



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000
www.newark-sherwooddc.gov.uk

Monday, 7 February 2022

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

Members of the Committee:

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 T Thompson
Councillor I Walker
Councillor K Walker
Councillor T Wildgust
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 15 February 2022 at 4.00 pm

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

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

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

AGENDA

Page Nos.

- | | | |
|----|---|--------|
| 1. | Apologies for Absence | |
| 2. | Declarations of Interest by Members and Officers | |
| 3. | Declaration of any Intentions to Record the Meeting | |
| 4. | Minutes of the meeting held on 18 January 2022 | 5 - 12 |

Part 1 - Items for Decision

- | | | |
|-----|---|-----------|
| 5. | Site Adjacent 'The Old Grain Store', Old Epperstone Road, Lowdham, Nottinghamshire - 21/01830/FUL | 13 - 35 |
| 6. | 32 Stodman Street, Newark On Trent - 21/00699/FULM (MAJOR) | 36 - 74 |
| 7. | Former Newark Livestock Market, Unit 1 Great North Road, Newark On Trent - 21/02484/FULM (MAJOR) | 75 - 105 |
| 8. | Park View Caravan Park, Tolney Lane, Newark On Trent - 21/02492/S73 | 106 - 117 |
| 9. | Land at Shannon Falls, Tolney Lane, Newark On Trent - 21/02613/FUL | 118 - 138 |
| 10. | Hill House, Chapel Lane, Epperstone - 21/02533/FUL | 139 - 173 |
| 11. | Land Adjacent Orchard House, Thorney Road, Wigsley - 21/02336/OUT | 174 - 184 |
| 12. | Field Reference Number 8024, Wellow Road, Eakring - 20/02296/FUL | 185 - 207 |

Part 2 - Items for Information

- | | | |
|-----|--------------------|-----------|
| 13. | Appeals Lodged | 208 - 209 |
| 14. | Appeals Determined | 210 - 213 |

Part 3 - Statistical and Performance Review Items

- | | | |
|-----|--|-----------|
| 15. | Development Management Performance Report | 214 - 223 |
| 16. | Quarterly Enforcement Activity Update Report | 224 - 231 |

Part 4 - Exempt and Confidential Items

- | | |
|-----|-----------------------------------|
| 17. | Exclusion of the Press and Public |
|-----|-----------------------------------|

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 18 January 2022 at 4.00 pm.

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

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 T Thompson, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor S Haynes

The Chairman welcomed Councillor T Thompson to her first meeting of the Planning Committee.

89 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R Blaney declared an Other Registerable Interest in Agenda Item No. 12 – Community Hall, Easthorpe, Southwell (21/02410/FUL), as he was a Trustee of the charity who was the applicant.

Councillors Mrs L Dales, I Walker and K Walker declared Registerable Interests as Council appointed representatives on the Trent Valley Internal Drainage Board and Upper Witham Valley Drainage Board.

90 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

91 MINUTES OF THE MEETING HELD ON 6 DECEMBER 2021

AGREED that the Minutes of the meeting held on 6 December 2021 were approved as a correct record and signed by the Chairman.

The Chairman informed the Committee of an urgent late item of business which would be considered after agenda item 12, entitled 'Kilvington Lakes, Kilvington – 20/02420/S73M'.

92 STAUNTON INDUSTRIAL ESTATE, ALVERTON ROAD, STAUNTON IN THE VALE - 21/02386/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of commercial storage units and erection of new office with associated parking, the application was a resubmission.

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

Members considered the application and it was felt that if the Committee were minded to approve the application a band of trees should be planted between the property and the pond and downward lighting to prevent light pollution and an obvious mass within the open countryside. A Member commented that there was no reason for this business to be in the countryside, creating more traffic and reducing quality agricultural land and would be more suited in one of the districts allocated sites. A Member commented that he remained uncomfortable about the application, but had noted that alternative sites had been explored. Another Member commented that long established estates such as this one should be supported in the open countryside. A Member raised concern with the additional information presented to support the application given that the areas sought for alternatives sites were greater than the existing and proposed floor areas combined.

A vote was taken to approve planning permission and lost with 6 votes For and 9 votes Against.

AGREED (with 9 votes For and 6 votes Against) that contrary to Officer recommendation planning permission is refused on the grounds that the development was not small scale or considered to be a proportionate increase of the existing business and that Members were not persuaded that the development requires a rural location as per the previous reason for refusal.

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

93 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL - 21/01899/S73M

The Committee considered the report of the Business Manager – Planning

Development which sought the variation of Condition 2 attached to 19/01828/FULM to allow the erection of a single storey plant room and 3no. air-source condensing units to the east (side) elevation of the building approved under 19/01828/FULM for the erection of 12 units of living accommodation for assisted living following the demolition of the existing bungalow.

Members considered the presentation from the Director – Planning & Growth, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that planning permission is approved subject to the sealing of a S106 Legal Agreement and the conditions and reasons contained within the report.

94 WOODLANDS LIVERY, BECKINGHAM ROAD, CODDINGTON, NEWARK ON TRENT - 21/02210/FUL

The Committee considered the report of the Business Manager – Planning Development which sought the change of use of land for the siting of 3 no. holiday lodges and creation of a wildflower meadow

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

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

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

Members considered the application and it was felt that the lodges should only be used for tourist accommodation and inhabited for no longer than 28 days. One Member commented on recent appeals that had been allowed for developments of a similar nature. Members requested that the exact wording of condition 5 be checked for robustness and any required changes were delegated to the Business Manager – Planning Development. The Director of Planning & Growth confirmed that a register of occupants should be retained by the site manager as per the requirements of the recommended condition 4.

AGREED (with 13 votes For and 2 votes Against) that planning permission is approved subject to the conditions and reasons contained within the report and subject to the exact wording of condition 5 being checked for robustness and any required changes delegated to the Business Manager – Planning Development.

The Committee considered the report of the Business Manager – Planning Development which sought alterations to No.81 Lincoln Road and the erection of a new dwelling.

Members considered the presentation from the Director of Planning & Growth, 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.

Councillor J Kellas, Local Ward Member for Bridge spoke against the application and also spoke on behalf of Councillor S Haynes, also Local Ward Member for Bridge, who was in attendance at the meeting, on the following grounds: loss of amenity to neighbours; infringe on the privacy of the neighbouring bungalows; back land development; lack of access for emergency services; risk of potential crime; and concerns of the neighbouring residents. The two Local Ward Members also supported Newark Town Council's objection.

Members considered the application and it was felt that the proposal for the new dwelling was over intensification of back land development that was harmful to the character of the area. Additionally, it would set a precedent for future development with the potential to further erode and harm the character of the area. It was suggested that the boundary fence should be re-instated. Members however had no concern regarding the extension to the existing property, No. 81 and suggested that an informative be included to the applicant stating that if the applicant wanted to pursue the extension to the existing property, they could do so on a separate application.

Another Member confirmed that he saw no material objection for this application. A precedent had already been established which could be seen on the plan north of the site. The privacy of neighbouring properties and amenity was also challenged. The driveway was narrow but it was stated that the fire brigade were trained to work on properties at a distance.

A vote was taken to approve planning permission and lost with 4 votes For, 10 votes Against and 1 Abstention.

