adjoining site, the Planning Committee determined in June 2018, to grant a permanent permission, Ref: 17/02087/FUL.

Members may also re-call that two further sites along Tolney Lane have also been considered recently for the same use –

- Park View Caravan Park, which has a temporary permission until 30 Nov 2021 – Ref: 18/01430/FUL) and
- Green Park (Ref: 21/00891/S73), which at its meeting in September 2021, Members resolved to grant a further temporary permission for 2 years to allow alternative sites to come forward through the Plan Review process, but this has been subject to a re-notification of the Environment Agency, at their request. This application is being reported back on this Committee agenda.

The Need for Gypsy and Traveller Pitches

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

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

It is accepted that the Authority has a considerable shortfall in being able to demonstrate a five year land supply, and a sizeable overall requirement which needs to be addressed. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which weigh heavily in the favour of the granting of consent where proposals will contribute towards supply.

Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that its pitch requirements are driven by locally identifiable need. This site did not form part of the baseline for the Assessment. It is also unclear from the supporting information as to whether the proposal would cater for the needs of individuals who formed a component of the need identified through the Assessment – but happened to be living on a site elsewhere in the District at the time. On the basis of the information currently submitted, it is not possible to conclude that the proposed development would positively contribute towards meeting the need identified through the GTAA, or the demonstration of a five year land supply.

Information is also lacking to enable a firm conclusion to be drawn over whether the intended occupants meet the planning definition of a traveller provided through the Planning Policy for Traveller Sites (a matter set out in more detail in the Personal Circumstances section below). Given that it has not been established that the pitches would contribute towards locally identified need then the proposal must fall to be considered as reflecting unexpected demand – with Core Policy 5 providing the basis for assessment.

There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. These matters carry significant weight in favour of the proposals where they contribute towards supply.

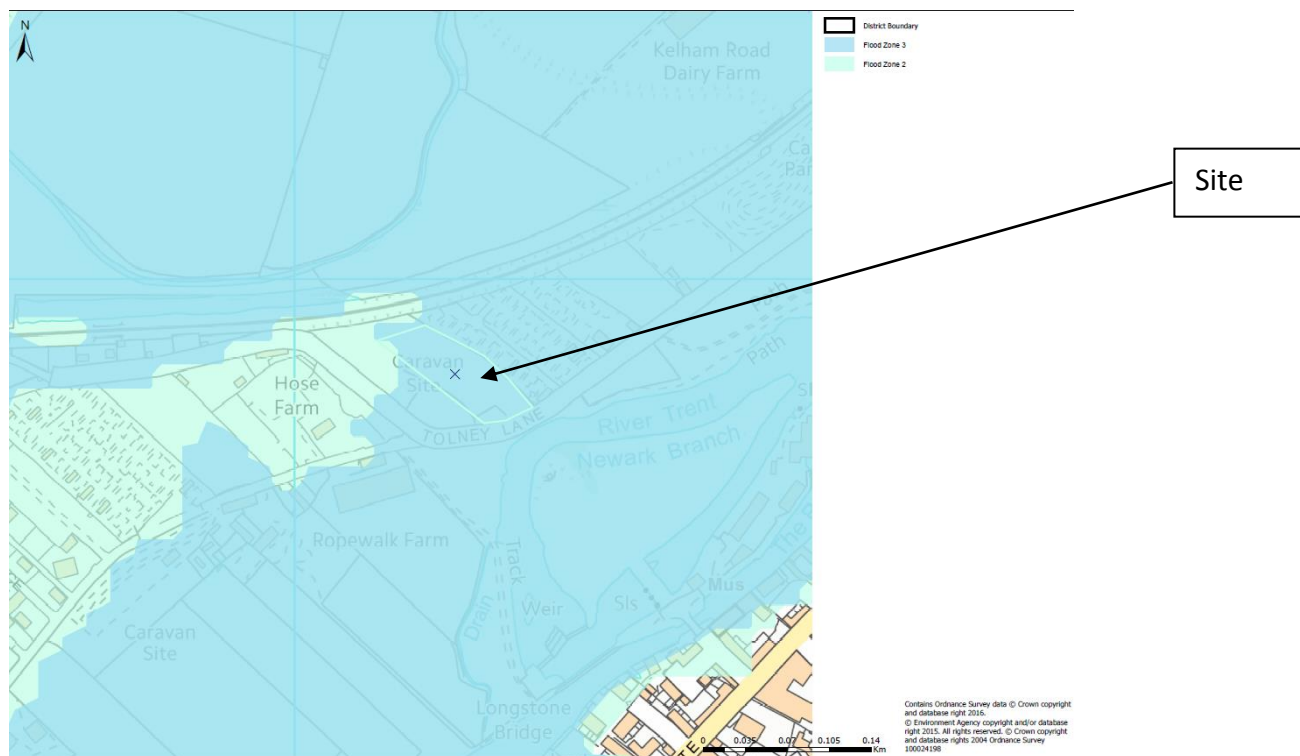
Flood Risk

The final criterion of Core Policy 5 states that 'Proposals for new pitch development on Tolney Lane will be assessed by reference to the Sequential and Exception Tests as defined in the

Planning Practice Guidance. These will normally be provided temporary planning permission.’ The NPPF states that local planning authorities should minimise risk by directing development away from high risk areas to those with the lowest probability of flooding. Core Policy 10 and Policy DM5 also reflect the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

Table 2 of the Planning Practice Guidance states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 of the Practice Guidance states that within Flood Zones 3a and 3b, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.

The supporting text to Core Policy 5 clearly sets out that Tolney Lane is currently subject to significant flood risk and so to justify additional pitch provision (usually of a temporary nature) proposals will need to demonstrate material considerations which outweigh flood risk. The submitted Flood Risk Assessment has had no regard to the update made to the Strategic Flood Risk Assessment in 2016. The plan below identifies the site, Flood Zone 2 and Flood Zone 3 relative to the site.



On the basis of the update made to the Strategic Flood Risk Assessment, parts of the site (including areas proposed to host pitches) fall within Zone 3b (functional floodplain), as crucially does its point of access onto Tolney Lane – the bulk of the remainder of the site is within Zone 3a. Beyond this the single point of access/egress to the wider Tolney Lane area from Great North Road which is also within the functional floodplain.

The NPPF states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are

reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. There are also two parts of the Exception Test that need to be passed:

- a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is accepted that the granting of permanent pitches would pass the Sequential Test, as the Council are unable to point to any reasonably available sites at lesser risk. Even though the proposal has not been demonstrated as contributing towards the meeting of locally identified need, the criterion based approach provided by Core Policy 5 is sufficiently flexible so as to provide the reasonable prospect of finding land at lesser flood risk.

In relation to the Exception Test, it is not clear how the first part of the test could be passed concerning sustainability benefits to the community that would outweigh flood risk. The justification within the submitted FRA is noted, but it is focused around provision of a site in an area where there is an 'established need' for such development - and as already stated on the basis of the submitted information it is not considered that the proposal would contribute towards meeting locally identified need. No additional sustainability benefits beyond this are identified by the applicant, although it is acknowledged that it would allow for the individual accommodation requirements of the intended occupants to be met.

The second part of the Exception Test is justified within the FRA by the mitigation measures set out in the Proposal section above. Despite the case officer requesting that the Flood Warning and Evacuation Plan details be submitted for consideration prior to determination, nothing has been received to date. Clarification has also been sought on whether the caravans "trailers" described in the submission are tourer units that can easily be removed from the site or whether they are "fixed" units on the site, but there has been no response. The FRA states that this Warning and Evacuation Plan should be in place prior to occupation of the site, a matter that has not been complied with, therefore putting current occupiers of the site in danger. Without the details of the Flood Warning and Flood Evacuation Plan (as well as full details on exactly who will be occupying the whole site), it is not possible to come to a reasonable judgement as to whether the development would be safe for its lifetime. In terms of the potential for increased flood risk elsewhere, the unauthorized raising of ground levels on the site would remain, thereby reducing flood storage capacity without compensation and the FRA acknowledges that there would be an increase in surface water run-off from the site also which would have a harmful impact on land off the site, elsewhere.

Details of the Environment Agency objection is set out in the consultation section above who object on the basis of the proposal being contrary to national policy and the submitted FRA failing to demonstrate how future occupants would be kept safe, given flood depths on the site and no safe egress route can be demonstrated. This is reflected further in the concerns raised by the Council's Emergency Planner regarding the additional burden that would result on responders to flood events.

The applicant's reference to the contents of the Options Report document, the consultation for which recently concluded is noted. Whilst the potential for the land to form part of the Council's approach towards site allocation is accepted, it must be acknowledged that the level of weight an emerging amended Plan can be afforded is dictated by the tests outlined at paragraph 48 of the NPPF. In this respect the review could not be said to have reached an advanced stage, and there

remain unresolved objections (from the Environment Agency in this instance). Consequently it is not considered it be appropriate to afford any meaningful weight to the emerging approach towards site allocation. Indeed the purpose of that process is to assist in the meeting of locally identified need... and this proposal has not demonstrated that it would contribute towards that objective.

The proposal is contrary to both national and local planning policies and represents highly vulnerable development that should not be permitted on sites at high risk of flooding. Whilst the Sequential Test is passed, the Exception Test is failed. This weighs heavily against the proposal in the planning balance.

Impact on the countryside and character of the area

The first of the criteria under Core Policy 5 states that 'the site would not lead to the loss, or adverse impact on, important heritage assets, nature conservation or biodiversity sites'.

Criterion 5 of Core Policy 5 states that the site should be 'capable of being designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity'.

The site is within the open countryside. The aim of conserving the natural environment, protecting valued landscapes, minimising impacts on biodiversity and pollution is reflected in the NPPF. Whilst development exists along the majority of the Lane, only the eastern third sits within the defined Newark Urban Area. The application site is located between the sites known locally as Church View to the east and the western half of Shannon Falls. Whilst the site is located within the countryside, it is sandwiched between these two sites which are authorised for caravan use. The proposed development is for the creation of 13 pitches with associated amenity blocks that would be enclosed and defined by post and rail fencing. Having carefully considered this visual impact, on balance and given the existing character of the area, it is not considered that this would be so visually intrusive and incongruous to weigh negatively within the planning balance.

The proposed hedging along the frontage of the site would soften the appearance of the development. It is also acknowledged that the site has no special landscape designation and is unlikely to lead to any significant adverse impact on nature conservation or biodiversity.