AGREED (with 10 votes For, 4 votes Against and 1 Abstention) that contrary to Officer recommendation planning permission be refused on the grounds of over intensification of development due to the back land nature of the development which was out of character with the area and a precedent likely to be repeated.

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
M. Brock	Abstention
R. Crowe	For
Mrs L. Dales	For
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	Against
T. Smith	For
T. Thompson	For
I. Walker	Against
K. Walker	Against
T. Wildgust	Against
Mrs Y. Woodhead	For

96 THE RUSTIC CRUST PIZZERIA, MAIN STREET, FARNSFIELD - 21/02396/S73

The Committee considered the report of the Business Manager – Planning Development which sought to remove condition 8 of planning permission 19/00208/FUL to allow the takeaway of hot food.

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

Members considered the application and concern was raised regarding the volume of traffic on Main Road and the number of cars parked on Main Road, due to this being a heavily populated residential area, with car parking problems. Members suggested that a temporary permission of twelve months be imposed in order for traffic movement to be monitored as the Country moves out of the pandemic and daily life moves back to pre-pandemic. An additional condition also be included attaching the planning permission to the business and condition 11 restricting how the takeaway be operated to not be included.

AGREED (unanimously) that:

- (a) delegated approval be granted to the Business Manager - Planning Development, to allow temporary planning permission for twelve months in order for traffic movement to be monitored; and
- (b) omission of condition 11.

97 THE BUTTERMARKET, 27 MIDDLE GATE, NEWARK-ON-TRENT - 21/02462/LBC

The Committee considered the report of the Business Manager – Planning Development which sought the removal of the existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors.

Members considered the presentation from the Senior Planning Officer, which

included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that Listed Building Consent is granted subject to the conditions contained within the report.

98 THE BUTTERMARKET, 27 MIDDLE GATE, NEWARK-ON-TRENT - 21/02470/LBC

The Committee considered the report of the Business Manager – Planning Development which sought provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level.

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

Members considered the application acceptable.

AGREED (unanimously) that Listed Building Consent is granted subject to the conditions contained within the report.

99 COMMUNITY HALL, EASTHORPE, SOUTHWELL - 21/02410/FUL

Having Declared an Other Registerable Interest, Councillor R Blaney left the meeting for the duration of this item. Councillor Mrs L Dales took the Chair.

The Committee considered the report of the Business Manager – Planning Development which sought the change of use of the community hall to one dwelling including the erection of an extension and external alterations.

Members considered the presentation from the Director of Planning & Growth, which included photographs and plans of the proposed development.

Members considered the application and it was felt that as the building was so small it wasn't adequate for the use of a community facility and as confirmed within the report wasn't being used. The building required regular use in order to prevent it from falling into disrepair which would be achieved through a change of use to residential use. A Member raised concern that the hall had been used as a polling station in the past and was concerned that this local facility would be lost. The Director of Planning & Growth confirmed that an alternative venue would be found for the purpose of a polling place.

(Having declared an Other Registerable Interest, Councillor R Blaney left the meeting for the duration of this item and took no part in the vote).

AGREED (with 13 votes For and 1 vote Against) that planning permission is approved subject to the conditions and reasons contained within the report.

Councillor R Blaney returned to the meeting.

100 KILVINGTON LAKES, KILVINGTON - 20/02420/S73M

The Committee considered the report of the Business Manager – Planning Development which sought 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/19/3239439).

Members were informed regarding an appeal that had been lodged and were asked to ratify the broad statement of case which officers intended to submit. Given the timetable for submission of the Council's case, imposed by The Planning Inspectorate that week, had not allowed for the matter to be brought to the 15 February 2022, Planning Committee and hence the matter was presented as an urgent item.

Members considered the presentation from the Director of Planning & Growth, 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 Clinical Commissioning Group on behalf of the NHS and a letter from the RPS Group.

Members considered the proposal acceptable.

AGREED (unanimously) that the broad statement of case outlined in the report be endorsed.

101 AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) (NO.3) ORDER 2021

The Committee considered the report of the Director – Growth & Regeneration which provided an update to Members on a recently published Statutory Instrument SI 2021 No. 1464 - The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 extends permitted development rights for pubs, cafes and restaurants.

The Government had published a Statutory Instrument (SI 2021 No. 467) on 14 April 2021 providing for moveable structures within the curtilage of certain buildings including public houses, restaurants and historic visitor attractions. This relaxation was for a temporary period of time to facilitate businesses continuing to operate during the Covid-19 pandemic. These rights had now become permanent, however some were subject to other limitations whilst there had also been expansion. The relevant ones for Newark and Sherwood District Council were summarised within the report.

Due to the pandemic, permitted development rights were also introduced in 2020 allowing emergency development by either a local authority or health service body to take place without permission. This right (Part 12A of Schedule 2) had been utilised within the District e.g. with the PCR testing station previously at Castle House and

now at the NCC depot. This temporary right had been extended until 31 December 2022.

AGREED (unanimously) that :

- (a) Members note the contents of the report; and
- (b) further changes to legislation will be reported to Members.

102 APPEALS LODGED

AGREED that the report be noted.

103 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.57 pm.

Chairman

PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/01830/FUL		
Proposal:	Change of use of agricultural land and extension to the existing wood fuel production business, retention of earth bunds, retention of concrete retaining wall/clamp, retention of re-sited biomass boiler, wood drying kiln and roof cover over (Retrospective).		
Location:	Site Adjacent 'The Old Grain Store', Old Epperstone Road, Lowdham, Nottinghamshire		
Applicant:	Messrs S & R Jackson.		
Registered:	28 August 2021	Target Date: 20 October 2021	
	Extension of Time: 17 th February 2022		
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage		

This application is before the Planning Committee for determination because a District Councillor is joint applicant with his son.

The Site

The site lies to the south of Old Epperstone Road and is accessed by a small track which also serves The Old Grain Store which is currently occupied by Sharmans Agricultural Ltd and lies to the north of the site. To the south and east of the site are fields and to the west is South Sherrards Nurseries and the grounds of Element Hill Farm. Further beyond, residential development approximately 80m to the north-west of the site exists and also beyond the main highway approximately 140m to the north.

The part of the site to which this application relates forms an extension to the existing wood fuel production business site. It is washed over by the Nottingham-Derby Green Belt and its lawful use is agricultural land. There is a steel portal building located at the northern end of the existing wood fuel production business site that is used in connection with the business which, it is understood, was originally constructed for agricultural purposes. In addition to this building, at the opposite end of the extended site, there is a new building along with other relocated structures and a wood chip clamp. Earth bunds which have been formed around part of the overall site exist for which permission is sought for their retention retrospectively.