Although the Newark Conservation Area boundary runs along the south-eastern side of Tolney Lane, it is approx. 100m from the boundary and as such, it is not considered that the proposal would be harmful to the setting of the Conservation Area.

In relation to visual, countryside, biodiversity and heritage impacts, the proposal therefore has a neutral impact and is considered to broadly accord with local and national policies in this regard.

Highway Safety Issues

Criterion 3 under Core Policy 5 requires the site has safe and convenient access to the highway network.

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

The Highway Authority has raised concerns that the new access from Tolney Lane does not comply with the visibility splay requirements of the NCC Highway Design Guide and has asked for amendments. They have also requested swept path analyses to show maneuverability within the site. Despite requesting these details, no revised plans have been submitted to date. As such, it has not been demonstrated that the proposal is safe for all users of the highway and this weighs against the proposal.

Access to and impact on Local Services

The second of the criteria under Core Policy 5 is that ‘the site is reasonably situated with access to essential services of mains water, electricity supply, drainage and sanitation and to a range of basic and everyday community services and facilities – including education, health, shopping and transport facilities’.

Whilst the site lies within the countryside, it is acknowledged that it is in relative close proximity to the edge of existing development. Occupiers would have good access to existing Tolney Lane development and to existing services and facilities provided by the Newark Urban Area. The site is ideally located between two established Gypsy and Traveller sites and therefore access to long established community and social facilities associated with the historic use of Tolney Lane would be readily available for occupiers.

Taking the above factors into consideration, the application site is reasonably located in terms of access to the range of amenities and services and as such would be locationally sustainable.

Residential Amenity

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

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

The size of the proposed pitches are reasonable, measuring approx. 360 square metres in area, which roughly equates to the 350 sq m pitch size for permanent sites where there are communal facilities within the overall site, as set out within the guide in Core Policy 5. Clearly there are no communal facilities provided within this scheme, but a permanent site where pitches are self-contained would be roughly 550 sq m in area. I do not consider the proposed smaller sized pitches to be fatal, unless they prevent safe maneuverability of vehicles around the site (see section above on highway safety matters).

There are existing solid boundary treatments in place around the external boundaries of the site to afford appropriate levels of amenity both to existing residential properties nearby as well as occupiers of the application site.

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

Personal Circumstances

The Government’s ‘Planning Policy for Traveller sites’ (August 2015) requires a revised assessment of Gypsy and Traveller status. Annex 1 of the document sets out the definition of gypsy and traveller for the purposes of the policy as follows:

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

The guidance states that in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that they along with any other occupier of the site, have Gypsy and Traveller status in accordance with the definition. Information is also lacking in this regard despite it being sought. The application form lists the names of 7 applicants, but there are 13 pitches proposed. No list of names have been provided to identify the occupants of each pitch or their ages. Confirmation has also been sought as to whether the occupiers of the site were included in the GTAA survey, but no response has been received.

The supporting Planning Statement determines them to be members of the Traveller community, who wish to live a more settled life due to either educational or health needs. In this respect Romany Gypsies, Irish and Scottish Travellers falling outside of the planning definition may still be able to claim a right to culturally appropriate accommodation under the Equality Act (2010) as a result of their protected characteristics. However, no specific information has been submitted to allow this judgement to be made, despite requests from the case officer.

Give the lack of detail presented, the personal circumstances of the occupants of the site can be given limited weight.

Conclusion

On the basis of the submitted information it has not been demonstrated that the proposal would contribute towards the locally identified need established through the GTAA, or the achievement of a five year land supply. Though it is accepted that the proposal would allow for the individual accommodation requirements of the occupants to be met, and that depending upon their status they may have protected characteristics under the Equalities Act – potentially being able to claim the requirement for ‘culturally appropriate’ accommodation.

However it is considered that flood risk represents a significant material consideration, and one which outweighs those potential benefits. Whilst it cannot be argued that there are sequentially preferable sites which are reasonably available for the proposed development at lesser risk elsewhere, it still remains the case that Core Policy 5 is sufficiently flexible to allow the reasonable prospect of such land being found. Indeed this is reflected in the types of locations where other gypsy and traveller sites have been permitted (for example, the Barnby Road most recently). In any event, the proposal as a permanent site is contrary to both national and local flood risk policies and fails the Exception Test.

Whilst the remaining material planning considerations (impact on the countryside and character of the area, residential amenity, and access to services) assessed in this report are neutral, the proposal is also currently harmful in highway safety terms.

In the overall planning balance, it is considered that the flood risk together with the highway safety harm are the determinative factors and is not considered to be outweighed in the overall planning balance, despite the proposed provision of 13 further pitches. It is therefore recommended that the application be refused.

RECOMMENDATION

That planning permission is refused for the following reasons:-

01

The proposal represents highly vulnerable development that would be located within Flood Zone 3 (and relying on an access/egress within Flood Zone 3) and therefore should not be permitted in accordance with the National Planning Policy Framework and the Planning Practice Guidance. Whilst the Sequential Test may be considered to be passed on the basis that there are no reasonably available alternative sites at a lesser risk, the proposal fails the Exception Test by not adequately demonstrating that the development will be safe for its lifetime, without increasing flood risk elsewhere. Furthermore, the applicants have failed to demonstrate that occupiers of the site fall within the definition of a gypsy and traveller, as set out within Annex 1 of the Planning Policy for Traveller Sites, 2015.

In the opinion of the Local Planning Authority, the proposal would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to Core Policies 5 and 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (2013) as well as the National Planning Policy Framework (2021), Planning Practice Guidance and Planning Policy for Traveller Sites (2015), which are material planning considerations.

02

The proposal has failed to demonstrate that it can provide the required visibility splays to make the new access safe or that there is adequate room within the site for the length and size of vehicles that would serve the site to manoeuvre safely within the site and leave in a forward gear.

In the opinion of the Local Planning Authority, the proposal would therefore place both users of the site and users of Tolney Lane at risk from highway safety dangers and be contrary to Spatial Policy 7 and Core Policy 5 of the Newark and Sherwood Amended Core Strategy (2019).

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Copy of Appeal Decision for the adjacent site to the west (Ref:- 16/01884/FUL)

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/E081234D6309833101E18E83AD362861/pdf/16_01884_FUL-DECISION-853193.pdf

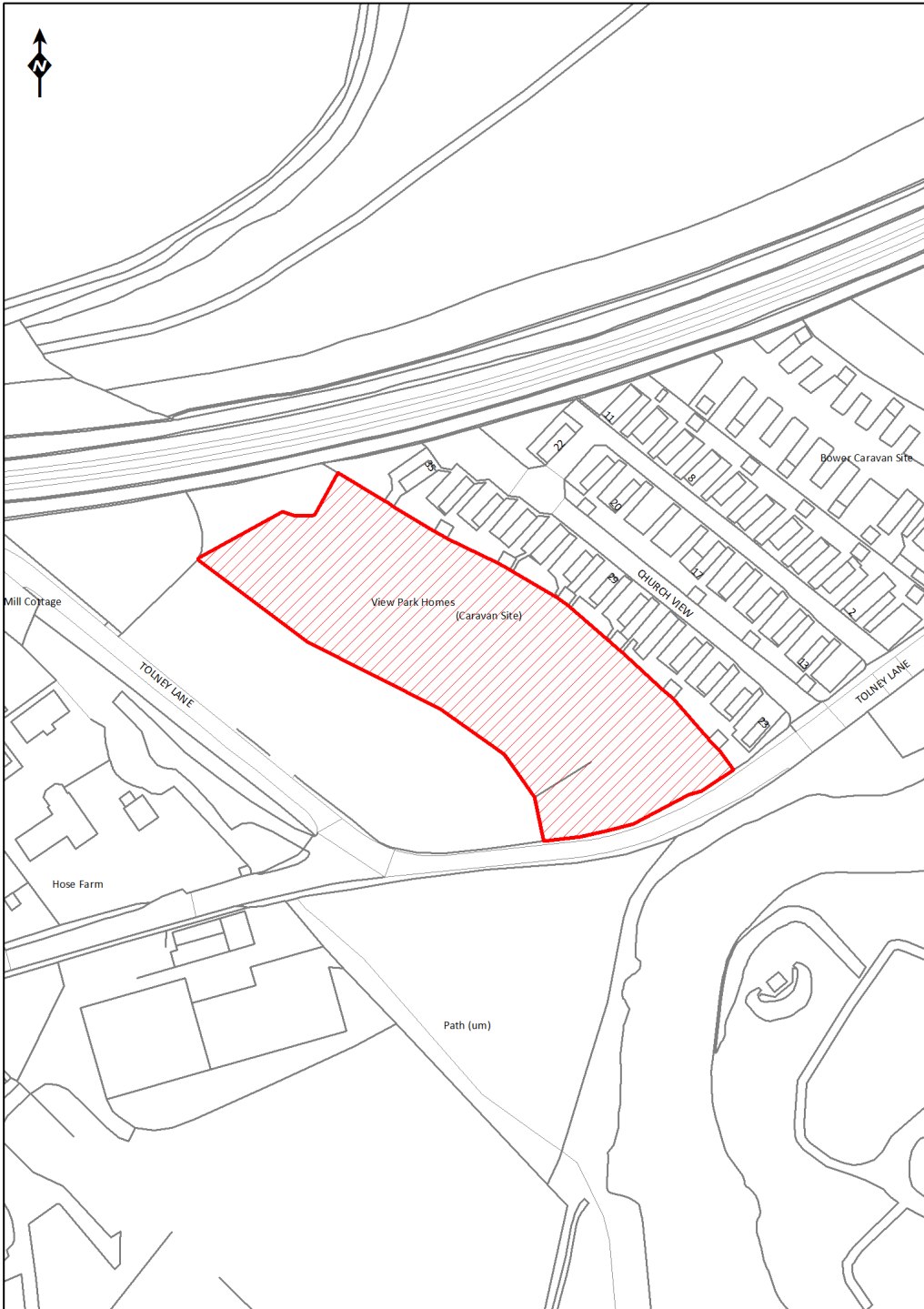
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/01900/FUL



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PLANNING COMMITTEE – 2nd NOVEMBER 2021

Application No:	21/02176/FUL
Proposal:	Demolition of existing outbuildings, creation of 2 parking spaces with associated dropped kerbs, relocated outbuilding in the rear garden of No 55, Proposed one detached dwelling with 2 parking spaces with associated dropped kerbs, secure storage for 2 bicycles (resubmission)
Location:	Land Next to 53 Philip Road, Newark On Trent, NG24 4PD
Applicant:	LC5 Properties Ltd - Mr A Cook
Agent:	Mr Colin Young
Registered:	08.10.2021 Target Date: 03.12.2021
Website Link:	21/02176/FUL Demolition of existing outbuildings, creation of 2 parking spaces with associated dropped kerbs, relocated outbuilding in the rear garden of No 55, Proposed one detached dwelling with 2 parking spaces with associated dropped kerbs, secure storage for 2 bicycles (resubmission) Land Next To 53 Philip Road Newark On Trent NG24 4PD (newark-sherwooddc.gov.uk)

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the Council owns part of the site. The freehold of the garden land on the corner with Fairfax Avenue was sold in April under delegated authority but the Land Registry is still showing the Council’s ownership of the garden land so the registration is still pending.

The Site

The application site relates to a corner plot at the junction of Phillip Road and Fairfax Avenue within the Newark Urban Area. The site as existing forms the residential curtilage of 53-55 Phillip Road, apartments set at ground and first floor within an end terrace two storey building (with an access door on the eastern side gable at ground floor). The surrounding area is characterized by residential properties of similar form to the application site on the southern side of Phillip Road but also semi-detached dwellings on the northern side.

The site comprises a mixture of grass and hard standing which forms parking provision accessed from Fairfax Avenue. There are also detached outbuildings towards the south eastern corner of the site. The boundary with Fairfax Avenue and around the corner onto Phillip Road is formed by a dense hedgerow.

Relevant Planning History

21/02069/FUL - Demolition of existing outbuildings, 2 No. new semi detached houses including dropped kerbs and parking spaces. Creation of parking spaces and dropped kerbs for 53 and 55 Philip Road and re-locate outbuilding.

Application withdrawn owing to concerns raised by Officers.

The submitted planning statement has referenced a similar scheme at no. 77 Phillip Road (16/01749/FUL), the relevance of which will be discussed in the appraisal section below.

The Proposal

The application seeks full planning permission for a single detached, two storey three bedroom dwelling. The dwelling would have an approximate pitch height of 7.85m and eaves height of around 4.9m. Parking provision for the proposed dwelling would comprise two spaces accessed from Fairfax Avenue along the eastern boundary of the site. The proposal also includes the creation of two car parking spaces from Phillip Road for the existing flats as well as the relocation of an existing outbuilding in the south western corner of the site.

The application has been considered on the basis of the following plans and documents:

- Site & Location Plans – 2114/250;
- Outbuilding Photographs dated 6th October 2021;
- Proposed house plans and elevations – 2114/251;
- Proposed outbuilding plan & elevations – 2114/252;
- Planning Statement dated October 2021.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places
September 2019

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Consultations

Newark Town Council – No comments received to date (consultation expiry 2nd November 2021).

No letters of representation have been received to date (consultation expiry 3rd November 2021).

Comments of the Business Manager

Principal of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

Impact on Character and Design

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site forms a corner plot with the boundary forming a hedgerow which adds welcome greenery to the street scene. There are other corner plots with similar boundary treatments but the area is on the whole characterized by fenced boundaries. The site as existing appears to be used as functional garden area which retains a degree of privacy through the presence of the hedgerow.

Corner plots in the area vary in their characteristics with all of the other three corner plots at the adjacent junction forming sets of semi-detached dwellings arranged at an angle. However, there are other corner plots which share similar characteristics to the application site, one of which is referenced in the application submission.

Planning permission was granted in January 2017 for the erection of two semi-detached properties to the side of no. 77 Phillip Road – a site approximately 100m to the west of the application site. I have carefully reviewed the planning file for this application and note that there are undoubtedly similarities to the current application site. However, there are also notable differences, namely the plot at no. 77 is around 3m wider than the application site when taken from a broadly central point of the existing dwelling's gable end. In addition to this, it is clear that the site at no. 77 displayed differing characteristics with the committee report referring to the site having no functional use being bound by low wire mesh fencing giving it an open appearance. The report considered that in the case of the scheme at no. 77, the site appeared physically removed from the host building.

As per the planning history above, the proposal forms a re-submission of a recently withdrawn scheme for 2 dwellings. The basis of the withdrawal was that Officers considered that the

provision of two semi-detached dwellings would appear cramped in the site and lead to a dominance of parking spaces.

The applicant has taken on board these concerns through the re-submission which now proposes for a single detached dwelling. This allows the corner of the site to be retained largely as is with the attractive hedgerow remaining. It is noted that there would be a dropped kerb and the creation of two parking spaces from Phillip Road but this part of the site as existing features a fenced boundary and therefore the opening up of the site to create the parking spaces would not be harmful in character terms.

There is no doubt that the proposed development would be a notable change in character terms when compared to the existing site. However, the plot is considered capable of delivering an additional detached dwelling without appearing overly cramped in the street scene.

The dwelling would be a similar height to the adjacent properties which would visually read as an extension to the existing form of development along the northern side of Phillip Road which comprises, what in plan form appear to be, pairs of semi-detached dwellings but what are in actual fact flats. The proposed design is fairly standard but replicates the same style and sized window openings as the adjacent flats and in my view this will assist its assimilation into its surroundings, as too will the use of similar materials. The proposed outbuilding in the south west corner of the site is modest in its size and construction such that it would have a limited impact on the overall character of the area (particularly when noting that there is an existing outbuilding within the site).

Overall, I consider that the design of the re-submitted scheme is acceptable and conclude that the development of this plot in this way would not harm the character or appearance of the area thus according with the policies identified above.

Impact on Highways Network

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

The Planning Statement submitted to accompany the application acknowledges the recent adoption of an SPD on parking standards. Two spaces are proposed for the new three bed unit and one space each for the existing flats, all of which would meet the standards in terms of size. The quantum of spaces would be increased from the existing situation but would also better formalize the spaces making them attractive to use for the respective occupiers. Provision is given for cycle storage at the rear of the car parking spaces.

On this basis the proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed seeking to secure a good standard of amenity for existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.

The proposed building would be sited just over 1m from the eastern elevation of the adjacent building and thus the door serving the first floor flat. However there is sufficient space to allow access to both the existing flats and their curtilage as well as the garden / side of the proposed dwelling. The proposed building would be located in line with the existing building where there are no existing windows that would be impacted upon. As such I consider that there would be no adverse impact upon the occupiers of either flat contained within the building to the west.

Details of the outbuilding have been provided, which comprises a modest single storey outbuilding to be positioned in the south west corner of the site. Ordinarily this would be 'permitted development' but given this lies within the confines of flats which do not enjoy such rights it would need permission.

The rear outlook of the dwelling would be towards the side elevation of 15/17 Fairfax Avenue. The dwelling would be around 11.5m from the shared boundary but the side elevation is around 10m further away from the boundary and there are no first floor windows on the northern gable end. The positioning of the dwelling further eastwards than the principle elevations of no. 15 and 17 would mean that the outlook would be towards an off street parking area / front garden for the neighbouring flats. All other neighbouring properties would be separated by the highway network.

Taking the above factors into account I have identified no harmful amenity impacts to existing neighbouring occupiers.

In terms of the outdoor amenity provision for the proposed occupiers, the dwelling would be afforded an area of rear garden space as well as the retained front garden area which as above does retain a certain degree of privacy due to the hedged boundary.

One of the other issues in the previously withdrawn scheme was that the cramped nature of delivering two dwellings led to substandard internal floor areas. However, the revised scheme for a detached three bed dwelling would align with the nationally described space standards with approximately 93m² of internal floor area.

The proposal therefore meets with the provisions of the development plan with regards to residential amenity.

Other Matters

It was carefully considered at validation stages whether the demolition of existing outbuildings would warrant submission of ecology surveys but given the active use of the site, these were not considered necessary.

Conclusion

Located in the Newark Urban Area, the principle of development is acceptable. It has been concluded that the site could accommodate an additional detached dwelling without adversely affecting the character of the area; highways safety or residential amenity. The proposal is therefore considered acceptable and approval is recommended subject to the following conditions.

RECOMMENDATION

That, in the absence of any further material planning considerations coming forward through the remainder of the consultation period (which expires on 3rd November 2021) full planning permission is approved subject to the following conditions.

Conditions

01

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

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

02

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

- Site & Location Plans – 2114/250;
- Outbuilding Photographs dated 6th October 2021;
- Proposed house plans and elevations – 2114/251;
- Proposed outbuilding plan & elevations – 2114/252;

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.

04

The hedgerow that is to be removed as part of the development hereby permitted (namely to create a pedestrian access) shall not be removed during the bird nesting period (beginning of March to end of August inclusive) unless a search for nesting birds is undertaken by a suitably qualified ecologist immediately prior to its removal. Should nesting birds be discovered, an exclusion zone shall be set up around any active nests, to prevent damage to the nests and / or injury to the young birds until they have fledged.

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

05

The part of the hedgerow shown as being retained on the approved plans shall not be cut back beyond that indicated on the approved plan or removed without the prior consent in writing of the local planning authority. Should the hedge die, be removed, or become seriously damaged or

diseased within five years of the date of this permission, it shall be replaced with hedging in the next planting season with of a similar size and species.

Reason: To ensure the existing hedge is retained where shown and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

Prior to the occupation of the dwelling hereby approved, the boundary treatments as shown on plan reference Site & Location Plans – 2114/250 shall be implemented in full in site and retained for a minimum period of five years from occupation.

Reason: In the interests of residential and visual amenity.

07

No part of the development hereby permitted shall be brought into use until the four parking bays are provided as indicated on drawing number Site & Location Plans – 2114/250 and surfaced in a bound material. The parking bays 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.

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

08

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use (at the points where the parking spaces are located) and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Note to Applicant

01

This application has been the subject of discussions prior to its submission and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

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

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

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02176/FUL



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Application No:	21/01386/FUL	
Proposal:	Retention of external canopy and food serving counter operating in connection to existing butchers (retrospective).	
Location:	Hamiltons Butchers, Main Street, Farnsfield, Newark On Trent, NG22 8EF	
Applicant:	Mr Mathew Hamilton	
Agent:	Marchini Curran Associates – Mr David Gary	
Registered:	17 August 2021	Target Date: 12 October 2021
	Extension of time agreed to allow application to be heard by Committee	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

This application is before the Planning Committee for determination at the request of the Business Manager for Planning Development.