Relevant Planning History

16/01271/FUL- Planning permission granted for the use of land and building and siting of container, biomass boiler and Wood Chip Clamp in connection with wood fuel production business (retrospective, resubmission) – permission 01.03.2018

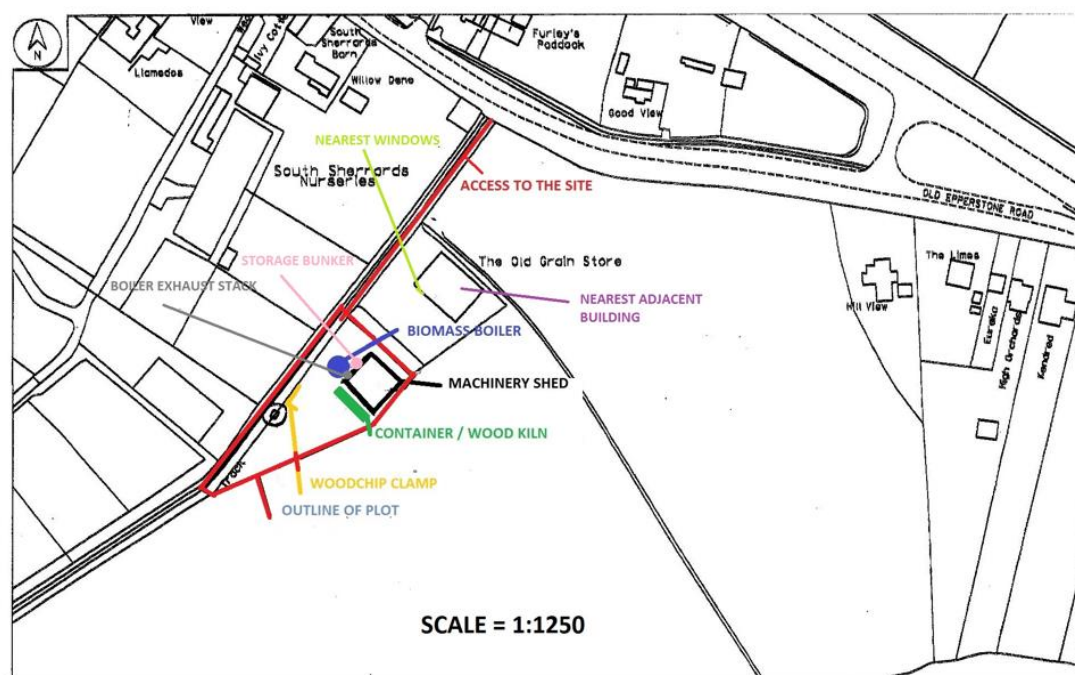
16/00490/FUL – Use of land and building and siting of container, biomass boiler and Wood Chip

Clamp in connection with wood fuel production business (retrospective) (withdrawn)

13/00496/AGR – Proposed steel frame building (prior approval not required, 14.05.2013)

Evolution of the site since 2016 and the Proposed Development:

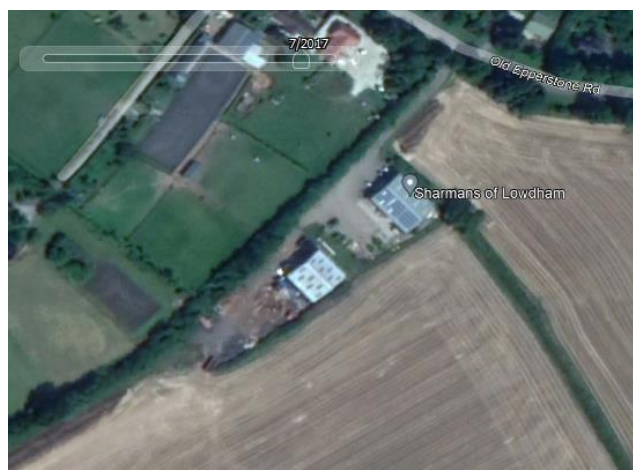
Planning permission was granted in 2018 under reference 16/01271/FUL for the use of land and building and siting of container, biomass boiler and Wood Chip Clamp in connection with wood fuel production business. The extent of the application site and site layout at that time as per the submitted plans was as follows:



As the series of aerial photographs from 2017 until present for the site below show, the extent of the land used in association with the applicant's business has increased which is also reflected in the site location plan that accompanies this current revised application.



May 2012



July 2017



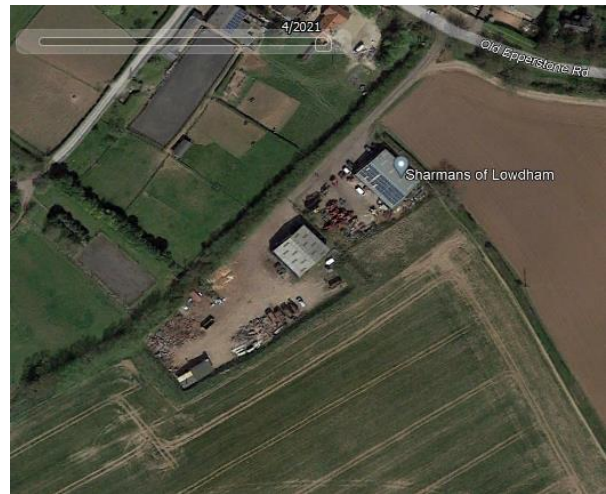
March 2019



September 2019



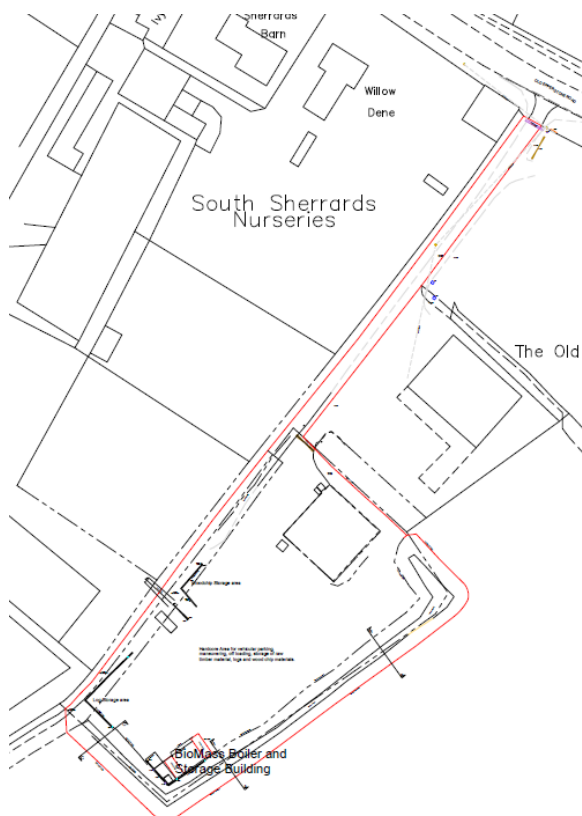
August 2020



April 2021

As the aerial photos above show, the yard area has been increased by around 60% at some point between 2017 and 2019. Earth bunds have been formed around the south and south eastern as well as the south western boundaries to contain or enclose the subject site. The submitted topographical survey show these to range in height from between 2 to almost 3 metres in places. The use of the site and the working activities that are carried out upon the site appear to have sprawled across a wider parcel of agricultural land. The structures and building to which retrospective consent is sought can be seen in the south western corner of the extended site. It appears apparent from the aerial photographs above that the extended site is well utilised.

The extent of the application site as it is presently is shown on the revised site location plan.