The Site

The site comprises a small central part of a linear, traditional red brick and pantile outbuilding, gable end onto Main Street, with its side elevation running along the frontage of Tippings Lane, on the opposite side of Tippings Lane is the Co-op store. On the opposite side of Main Street are commercial uses. The site is situated within the Local Centre as defined by the Allocation and Development Management DPD.

The front (northern) section of the building is occupied by The Ironing Shop. To the rear of this, the building has been used as an ancillary store (containing fridges etc.) as well as a bakehouse associated with the adjacent butchers shop, for the making of pies, sausage rolls etc. The red line boundary of the application site also includes the butchers shop to the west (in a separate building that runs parallel to the outbuilding with its shopfront facing Main Street) and back of house area as well as the external courtyard/service area between the two buildings.

The site is situated in the centre of Farnsfield and also in the Conservation Area. The outbuilding historically was a slaughter house. The architectural detail of the building reflects the agricultural origins with cart openings and hopper windows.

There are some residential properties (often at first floor level) on the opposite side of Main Street, as well as to the rear of the building on Tippings Lane.

Relevant Planning History

No relevant planning history.

The Proposal

This application is retrospective and seeks the retention of an external canopy and food serving counter operating in connection to the existing butchers shop which has been operating since April 2021. The unit was previously used as a bakehouse (for pies, sausage rolls etc) and for storage in connection with the butcher business. Whilst physically separate in a different building, the use of a hot food serving counter is considered to remain part of and incidental to the existing primary butchers use.

Whilst it is set out in the application submission that no external alterations have been made to the exterior of the building to facilitate the food serving area use, a canopy has been added above the entrance to the subject outbuilding. This has since been included as part of this application. The canopy measures 5 metres in width x 1.4 m in depth. The eaves height is around 2.4m and the ridge level is approx. 3m. The waterproof covering is black/charcoal grey in colour. In light of the above, the description of development has been amended during the life of the application in agreement with the agent.



There is an existing external flue in the side (east facing) elevation onto Tippings Lane, however the agent has confirmed that this has been in place for a number of years (over 4) serving the bakehouse use and so does not form part of this application.

The hours of operation are:-

- 8:00 – 17:00 Monday to Friday;
- 8:00 – 17:00 Saturday;
- Closed Sundays and Bank Holidays.

The supporting Planning Statement submitted does state that food can be eaten 'on site' or taken away, however, when the officer visited the site, they saw no sign of any seating or table provision in the court yard area so it appears that the use is operating purely as a takeaway food serving counter in connection with the primary butchers shop.

Documents submitted:

- Site Location and Block Plan (Drawing No: (08) 01)
- Plan of ancillary food and drink serving area (Drawing No: (08) 02)
- Ventilation Details received 17 August 2021
- External canopy details received 6 October 2021
- Planning Statement

Departure/Public Advertisement Procedure

Occupiers of 23 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 7 – Sustainable Transport

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD Policies

Policy Fa/LC/1 – Farnsfield Local Centre

DM5- Design

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Farnsfield Neighbourhood Plan (adopted 28th September 2017)

FNP5: Creating a Thriving Parish

FNP7: The Quality of Development

Other Material Planning Considerations

National Planning Policy Framework (2021)

Planning Practice Guidance (online resource)

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Farnsfield Conservation Area Appraisal 2000

Conversion of Traditional Rural Buildings SPD 2014

Shopfront and Advertisement Design Guide SPD 2014

Making Changes to Heritage Assets: Historic England Advice Note 2

Consultations

Farnsfield Parish Council- After due consideration by Farnsfield Parish Council's Planning Committee, we would like to submit 'no comment' regarding this planning application. It was agreed that the retrospective planning application did not contravene planning policy.

NSDC, Conservation Officer- Farnsfield was designated a Conservation Area for its medieval origins on the eastern fringe of Sherwood Forest and growth and development in the 18th and 19th centuries. The buildings are arranged in a linear formation east-west and are a mixture of large detached houses, terraced cottages, public house and agricultural buildings constructed in red brick, some rendered, with pantile roofs.

The building is a historic building that has been associated with the butchery business. This part of the building historically was the slaughter house and this is reflected in the architectural character of the building. The building does not have a commercial/shop character. It is important that any alterations or additions do not erode this character of the building. The building contributes to the historic and architectural character of the conservation area, reflecting the agricultural and rural beginnings of the village.

As outlined in the traditional rural buildings SPD it outlines that alteration should be kept to a minimum. They should not affect traditional features such as openings and ventilation holes. The canopy to over an existing cart shed opening. As a fixed canopy it obscures this architectural feature. The addition also does not reflect the agricultural nature of the building and results in a very foreign feature.

The shopfront SPD outlines that traditionally canopies were used to protect goods from getting damaged by sunlight. They were typically integrated within the shopfront design and retractable. This canopy is retrofitted onto the building and the building is not a shopfront. The design of the canopy does not reflect a traditional canopy. The guidance outlines that there is typically not justification for a canopy for north facing front elevation or is in a narrow street. The business is located within a narrow street and the produce is not at risk of being damaged by the sun as it is not located within the shopfront.

Fixing a canopy box with a retractable canopy will result in an unsightly box attached to the building and therefore unacceptable. It is recommended that a simple frameless glass canopy should be considered.

It is considered the proposal will cause harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. The proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy set out in the SPDs 'conservation of traditional rural buildings' and 'Shopfronts and Advertisements design guide'.

NCC, Highway Authority- The proposed fresh cooked food serving unit is very small and is intended as a business extension of the current butcher's shop located within the same site. The Highway Authority is aware of the on-street parking issues along Main Street, Southwell Road and Mansfield Road in Farnsfield. There are numerous areas along the main road going through the village where parking prohibition orders have been introduced to prevent vehicles from blocking the highway and accesses to properties. The applicant proposes no off-street parking for the shop but there is also none provided for the existing butcher's shop and other local shops along the main road. There are currently many operating business units located along Main Street, which is a focal business point for business in the Farnsfield village. There is no possibility for provision of any off-street parking for the proposed unit due to the historic nature of the site. Taking other local businesses into consideration which are located within the close proximity of the proposed unit, it would be unreasonable to recommend refusal of this small business unit, which works as part of the existing butcher's shop and is located in the prime business location of the village, to be refused on grounds of lack of off-street parking. Although, some concerns have been raised by

a resident living adjacent to the site, it would be expected that most of the customers of the proposed business would be local residents, who either walk to the shop as their single destination or as a part of a shopping trip, including local bakery, vegetable shop, mini-supermarket, and the butchers.

There are no highway objections to the proposal as it is not expected that the proposed business would have a detrimental effect on the highway safety and any existing on street parking.

NSDC, Environmental Health- I refer to the above application and noted there is to be an option to eat the products on site similar to a café. As such where seating is provided for eating and drinking the following you must provide the following:

Number of covers	Male toilet provision			Female toilet provision		Disabled toilet provision (unisex) with WHB
	WC	Urinal	WHB	WC	WHB	
1-25*	One WC with WHB that is suitable for use for disabled people					
26-60	1		1	1	1	1
61-100	1	1	2	2	2	1
101-120	1	2	3	3	3	1

One letter of representation have been received which makes the observation that this facility has increased the number of cars needing to park on Main Street.

Comments of the Business Manager

Principle of Development

Whilst the proposal is incidental to the existing butchers shop and does not represent a material change of use, it is acknowledged that the new facility diversifies the offer of the existing butchers shop contributing to the vitality and viability of the local centre. The butchers shop has an equivalent full time staff No of 4; the facility has not resulted in any increase in employment. Retrospective permission is sought for the retention of the external canopy and food serving counter operating in connection with the existing butchers shop.

The site operates as a food counter to the main butchers shop and there is no internal or external seating provided. Other than the food counter, there is only a small area of surfacing provided for customers to facilitate the adding of sugar/milk to drinks and sauces and other condiments to food etc. I am therefore content that the use is operating as a food serving counter and should not be regarded as a café as suggested by Environmental Health. I therefore do not consider it necessary for customer toilet facilities to be provided in line with the EHO comments.

Provided the use remains as a counter service operating in connection to the butchers shop I am satisfied that this incidental use is deemed acceptable in principle. Consideration with regard to the canopy itself is expanded upon below.

Impact on the Character and Appearance of the Conservation Area

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 189 of the NPPP states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. This is re-iterated in Paragraph 199 that states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification it sets out in para 200.

In relation to Conservation Areas, the NPPF states that, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

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

Policy FNP7 states that new development within Farnsfield should demonstrate how it has taken into account the character of the village in its design approach, specifically in relation to scale, materials and other matters.

The only external alteration relates to the external canopy attached to the brickwork elevation above the existing cart-shed opening and the stainless steel flue attached to the rear (east facing) elevation. The Council's Conservation comments are set out in the consultation section above and concludes that a canopy fixed to a traditional barn building is an alien addition that harms its vernacular character, form and features. In this case, the Conservation officer concludes that the development would result in a harmful impact, albeit less than substantial, on the character and appearance of this building which contributes positively to Farnsfield Conservation Area. It is considered there is no impact on the setting of any listed buildings.

In response to the Conservation Officer's comments, the following response has been received from the agent:

'The proposal comprises the retention of a canopy to the front of the food serving area within an existing enclosed area associated with the existing Butchers Shop.'

After speaking with the client there are a number of practical reasons for the canopy, including:

- The canopy protects the front of the serving area from the elements including sunlight and rain to offer an acceptable working environment to the staff.*
- The original doors were restored at great expense, and become bloated and damaged when left to the elements. The canopy offers additional protection to this original feature.*

- *The development is reversible should the food serving area cease to operate.*

The canopy has been well designed to be in keeping with the existing restored fenestration and does not detract from the original layout and form of the historic buildings. The canopy is not in a prominent location and does not detract from prominent defining historic features within the Conservation Area.

It is my opinion that the location of the canopy within the enclosed yard would (i) have a neutral impact on the wider setting of the Conservation Area, (ii) would be in keeping within the existing local centre location where other canopies are present, and (iii) would have a neutral impact on the immediate context that it is experienced. It is therefore considered that the impact of the proposed development on the setting of the Conservation Area is neutral. The public benefits arising from supporting a local business within and existing local centre outweighs any perceived harm to the Conservation Area that has been identified.'

I do not agree with the agent that the impact on the Conservation Area would be a neutral one and it has not been demonstrated that the food counter service could not operate without the canopy in place and an alternative design of canopy has been suggested by the Conservation officer. Whilst it is accepted that the canopy is reversible in that it can easily be removed and that the external canopy can only be glimpsed from the public domain as one travels along Main Street and as such its impact could be considered to be limited, the harm to the character and appearance of the barn building whilst it is in place remains.

Section 72 of the LB&CA Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

However, the NPPF also states that where there is less than substantial harm, public benefits can be weighed against that harm. The PPG states:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

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

Whilst I am aware of the economic benefits arising from the overall development in that it supports a local business, (which officers support), I remain unconvinced that the facility cannot operate successfully without the canopy currently in place and the protection of customers from the elements is a limited one. None of the above heritage benefits can be identified and whilst benefit could be afforded to the protection of the timber doors from the elements, again this is considered to

be limited. Benefits to the staff is a private benefit. I am not convinced therefore that the external canopy represents sufficient public benefit that would outweigh the harm identified in this case.

The proposal will cause harm, albeit less than substantial harm, to the character and appearance of the conservation area. The proposal is therefore as a matter of fact contrary to the objectives of preservation required under section 72 of the Act.

The proposal is contrary to the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy guidance set out in the SPDs '*Conversion of Traditional Rural Buildings*' and '*Shopfronts and Advertisements Design Guide*'.

Impact on Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity of surrounding land uses and should not cause unacceptable loss of amenity.

It is considered that the proposal would not result in any unacceptable amenity impacts.

Impact on Highways Safety

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

There are no proposed changes to the access arrangements to the site as part of this application and given the highway restrictions in place, it is not envisaged that the proposal would result in any material highway safety issues. I am also mindful that there are no highway objections to the proposal from the Highway Authority as it is not expected that the proposed business would have a detrimental effect on the highway safety and any existing on street parking.

It is considered that the proposal in connection with the butchers shop is acceptable from a highway safety perspective.

Conclusion

It is considered that the retention of the small food serving area within the bakehouse, operating in connection with the butchers shop is acceptable in principle.

However with regard to the external canopy which is included and forms part of this proposal, it is considered the proposal would cause less than substantial harm to the character and appearance of the Farnsfield Conservation Area. No public benefits have been identified that would outweigh the harm identified.

The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. The proposal is contrary to the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. In addition the proposal does not reflect the policy guidance set out in the SPDs '*Conversion of Traditional Rural Buildings*' and '*Shopfronts and Advertisements Design Guide*'.

RECOMMENDATION

That full planning permission is refused for the reason set out below;

01

The external canopy fixed to the traditional barn building, represents an alien addition that harms its vernacular character, form and appearance, and detracts from the traditional architectural feature, of the cart shed opening. The harm identified is considered to be less than substantial, but no public benefits have been identified that outweigh the harm identified in this case.

In the opinion of the Local Planning Authority, the proposal is contrary to Core Policy 14 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM9 of the Allocations and Development Management DPD (2013), Policy FNP7 of Farnsfield Neighbourhood Plan (2017), it does not accord with the guidance contained within the National Planning Policy Framework (2021), the Planning Practice Guidance, Conversion of Traditional Rural Buildings SPD (2014) and Shopfronts and Advertisements Design Guide SPD (2014) which are material planning considerations and contrary to the duty of preservation set out under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes to Applicant:

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Jon Pope on ext. 5999.

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

Lisa Hughes
Business Manager- Planning Development

Committee Plan - 21/01386/FUL



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PLANNING COMMITTEE – 02 NOVEMBER 2021

Appeals Lodged

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

2.0 RECOMMENDATION

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 19 September and 18 October 2021)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/21/3277122	21/00437/HOUSE	Uno Cottage The Turnpike Halam NG22 8AE	Proposed first floor extension & porch	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/21/3279282	21/00436/HOUSE	Chapel Cottage Main Street Edingley NG22 8BE	Proposed detached garage and out-building	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/3271892	20/02420/S73M	Kilvington Newark On Trent NG13 9PD	Application to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/323 9439)	Hearing	Not determined within 8 weeks
APP/B3030/C/21/3281792	20/00342/ENFB	Ultimate Nails And Beauty Unit 15A Waterloo Yard King Street Southwell NG25 0EH	Appeal against alleged cladding of Beauty Salon	Written Representation	Service of Enforcement Notice

PLANNING COMMITTEE – 2nd NOVEMBER 2021

Appendix B: Appeals Determined (between 19 September and 18 October 2021)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
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	Delegated Officer	Not applicable	Appeal Dismissed	22 September 2021
21/00208/HOUSE	Chapel House Church Lane Eakring NG22 0DH	Insulation and rendering to the front and side external walls of the house	Delegated Officer	Not applicable	Appeal Dismissed	20 September 2021
21/00316/FUL	Rose Cottage 34 Lovers Lane Newark On Trent NG24 1HU	Demolition of Existing Property and Erection of 3 (three) Town Houses	Delegated Officer	Not applicable	Appeal Dismissed	22 September 2021
20/01801/FUL	The Cascades Boat Lane Hoveringham NG14 7JP	Erection of single dwelling with curtilage, hardstanding and new vehicular access	Delegated Officer	Not applicable	Appeal Dismissed	27 September 2021

Recommendation

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes

Business Manager – Planning Development

PLANNING COMMITTEE – 2 NOVEMBER 2021

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

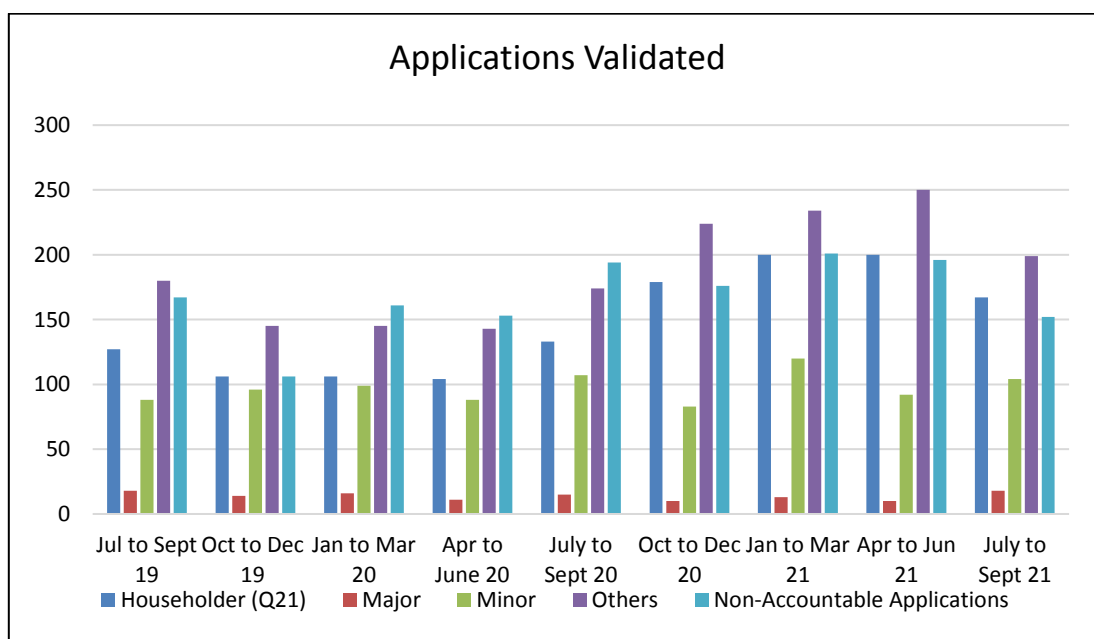
1.0 Purpose of Report

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period July to September 2021. However, in order for the latest quarter’s performance to be understood in context, in some areas data going back to July 2020 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 July 2019 up until September 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 second quarter of 2021/22, a total of 831 applications were received. This, compared to the same quarter in 2020/21 shows a slight decrease from 894 or a 7.6% decrease in workload. However, the major difference in numbers relates to Tree Works Applications which saw a drop of over 70 applications compared to the year before, with householder, majors and ‘other’ application all increasing. However, compared to the preceding quarter, all application types had reduced in numbers with the exception of majors (80% increase) and tree works (27%). As referenced below under Section 4, the fluctuating numbers of all application types being received makes resourcing more difficult to manage. There is still a marked trend of increased numbers year on year which does not appear to be either steadying or reducing to pre-pandemic numbers.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.

Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

Others include (but are not limited to) householder, advertisements and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.

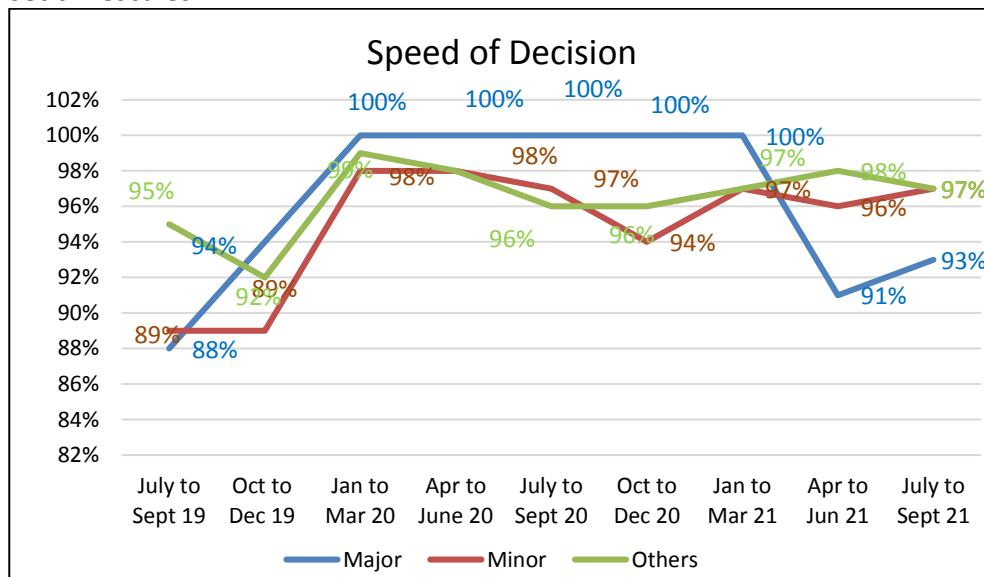
The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