Extract of revised Site Location Plan
(NTS)

The application as initially submitted seeks consent for the 'resiting of biomass boiler and wood drying kiln and erection of roof cover structure (Retrospective)'. According to the initially submitted planning statement, *'the structure itself consists of 2 containers sited on a concrete slab. The biomass boiler and log splitter are located within the area between the 2 containers. The container adjacent to the southern boundary is an implement and equipment store and the other container is the wood drying kiln.'*

The biomass boiler, wood drying kiln and log splitter, which are all housed beneath a roof cover structure, has been operating in its current position since July 2019 according to the initially submitted application form.

During the consideration of the application and following a site visit, further information has been requested and agreement has been sought from the agent to amend the description of development to capture a number of other undertakings that have been carried out as part and parcel of the change of use that has occurred which also require the benefit of planning consent.

In addition to the above, a number of further queries were raised with regard the workings being carried out upon the site and also with regards the information on the application forms and ownership certificates. As a result revised plans, a revised planning statement and an amended application form has been submitted the notable differences on the form being:

- Amended description as explained above; and
- Applicant name amended from S Jackson to Messrs S & R Jackson. It has been confirmed that the land owner is Cllr Roger Jackson, who is now included as being applicant and therefore the issue raised with regards the correct certificate of ownership has been addressed and Certificate A has rightfully been completed.

List of Revised Plans and documents

- Revised Site and Block Plan Drawing no. 21-1993 Rev 2B received 9 December 2021
- Revised Existing Floor Plans and Elevations Drawing no. 21-1993 Rev 1B received 9 December 2021
- Concrete panel elevations and floor plans and typical bund cross sections Drawing no. 21-1993 Rev 3 received 9 December 2021
- Topographical Survey Drawing No. PO2094_2D_DRG1 received 9 December 2021
- Planning Supporting Statement Dated November 2021 received 9 December 2021
- Revised planning Application form received 9 December 2021.

Departure/Public Advertisement Procedure

Occupiers of thirteen properties have been individually notified by letter. A site notice has also been displayed near to the site.

Upon receipt of the revised details a further re-consultation exercise has been undertaken.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Adopted March 2019

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (online resource)

Consultations

Lowdham Parish Council – Initially did not object (comments made 3.09.21) but then made subsequent comments on 10.09.21 stating;

‘Members of the Parish Council have become aware that there are complaints about the operation of the biomass facility; that the operator may not be following the conditions in the original grant of planning permission and that the re-siting of the facility, now the subject of the retrospective consent sought, may have made matters worse for neighbouring properties. On that basis, the parish council objects to the proposal.’

Further comments were then also made on 8 October stating, *‘No comment on the Planning Issues – Abstain’*

The Parish Council wrote again as a result of the recent reconsultation exercise to confirm that they *do not object* to the proposals.

NCC Highways – Initial comments- The proposal will have no impact on the existing highway network. Therefore, we have no highway comments.

Comments on the revised information-

'Before previous application for the site was approved under ref. 16/01271/FUL, the applicant had confirmed that the business is in operation Monday- Friday and that a tractor sized vehicle is used daily, along with a 3.5t van. This usage was deemed acceptable to the Highway Authority, and no highway objections were raised.'

Subject to no increase in the sizes of vehicles using proposed access to the there are no highways objections to this proposal.

Please note that there is a Public Footpath LowdhamFR12 located at the access off Old Epperstone Road. The applicant is reminded that the public footpath shall remain unobstructed at all times, which means no gates shall be erected across the route of the footpath. Should this application or the site operation of the site have any effect on this public footpath you should contact our Rights of Way Officer: sue.jarczewski@viaem.co.uk for further comments to ensure a safe and practical passage along the public footpath is safeguarded by an appropriate condition or informative.'

Trent Valley Internal Drainage Board – No comments received.

NSDC Environmental Health Officer – comments are summarised below:

Complaints had been received at the time of the original planning permission relating to smoke and odour which were investigated and ultimately closed as a statutory nuisance was not occurring. Further monitoring has been undertaken since the biomass boiler has been relocated to its current position with regard to smoke nuisance and also noise, summarising the current location of the biomass burner is the most suitable.

In relation to noise, EH continue to investigate noise from machinery used in connection with the production of wood chippings and wood fuel logs. Mitigation might be appropriate but EH advise an independent assessment of noise from all site machinery to identify appropriate noise mitigation measures should be carried out.

Nine letter registering support of the proposal has been received. Their comments are summarised below:

- We have never had a problem with smoke or noise
- Despite initial complaints when the business first started, we have not been disturbed by the operations at that site for years.
- Enormous effort has been made to minimise the impact of the business on the area.
- Barely visible from Old Epperstone Road or the nearby footpath.
- We live on old Epperstone road and experience no problems from the old grain store
- Re-siting of the biomass boiler has certainly led to a reduction of smoke and odour to the point where we are not now aware when it is in use

Three letters of representation have also been received from local residents raising objections to the proposal. Their comments are summarised below:

- Industrial development in the Green Belt;
- Why is it referred to as a biomass boiler as it is a biomass burner;
- Neighbouring properties are suffering with smoke issues and noise disturbance from the site;
- Smoke creates an unpleasant smell and burns during anti-social hours;
- This offensive and non-agricultural industrial activity will always be a Public Nuisance to its immediate neighbours;
- The application involves a brand new building
- The site is within 20 metres of a watercourse, despite how the application form has been completed.
- Surely there are more employees?
- Concerns raised with regard smoke, noise, and other nuisances.
- Concerns raised that local people's life style and health would be adversely affected

Comments of the Business Manager

There are a number of matters that require careful consideration in the assessment of this application which are discussed in turn below.

Principle of Development and Green Belt considerations

The site lies outside the defined village envelope for Lowdham and therefore lies within the Nottingham-Derby Green Belt, where relevant Green Belt policies apply. As the site is in the Green Belt, carefully scrutiny is therefore required.

Spatial Policy 4B of the Amended Core strategy sets out where new housing development could be acceptable and states that any other development within the Green Belt that is not identified in the policy, as is the case here, shall be judged according to national Green Belt policy.

Whether or not the proposal is 'inappropriate development' in the Green Belt and whether or not any 'very special circumstances' exist.

Paragraph 147 states that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Having carefully considered the case advanced by the applicant, it is my opinion that there are no meaningful 'very special circumstances'.

The NPPF does allow for limited development within the Green Belt. The limited types of development that are permissible in the Green Belt are set out in the NPPF at paragraphs 149 with regard the 'construction of new buildings' and 150 which lists certain 'other forms of development' providing they do not conflict with the purposes of including the land within the Green Belt and preserves the openness.

The earlier permission was considered to represent appropriate development within the Green Belt, with the storage container, wood chip clamp and biomass boiler being located close to and remaining proportionate to the existing building.

Construction of a new building

Paragraph 149 states that a LPA should regard the construction of new buildings as inappropriate in the Green Belt. However one of the exceptions are buildings required for agricultural and forestry use.

A number of structures have been constructed or relocated upon the extended wood fuel production business site, which was previously in agricultural land use. These structures include a biomass boiler and wood drying kiln, which are sited upon a concrete base, and the erection of a roof cover structure over, which in all intents and purposes comprise a 'building'.

Whether or not the building is required for an agricultural use?

The applicant as part of the previous application expressed that the wood fuel production business is diversification of the agricultural business.

In terms of the workings of the wood fuel production business and its relationship to the applicant's farming business, the applicant has advised that the raw material timber comes from various local sources. Some of the timber comes from the applicant's land at Gonalsen, some comes from other farms and in woodlands, some from local authorities and site clearances together with some from domestic properties and emergency highway clearance when trees are blown over. We have also been advised by the applicant that at this time of year [January] roughly 50% of the raw timber comes through the applicant's farm business and the remainder from clients land.

The wood processing activities or use that is carried out upon the site is described in the revised application form as 'pulping, drying and logging of felled timber in conjunction with farm business' (section 14) and 'B1 (c) Light industrial use' (Section 18).

In light of the above and in Green Belt terms it is a struggle to accept that the building is as a matter of fact required solely for an agricultural purpose, which leads to the conclusion that the subject building represents an inappropriate form of development, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances as rehearsed above.

Other forms of development

Paragraph 150 of the NPPF lists certain 'other forms of development' that can be considered to be appropriate in the Green Belt, with the added proviso that they do not conflict with the purposes of including the land within the Green Belt and preserves the openness. The other forms of development include the following:

Change of use of land - One form of 'not inappropriate' development listed in paragraph 150 is material changes in the use of land under paragraph 150(e). Paragraph 150(e) then goes on to give examples of the type of changes of use which can be considered not to be inappropriate and the Inspector in the case of appeal ref APP/H1840/W/19/3235302 identified that because of the use of the words "such as...", 'the list is clearly not intended to be an exhaustive' (see paragraph 8 of appeal decision).

The change of use that has occurred (from agricultural to extended wood fuel production business site) could therefore be regarded as appropriate provided it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. Before going on to consider openness in the main, the other aspects of the proposal are considered which are part and parcel of the change of use that has occurred.

The forming of earth bunds- Permission is sought as part of this application to retain earth bunds that have been formed around parts of the extended site, the creation of which constitutes an 'engineering operation' and are taken as being part and parcel of the development and the change of use of land that has taken place. These earth bunds measure between 2 to 3 metres in height and have become overgrown by greenery.

'Engineering operations' are also listed in paragraph 150, (criteria b) as another form of development that is appropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.

Wood chip clamp- Permission is also sought to retain a wood chip clamp that has been constructed upon the extended site in the south western corner. It is neither strictly speaking a building it itself nor has it been constructed as an engineering operation, regardless it constitutes development that forms part and parcel of the change in use that has occurred and the structure requires the benefit of planning permission.

Having now established the 'other forms of development' that have taken place at the site, consideration is given to whether the proposal as a whole preserves the openness of the Green Belt and also whether it conflicts with the purposes of including the land within the Green Belt.

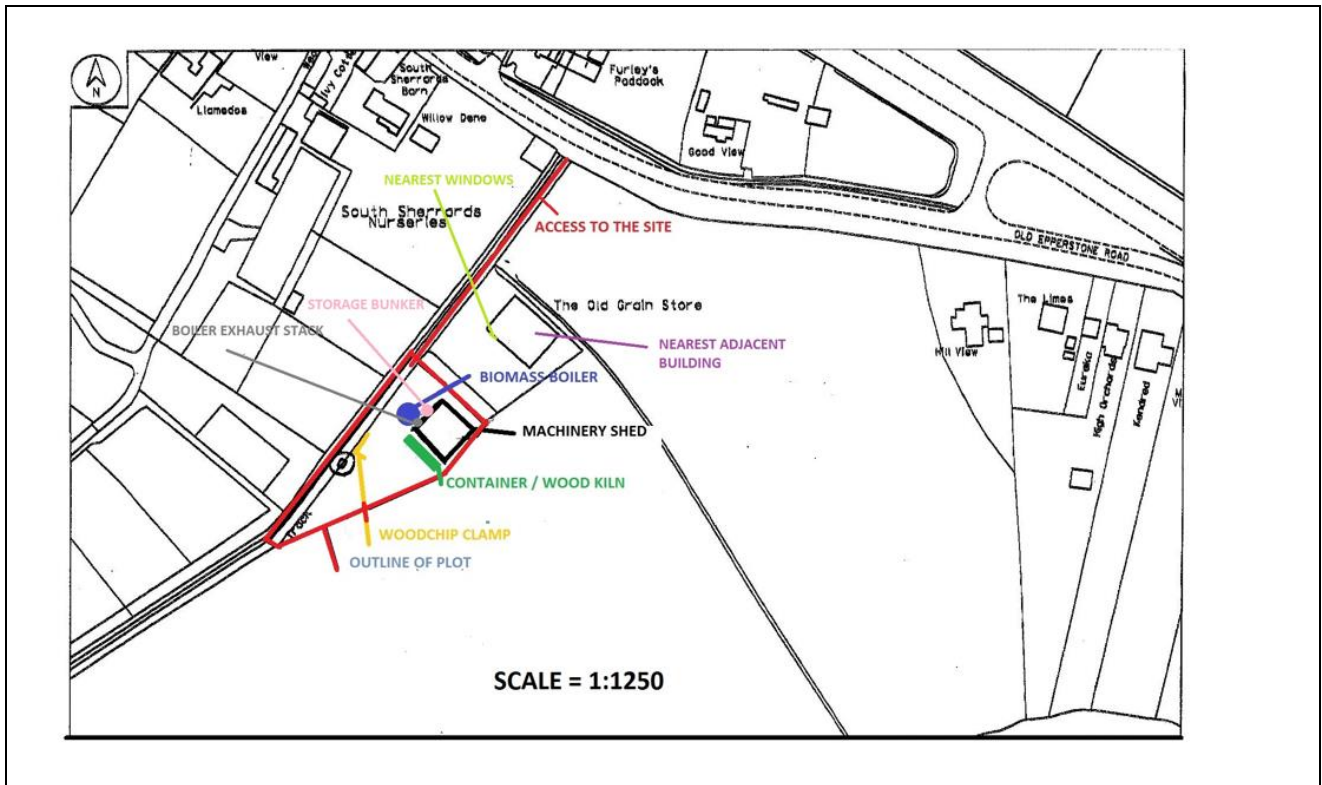
Effect on Green Belt Openness

The NPPF at paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 lists the purposes that Green Belt seeks to serve:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As rehearsed above the extent of the wood fuel production business site has undeniably been increased. Earth bunds have been formed around some of the outside perimeter of the extended site and a wood chip clamp has been erected. The land that makes up the extended part of the wood fuel production business site was previously agricultural land. The applicant has explained in paragraph 4.1 of the Supporting Planning Statement that this parcel of land was retained when the adjoining field to the south and east of the site was sold as they considered it '*necessary to complete the development*'.

Site Layout as part the approved 2018 planning application.



The 2018 approved application site equates to approximately 2650 sq metres (excluding the access track to the site).

As shown on the photographs below taken from the earlier 2016 submission which was approved in 2018, the previous location of the biomass boiler (indicated in blue on the plan above) and wood kiln (shown in green on the plan above) were both located immediately adjacent to the square machinery shed (shown outlined in black).



The location of a wood clamp was also indicated in yellow on the plan above. The three structures were previously considered to be relatively small in scale and found not to be overly prominent from the road given their relationship and proximity to the old grain store building. They were however considered to be structures that are highly visible from the surrounding fields and the nearly public footpath that runs along a field boundary to the south and climbs up to a plateau.