3.0 Performance

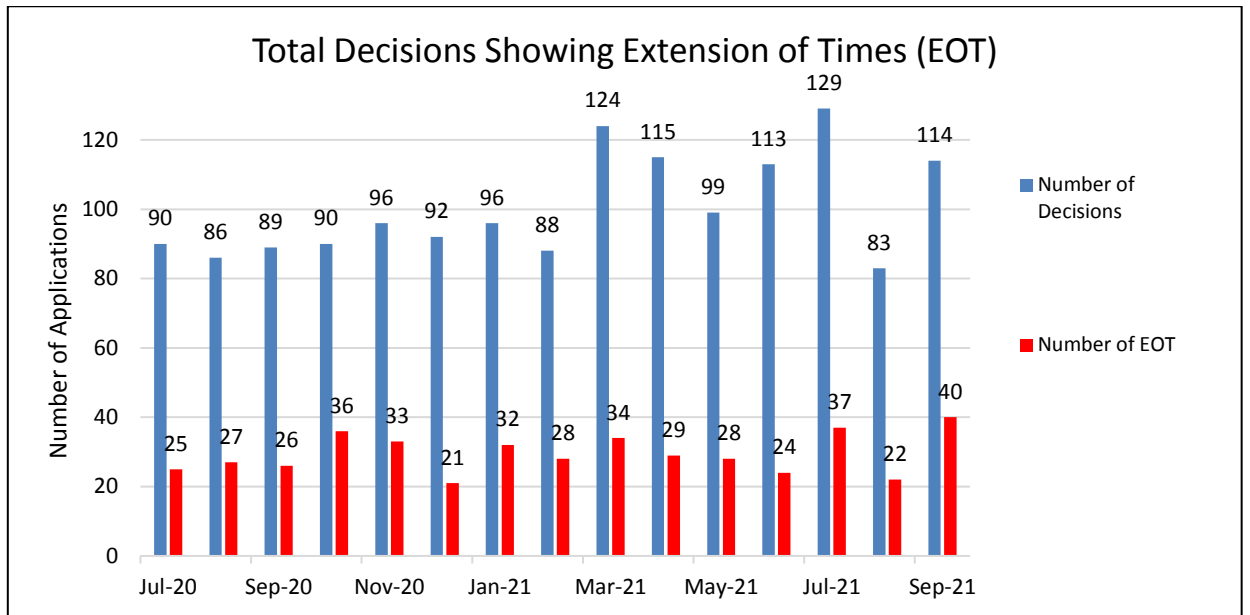
3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From quarter 2 2019 to quarter 1 2021, 96.3% of major applications have been determined within these timescales (a decrease of approximately 1% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 2 2019 to quarter 1 2021, 95.8% of non-major applications have been determined within these timescales (an increase of 0.3% 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 continued to significantly exceed 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.

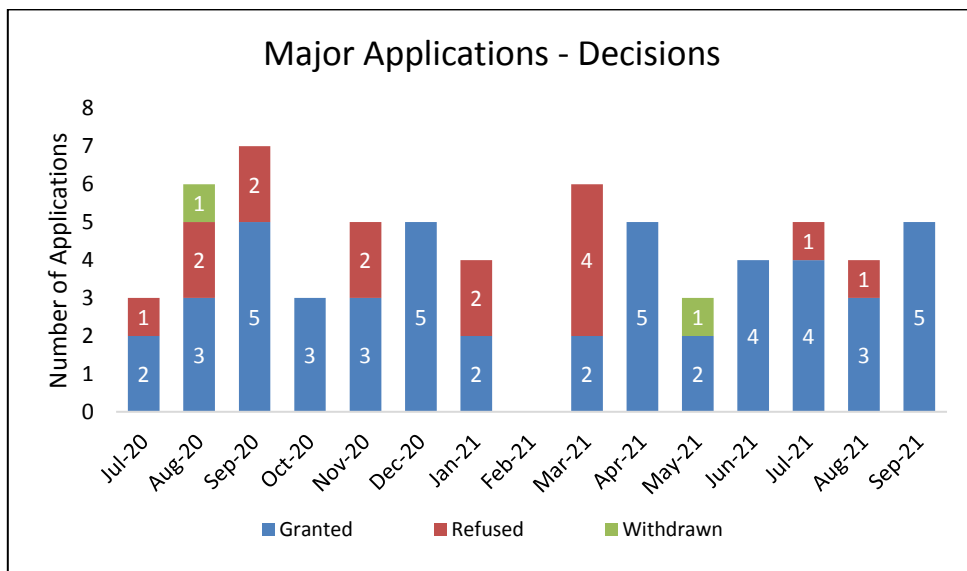
3.3 The following graph relates to the percentage of planning applications determined within set timescales.

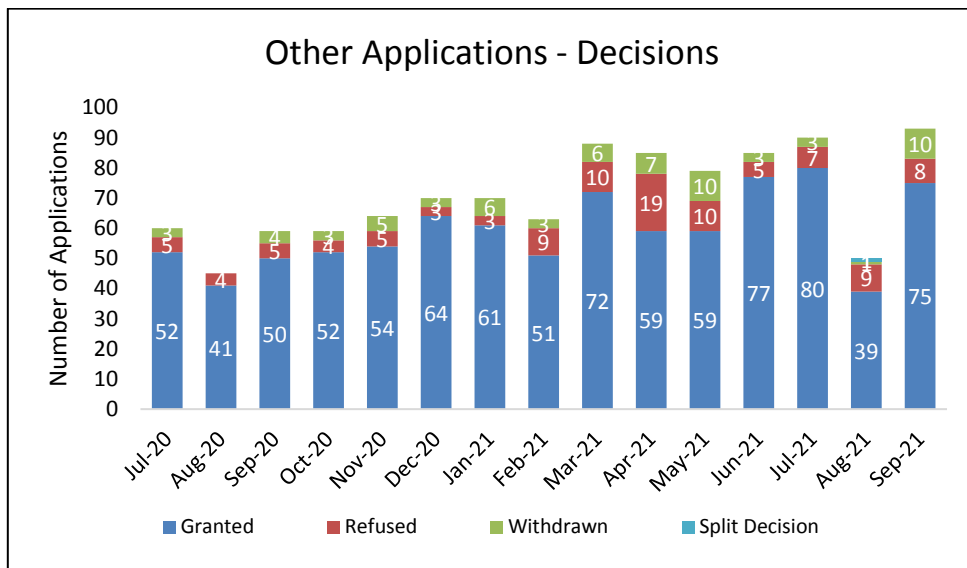
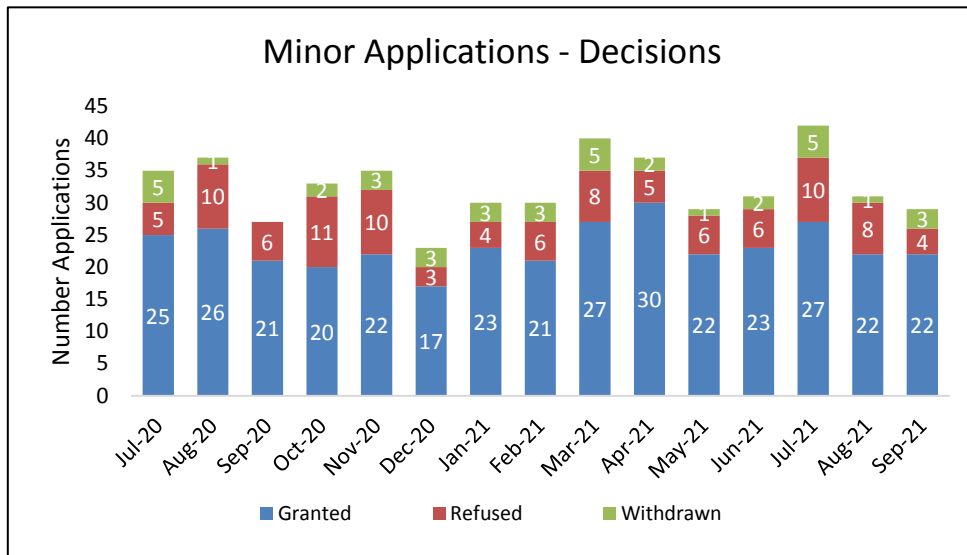


- 3.4 The previous quarter has seen a slight increase in performance for majors to 93% from 91%. This was as a result of 1 application (out of 15) being determined outside of its statutory timescale, but is still significantly above the national target. Minors has also increased slightly from 96% to 97% and for others a slight decrease from 98% to 97% compared to the previous quarter. 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. 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.
- 3.7 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. This would also run counter to our purpose and values as set out within the Community Plan.



3.8 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 89% across the 3 months). Withdrawals (total of 13) 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.