The structures and the use were found at that time to be acceptable because it was understood at that time that they would remain part of an agricultural business that was diversifying and would

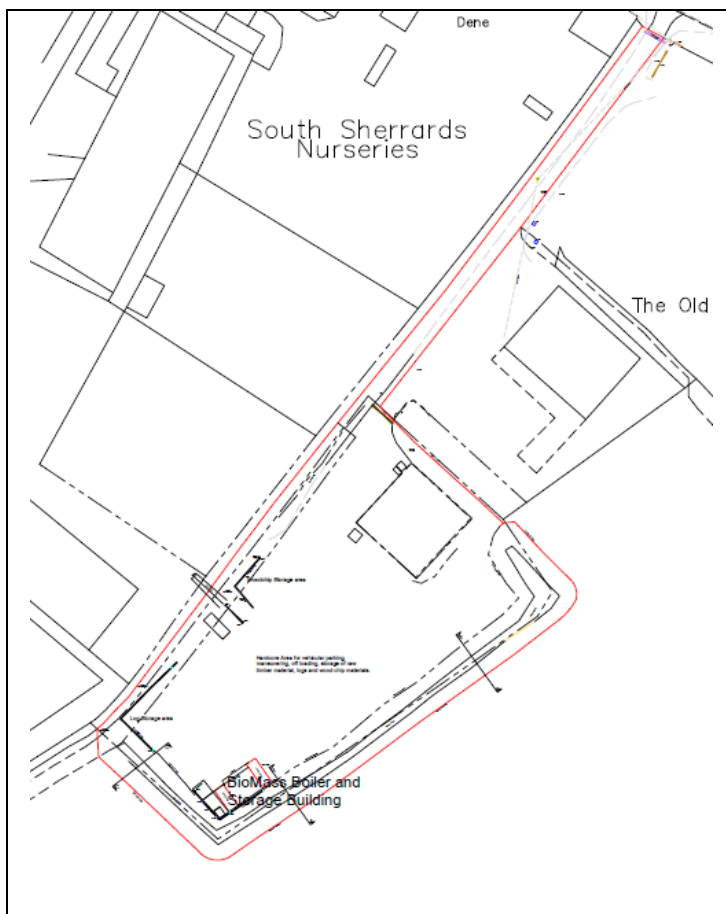
not harm the visual amenity of the area because they were located close to the existing agricultural building and are relatively modest in scale. The structures were therefore found to be acceptable in Green Belt terms as they were considered proportionate additions or alterations to the existing building under what is now paragraph 149 c).

Two of the three structures (the wood kiln and biomass boiler) have been relocated to a position some 60 metres or so away from the former old grain store building, upon land that is beyond the previously approved site, the lawful use of which is agricultural. One wood clamp remains more or less in its approved location which is approx. 25 metres away from the building, however a second wood chip clamp has been erected in the south western corner of the site.

It is understood that the wood kiln container has been cut in half to form two separate structures and the biomass boiler remains the same, all of which are located in a new position. An open sided building described as a new roof cover structure, has been constructed over these resited structures which measures approx. 16.5m x 7 m and in terms of its height measures 4.15m to its ridge.

The extent of the subject parcel of land in question and the subject structures/buildings are shown on the extract of the submitted revised plans below:

Extract of revised submitted plans



The extended application site equates to approximately 4317 sq metres (excluding the access track to the site) which equates to an increase in area of around 60% when compared to the consented site area.

The Courts have found that openness is a broad policy concept and a matter of planning judgement. It has also been found that the visual quality of landscape is not in itself an essential part of openness.

The resited structures and roof canopy building constructed in the southern corner of the extended site do not fall within any of the listed exceptions set out in paragraph 149. They are not buildings for agriculture and forestry (exception a), can no longer be regarded as a proportionate extension or alteration of a building, (exception c) as they had previously been considered because of their very close relationship to the building against which they were previously positioned against. Furthermore they cannot be regarded as a replacement building (exception d) or as limited infilling or the redevelopment of previously developed land (exception g), because they are sited on what constitutes agricultural land which is unlawfully being used as an extended wood fuel production business site. Exceptions b, e, and f are not considered relevant.

The wood kiln measures approx. 6.6m x 2.5m and in terms of height measures 2.8m. The storage building is open sided and the roof over the storage area measures approx. 16m x 6.7m and in terms of height measures 4.15m to the ridge. The biomass boiler, sited under the roof canopy, measures 1.6m x 2m and in term of height measures 6.55m to the top of the flue chimney.

Their siting, upon a concrete slab, on land which as part and parcel of a change of use of which has involved the encroachment of development into the countryside which is agricultural land that is also designated and protected Green Belt land are not found to be acceptable as they do not preserve the openness of the Green Belt. There is therefore strong justification for opposing the development when considered as a whole as a matter of principle.

Whilst the structures and building within the extended site may still be regarded as relatively small scale structures, they constitute inappropriate development that is by definition harmful to the Green Belt which should not be approved except in very special circumstances. The applicant has not advanced a case to argue that 'very special circumstances' exist, nor is one considered to exist.

Turning to consider the preserving of openness and the purposes of including the land within the Green Belt, the subject parcel of land, which is being used as an extension to the wood fuel production business site, may well be located in a natural depression and close to a row of trees along one of the site boundaries in a wider undulating rural landscape. Whilst this may help to soften the impact of proposal upon the wider countryside, this does not hide the fact that in spatial planning terms, incremental encroachment of Green Belt land arising from the proposal has occurred. Case law has found that development that is inappropriate within the Green Belt, by definition, cannot be made acceptable by landscaping. The scheme reduces and causes harm to the openness of the Green Belt, one of the essential characteristics of Green Belt land which planning policy seeks to protect. The proposal is also contrary to one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment [purpose c), listed in paragraph 138].

The proposal as a whole is therefore contrary to Spatial Policy 4B of NSDC's Core Strategy and fails to meet the requirements of Part 13, in particular paragraphs 149 and 150 along with paragraph 138 c) of the NPPF and no very special circumstances are considered to exist to overcome the harm.

Impact on the Visual Amenities of the Area and landscape character

The site lies outside of Lowdham village and is surrounded by fields, some of which are relatively low-lying as well as being located close to a number of residential properties. The site is visible from the public realm, although vegetation along the boundary with Old Epperstone Road offers some screening of the site from the road.

The submitted planning statement explains by way of justification that the siting of the structures adjacent to the former grain store building were found not to be satisfactory, not only due to congestion around the main machinery building, but also due to a complaint received from a neighbouring property with regard to smoke nuisance. Subsequently, the applicant decided to relocate the structures and equipment to the furthest most location on the site in the south eastern corner. This justification advanced by the applicant is considered to not amount to very special circumstances.

Whilst it was previously found that the steel building was the most prominent structure upon the site, the workings of the site and the associated storage of machinery, vehicles, containers and wood piles when viewed as a whole has sprawled across a greater extent of land which has made it more noticeable. Whilst the earth bunds that have become overgrown by greenery around part of the site may help to mitigate some of this visual harm, the bunds themselves cause harm. The extended yard and structures/materials within it are still highly visible from the more elevated parts of surrounding fields and also visible from the public footpath that runs close by on higher land as the photograph below shows.



It is clearly apparent that the business has sprawled and evolved more so over a greater expanse of land since the earlier planning application was considered and the use of the land and activities taking place no longer appear to be part of an agricultural business, as previously they may once allegedly have been.

The industrial nature of the use that is being carried out across an extended site which is contained by earth bunds that have been formed as engineering operations has undeniably harmed the character of the landscape.

Policy DM5 requires new development to reflect the local distinctiveness and the character of the surrounding landscape, which in this instance the site is located, according to the Landscape Character Assessment, in Mid Nottinghamshire Farmlands Policy Zone MN41: Lambley Village Farmlands.

In accordance with Core Policy 13, development should also have regard for the landscape character of the area which in this instance is considered to be in very good condition and of high sensitivity. The policy action is 'Conserve'.

As such, it is concluded that the structures upon the land that encroach into the undeveloped wider landscape harm the distinctiveness and character of the area.

The proposal therefore conflicts with the requirements of DM5 and Core Policy 13 as the development would have a harmful impact upon the character of the area.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The site lies some distance from the nearest residential development – the closest residential dwelling is approximately 80m to the north-west of the site, however a business (Sharmans Agricultural Ltd) is run from The Old Grain Store, immediately adjacent to the site, and as such their amenity must also be considered.

Historically there have been a number of complaints regarding smoke from the biomass boiler, which the Council's Environmental Health team have been monitoring and investigating for some time.

The submitted planning statement explains by way of justification that the siting of the structures (biomass boiler and wood drying kiln) adjacent to the former grain store building were found not to be satisfactory, not only due to congestion around the main machinery building, but also due to a complaint received from a neighbouring property with regard to smoke nuisance. Subsequently, the applicant decided to relocate the structures and equipment to the furthest most location on the site in the south eastern corner. This end of the extended site is also where the new wood chip clamp has been erected.

In response to the consultation exercise carried out, nine letters of support have been received. That said however two letter of objection have been received and smoke disturbance is raised as a concern.

The site has been visited on a number of occasions and no smoke has been witnessed being emitted from the biomass boiler chimney. Notwithstanding this, a local resident has reported and recorded numerous occasions when smoke has been emitted from the chimney.

The Environmental Health team have been consulted and with regard to smoke have advised the following:

'Records show ... eight complaints relating to smoke/odour all of which were investigated and ultimately closed. Statutory nuisance was not able to be determined and EH worked with the applicant to reduce the smoke emissions. This was done by extending the stack and monitoring moisture levels of the fuel wood and ensuring that the appliance is operated correctly. Since this happened no further complaints were received.

Since the biomass burner was re-sited to the current ... at the back of the site, EH have received complaints from one resident regarding smoke and noise. Following multiple visits and assessment by EH officers, statutory nuisance in relation to the smoke was not able to be substantiated and the complainant notified. The complainant has stated that the situation has improved greatly more recently and has since agreed that the smoke is no longer the difficulty.

In relation to smoke emissions, ...the current location of the biomass burner is the most suitable location on this site due to it being the furthest distance from the majority of domestic residences. With the predominant wind direction being South Westerly, emissions from it are able to reach appropriate height to achieve adequate dispersion of exhaust gasses in order that statutory nuisance is avoided.

The above is subject to the biomass burner being continued to be operated as previously agreed and in line with conditions relating to the original 16/00490/FUL ... in relation to the burner. Furthermore, whilst operating as agreed, it is possible that from time to time, and depending on weather conditions, occasional and localised smoke / smoke smell events from the site might occur and reach existing residential property.'

Taking into account the above advice from the EHO and also being mindful about how smoke emissions from the biomass boiler in its former location has been controlled previously via planning conditions, as well as by other environmental legislation such as and including the Clean Air Act 1993, a smoke disturbance reason for refusal could not be justified.

In terms of other forms of disturbance, concern has been raised about noise emanating from equipment being used at the site. It is understood that a wood chipper is used that chops up wood and throws chippings that is piled up against one of two concrete chipping clamps. One of these wood chip clamps already has the benefit of consent and is located within the previously approved site (its location is indicated in yellow on the plans that accompanied the earlier application). As the following photograph taken during a site visit at the start of September shows, it is in active use.



A second wood chip clamp has however been constructed in the south western corner of the extended site, the nearest neighbouring property to which is Element Hill House (this second clamp is just visible on the far left of the first photograph). At the time of the site visit, no wood chips piles were seen up against this second wood chip clamp which forms part of this proposal. As

the photograph below shows, some building materials and logs were piled up against the wood chip clamp and weeds were growing though. This suggests that it had not been used recently prior to the site visit, early September 2021.



A further site visit took place at the start of November 2021 and the photograph below shows bags of logs and other raw material timber assembled in front of the wood chip clamp at that time.



In light of the above it appears questionable as to whether any noise disturbance allegedly emanating from the site has recently been created by working activities (i.e. by a wood chipper) in this corner of the site.

In terms of other noise generating machines and working activities, the applicant has explained that a log splitting device is located between the biomass

boiler and wood kiln that is housed under the roof cover in the south western corner of the site. This has been seen and heard operating during a recent site visit with colleagues from Environmental Health.

With regard to the concerns that have been raised in relation to noise generated from equipment that is being used at the site impacting upon the residential amenity of neighbouring properties, the Environmental Health team has advised the following:

'... the site is subject to an ongoing investigation by environmental health relating to noise from machinery used in connection with the production of wood chippings and wood fuel logs.

Initial enquiries focused on noise from an industrial wood chipping machine. Initial subjective and objective assessments of noise levels from the wood chipping machine were carried out. This suggested a likelihood of adverse to significant adverse impact depending on operating mode, and that noise mitigation measures to reduce noise levels would therefore be indicated.

As part of further investigations, a number of potential noise control measures were identified as below. Some measures will of course be more effective than others depending on the circumstances, and measures could be used in combination to achieve a specified reduction in noise levels / impact:

- *Mode of Operation - limiting the duration of use of the machine within a specified curfew.*
- *Distance Attenuation - locating the machine further away from sensitive noise receptors.*

- *Machine Orientation* - the machine generates higher levels of noise in the direction of the in-feed hopper and discharge points. The machine could be oriented to ensure these elements are facing away from sensitive noise receptors.
- *Barrier Attenuation* - A barrier of suitable height, length and construction, and located at a suitable distance from the machine.

Investigations have also included ongoing efforts to try and resolve complaints informally. The business agreed to implement time restrictions on use of the wood chipping machine on a trial basis in line with the limits initially specified by environmental health i.e. the chipper restricted to operational hours of 9am until 12pm with a limit of five hours in total per week and a maximum of two hours daily, and a specified machine orientation when in use.

Environmental health has recently reviewed the current situation with the business and complainant. There is nothing to suggest the business has not been operating the wood chipping machine outside of the agreed limits. However, the business has indicated the trial restrictions on use of the wood chipping machine are too inflexible, and it appears the restriction may not therefore be compatible with their business model.