4.0 Tree Applications

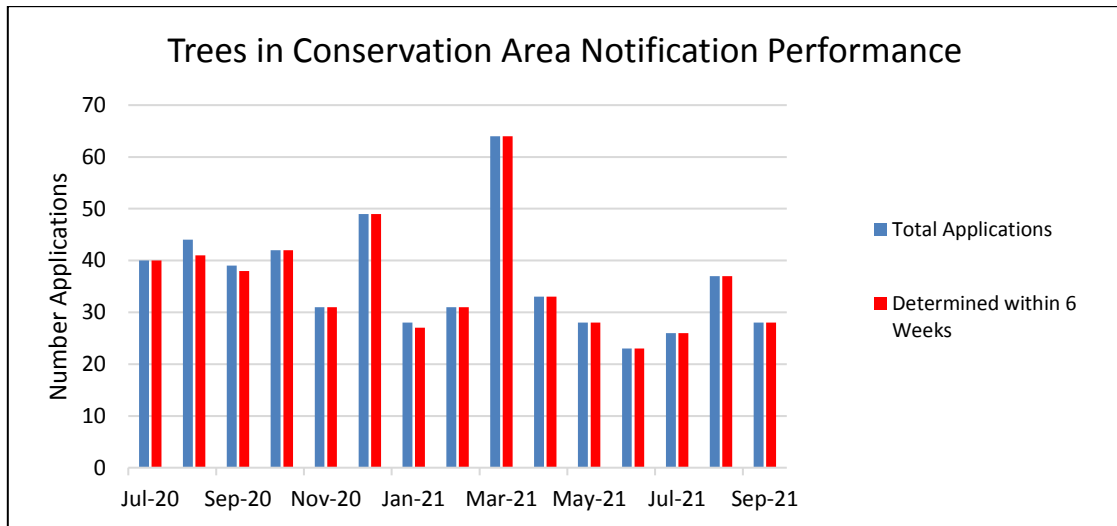
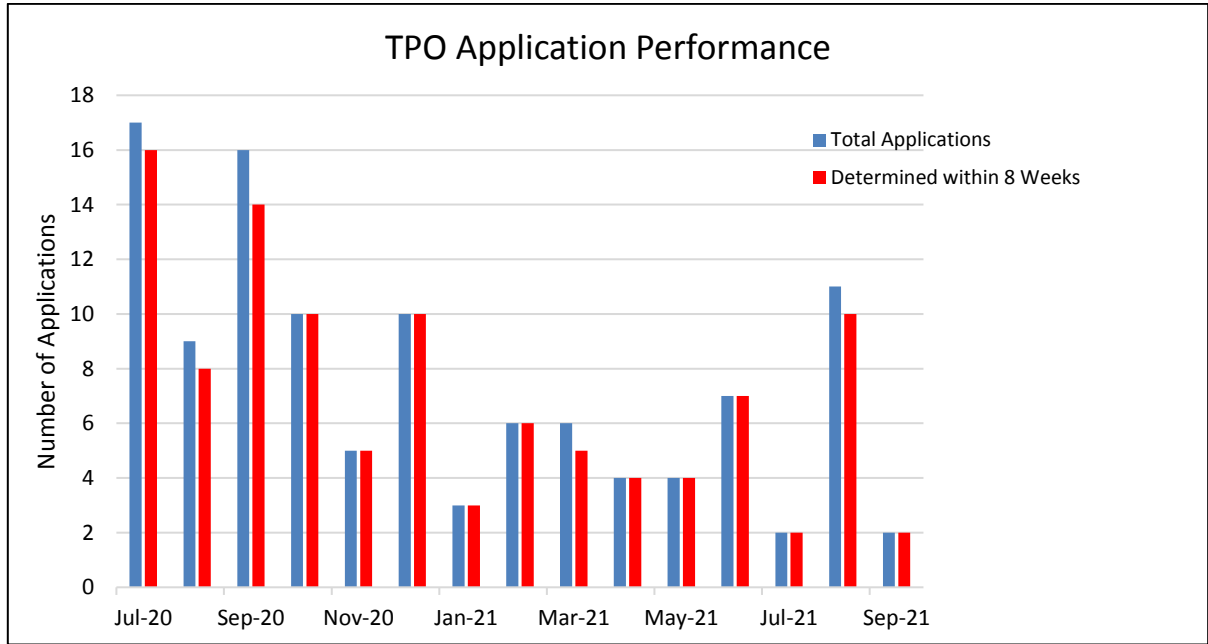
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent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

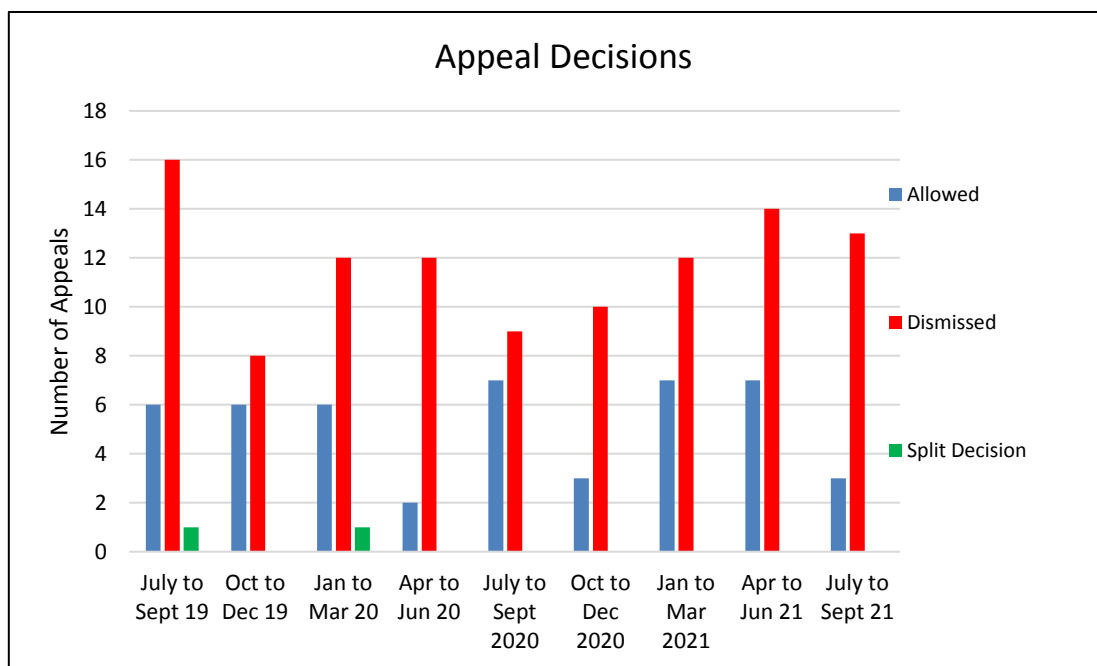
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. As can be seen, the number of applications received each month have no consistency making resourcing difficult. It 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 decrease in the number of decisions compared to the previous quarter, from 21 to 16 by the Planning Inspectorate. The number dismissed exceeds the number allowed (19% 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 DLUHC 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. Due to the both the success of appeal decisions (in the Council’s favour) as well as the overall number of applications that are approved, the Council will still be significantly within these thresholds.
- 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 in respect to Field Reference Number 7108. Eaking Road, Bilsthorpe was previously reported to Members, at which time the sum was not known. This has now

been submitted and agreed and is £47,344.93. In addition, a costs claim from the Council was previously reported with regards to a hearing relating to works to 2 silver birch trees at 31 Centenary Close, Balderton. The sum has been agreed at £1000.

6.0 Updates

6.1 Staffing – Since the previous report was presented, there have been a number of temporary changes to resources. Two officers were appointed to assist with the handling of smaller planning applications until the end of October. Michael Read has been promoted from Planning Support to Planning Enforcement following successful interview. His role in Planning Support was a temporary post covering maternity leave. A further officer has been appointed, Sarah Kingston, to the Support team to cover this temporary requirement.

6.2 Nationally, the National Planning Policy Framework has been updated which includes changes relating to ‘beauty’, design codes and is pursuing, in relation to sustainable development, the 17 Global Goals for Sustainable Development in the period to 2030.

6.3 In addition, a number of changes have come into effect through the General Permitted Development Order. These include:

- New permitted development rights, from 1 August 2021, allow Commercial/Business/Service uses (Class E) to be changed to Dwellinghouses (Class C3). As expected, there are specific conditions and limitations on this new right, including the need to make a ‘Prior Approval’ application so that specific details and matters can be reviewed by the Local Authority to determine if further action is required (Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (SI 2021 No 428).
- The same legislation has also introduced the requirement for a Prior Approval application to be made for proposed changes from ‘commercial, business and service or betting office or pay day loan shop to mixed use’.
- As part of the ongoing changes to fire safety regulations, certain types of proposed development (“multi-occupied residential buildings of 18 metres or more in height, or 7 or more storeys”) will, from 1 August 2021, require that a ‘Fire Statement’ is completed by an expert and submitted as part of the application for permission under The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (SI 2021 No 746).
- The legislative amendments discussed above also introduced ‘fire safety impacts’ as an additional matter for prior approval in certain permitted development rights, and the need for a ‘statement about the fire safety design principles, concepts and standards that have been applied to the development’ to be provided.
- Certain types of proposed major public infrastructure developments (“hospitals, schools and further education colleges, prisons, young offenders’ institutions and other criminal justice accommodation”), from 1 August 2021, be eligible for shorter determination timeframes under The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (SI 2021 No 746).

- On 31 July 2021, fee changes for certain prior approval applications have been introduced through The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021 (SI 2021 No 791).

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. The department is now working in a 'hybrid' way with the majority of time still working from home. 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 – 2 NOVEMBER 2021

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the second quarter from the 1st July to the 30th September 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 also includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

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 July, when there were several members of staff on annual leave, the team has forged ahead with output and has managed to match or 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 Q2. 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. On Chart 2 'other' are cases which have been withdrawn by the complainant.

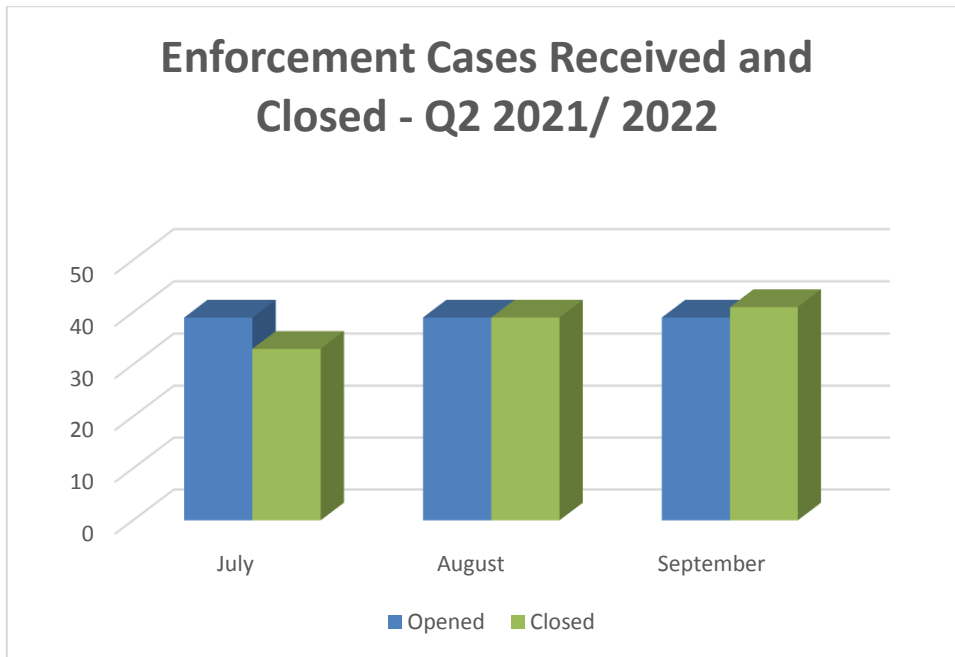


Chart 1 – Number of enforcement cases received and closed during Q2 of the 2021/2022 period.

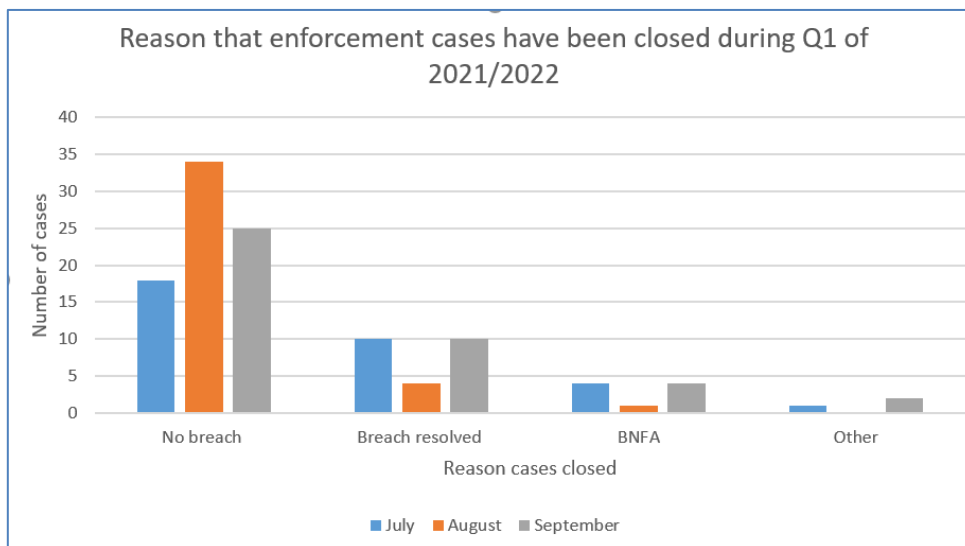


Chart 2 – Reason that enforcement cases have been closed during Q2 of 2021/2022

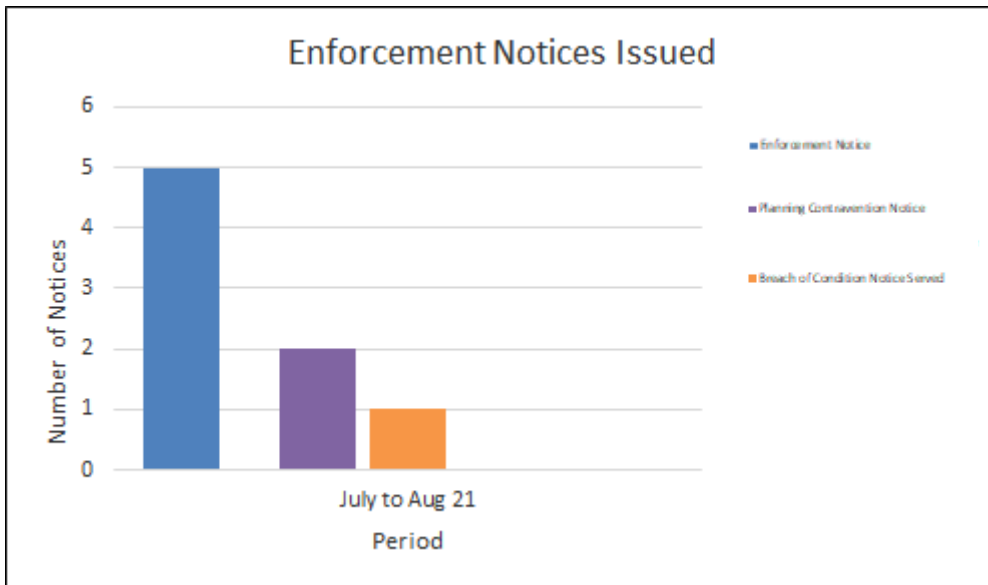
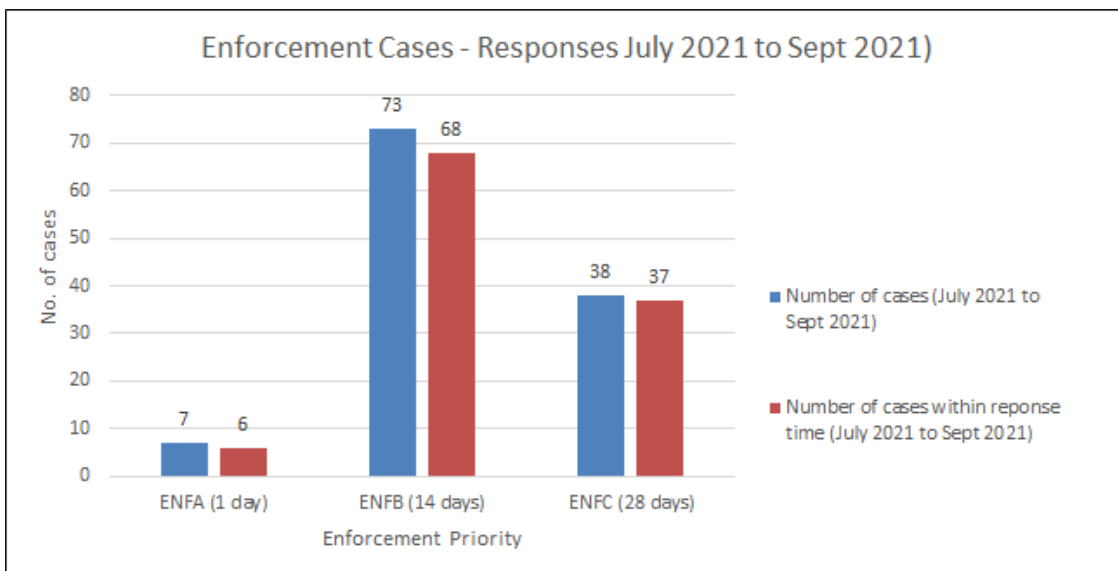


Chart 3 – notices issued during Q2 of 2021/2022.

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 that whilst the enforcement team has continued to operate at a high level of compliance with the targets set within the PEP (95%), due to staff turn over and annual leave over the period the number of cases meeting the targets has dropped slightly from Q1. The team is committed to reaching the previous level by the conclusion of Q3.



Appeal Outcomes in Quarter 2

	July	August	September	Total
Notices Issued	1 21/00270/ENFB	3 20/00146/ENF 21/00264/ENFB 20/00342/ENFB	2 20/00126/ENF 21/00145/ENFB	6
Notices Complied With	1 21/00081/ENFB	0	1 20/00336/ENFC	2
Appeal Lodged	0	0	2 20/00342/ENFB 21/00145/ENFB	2
Appeal Determined	20/00205/ENF (dismissed)			1

SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 20/00342/ENFB

Site Address: 15A Waterloo Yard, King Street, Southwell

Alleged Breach: Unauthorised Cladding

Date Received: September 2020

Action To Date: Enforcement Notice Served August 2021

Background: Officers were notified that timber and metal cladding had been affixed to a commercial premises located within the Southwell Conservation Area. A retrospective application for planning permission seeking to retain the cladding was submitted and refused, on account of its uncharacteristic, modern appearance in this historic setting. A planning Enforcement Notice, which has been appealed to the Planning Inspectorate, was issued following the refusal of the application which requires the removal of the cladding.



Enforcement Ref: 21/00145/ENFB

Site Address: Land at Hall Cottage, High Street, Holme

Date Received: April 2020

Action To Date: Enforcement Notice Served September 2021

Background: The Local Planning Authority was made aware that a parcel of vacant land, formerly part of the registered gardens of the grade II listed Holme Hall, but now within the ownership of the nearby equestrian facility, had been laid with crushed stone to form a hard surface. The area of land is used by the equestrian facility for the manoeuvring and parking of vehicles, including large equestrian trucks. Given the proximity of the hard surface to the grade II listed Holme Hall, and the potential for amenity impacts upon its occupants, an Enforcement Notice requiring the area of hard surfacing to be removed was issued. An appeal has been lodged with the Planning Inspectorate.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 21/00204/ENFC

Site Address: The Dumbles Public House, Southwell

Alleged Breach: Untidy Condition of Property

Date received: May 2021

Background: The Local Planning Authority received expressions of concern regarding the untidy condition of this long-closed public house. Overgrown vegetation, waste in the car park and damaged windows had, over time, left the building being a visual detriment to the locality. Officers contacted the owner requesting improvements be made, which were promptly undertaken voluntarily. This included the removal of waste and vegetation and repairs to the paint and glasswork of windows on the premises.



Before



After

Enforcement Ref: 21/00193/ENFB

Site Address: Sherwood Park, Walesby

Alleged Breach: Unauthorised Commercial Activity

Date received: May 2021

Background: The Local Planning Authority received a complaint that a resident of a park home site was using part of the land for the parking and maintenance of commercial vehicles, including vans and trucks. The noise and visual disturbance was said to be having a detrimental impact upon other residents, as well as damaging surrounding road surfaces. Officers served a Planning Contravention Notice to obtain a well informed insight and then liaised with the person responsible for the storage and maintenance of the vehicles and advised them that the activity was required to cease. Further site visits have found that all commercial vehicles have been removed and the company website closed.

Enforcement Ref: 20/00454/ENFC

Site Address: 16 Collis Close, Newark on Trent

Alleged Breach: Unauthorised Outbuilding

Date Received: November 2020

Background: Officers received an allegation that a timber outbuilding had been erected in the garden of 16 Collis Close, forward of the principal elevation (front) of the dwelling. A site visit found that the outbuilding had been sited so as to be a dominant feature. Therefore, it was considered that allowing the retention of the outbuilding would set an unsustainable visual precedent which detracts from the street scene and would fail to safeguard the amenity of neighbours.

A site visit with the owner confirmed that the building had been erected to provide more space during the covid-19 pandemic. As such, although retention was not agreeable, Officers provided a longer-than-usual compliance period to allow the structure to be dismantled while fulfilling the needs of the occupiers during the pandemic. The outbuilding was duly dismantled as agreed in July 2021.



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 a Temporary Stop Notice and a Breach of Condition Notice 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 to the Local Planning Authority about this site or any of the others that are current being constructed.

RECOMMENDATION

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

Background Papers

None

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

Matt Lamb

Director – Planning & Regeneration