As part of the recent review the complainant has also indicated the restrictions on use of the wood chipping machine have not resolved their concerns about noise. The review also identified that use of an industrial wood saw is an additional source of noise that was not identified as forming part of the original complaints. The saw has been seen and heard operating and generates relatively high noise levels. It does appear that part of the ongoing noise complaints therefore includes use of this machine, and its use would not have been restricted by the business in the same way as the wood chipping machine. Use of the saw will therefore need to be factored in to the overall assessment of noise in the context of the statutory nuisance investigation, and those investigations remain ongoing.

However, where planning matters are relevant, given the character of the area and the nature of wood processing using industrial machinery, there will be the potential for harm to residential amenity as a result of noise without suitable noise mitigation measures. In such instances, we would expect an independent assessment of noise from all site machinery to identify appropriate noise mitigation measures.

We expect it is likely that a physical barrier e.g. earth bund, in addition to other measures would be required in order to adequately mitigate noise from the operation of machinery in connection with the production of wood fuel and wood chippings. However, we appreciate that potential noise mitigation measures may require the benefit of planning permission, and may need to be the subject of a wider planning related assessment.'

Given the significant concerns identified with regard to harm to the Green Belt and character of the area as rehearsed above, further information in the form of an independent Noise Impact Assessment, as recommended by the EHO, has not been requested from the agent at this time to avoid abortive costs to the applicant given the recommendation of this application is for refusal.

In the absence of a Noise Impact Assessment it has not been adequately demonstrated that any noise disturbance emanating from workings at the site can be satisfactorily addressed and therefore for this reason it is recommended that the application is refused.

In terms of visibility of the proposal from neighbouring residential properties, there is a high hedge separating the site from Sherrards Nurseries and Element Hill House. This screens the extended site from the neighbouring properties to the north-west, but only when the trees are in leaf.

Nonetheless, given the distance between the site and these neighbouring properties, the proposal is unlikely to have any adverse impacts in respect of overshadowing, overlooking or overbearing impacts.

The closest building beyond the site is occupied by Sharmans Agricultural Ltd to the north east and views are obscured by the intervening Old Grain Store building which is occupied by the applicant. The extended site is unlikely to have any adverse impacts in respect of overshadowing, overlooking or overbearing impacts also.

Impact upon the Highway

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

The Highways Authority raise no highway objections provide there are no increase in the sizes of vehicles using the present site access arrangements. The applicant has confirmed that this is the case and it is concluded that the proposal will not have an undue impact upon highway safety.

Other Matters

The proposal includes the resiting of a biomass boiler which as per the application submission is a GlenFarrow GF210 Biomass Boiler, with 210 kW peak output capacity ad 70% efficiency. The boiler works on a positive air pressure with the combustion chamber. Air is controlled to the fire via variable speed fans. The boiler is not an exempt appliance and needs to be operated in accordance with the Clean Air Act 1993.

The exhaust (or chimney) stack is 6.55 m in height above slab level and is 200mm in diameter. Should Members be minded to approve the planning application, and whilst the boiler would have to continue to be operated in accordance with the Clean Air Act, it is considered that this is a matter that can be controlled by conditions as was the case before in the previous planning consent.

The public consultation responses received raised an issue with the watercourse which runs to the western edge of the site. Trent Valley Internal Drainage Board have been consulted and have not submitted any comments, however they raised no objection to the previous proposal and consequently it is not considered this matter requires any further consideration.

Conclusion

Planning permission has previously been granted under reference 16/01271/FUL for the use of land and building and siting of container, biomass boiler and wood chip clamp in connection with wood fuel production business.

The site has been extended into agricultural land which constitutes a change of use of land and various structures have been constructed or relocated upon the extended site which form part and parcel of the change of use that has occurred. In addition to the construction of a building, earth bunds have also been formed around some of the extended site boundaries which require the benefit of planning permission as they are engineering operations.

Whilst the fuel production business is already in situ, the appropriateness of what has been carried out and is the subject of this retrospective proposal still needs to be carefully considered.

The site falls within the Green Belt and the NPPF sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147). Paragraph 148 states when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has not advanced a case to argue that 'very special circumstances' exist and the LPA does not consider there are any.

Paragraphs 149 set out the limited types of 'new buildings' that can be regarded as appropriate and paragraph 150 list certain 'other forms' of not inappropriate development with the caveat that such other forms of development preserve Green Belt openness and do not conflict with the purpose of including land within it.

The resited structures and roof canopy building constructed in the southern corner of the extended site do not fall within any of the listed exceptions set out in paragraph 149 as discussed earlier.

The scheme reduces and causes harm to the openness of the Green Belt, one of the essential characteristics of Green Belt land which the planning policy seeks to protect. The proposal is also contrary to one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment [purpose c), listed in paragraph 138].

The proposal as a whole is therefore contrary to Spatial Policy 4B of NSDC's Core Strategy and fails to meet the requirements of Part 13, in particular paragraphs 149 and 150 along with paragraph 138 c) of the NPPF.

Furthermore, the structures encroach into the undeveloped wider landscape, harming the distinctiveness and character of the wider countryside. It is therefore concluded that the proposal conflicts with the requirements of DM5 and Core Policy 13 as the development would have a harmful impact upon the character of the area.

Lastly, Environmental Health has concerns regarding the noise emanating from the business and advise a noise assessment and mitigation will be required. Such an assessment has not been provided, or requested, due to the proposal being, in principle, contrary to local and national policies. It has therefore not been possible to assess the noise implications of the development.

On the basis of the above, it is concluded that the proposal fails to comply with Part 13 of the NPPF in terms of its impact upon the Green Belt and therefore the application is recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

Spatial Policy 4B of Newark and Sherwood District Council's Core Strategy 2019 states that other development in the Green Belt not identified in this policy will be judged according to national Green Belt policy. Policy DM5 requires new development to reflect the local distinctiveness and the character of the surrounding landscape. Core Policy 13 states that development should have regard for the landscape character of the area.

The development, by definition is inappropriate failing to comply with any of the exceptions set out within Part 13 (Green Belt) of the National Planning Policy Framework. Inappropriate development will only be justified when very special circumstances outweighing the harm by inappropriate development exists.

The industrial nature of the use that is being carried out across an extended site and the structures upon it, along with the uncharacteristic earth bunds that have been formed as engineering operations that contain the site have, in the opinion of the Local Planning Authority, cumulatively and undeniably harmed the distinctive character of the landscape and fails to preserve the openness of the Green Belt.

In the opinion of the Local Planning Authority the proposal is contrary to the purposes of including land within the Green Belt, namely [purpose c), listed in paragraph 138 which is to assist in safeguarding the countryside from encroachment] and very special circumstances to outweigh the harm are not considered to exist. In addition, the proposal as a whole is also contrary to Spatial Policy 4B of NSDC's Core Strategy and fails to meet the requirements of Part 13, in particular paragraphs 149 and 150 along with paragraph 138 c) of the NPPF. The development also conflicts with the requirements of DM5 and Core Policy 13 as the development would have a harmful impact upon the landscape character of the area.

02

In the opinion of the Local Planning Authority it has not been adequately demonstrated that any noise disturbance emanating from workings at the site can be satisfactorily addressed and any required level of mitigation is unknown. As such it is considered that the Applicant has failed to demonstrate that there would be no adverse noise impacts arising from the development or that these might be adequately mitigated in this sensitive location. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely Policy DM5 (Design) of the Allocations and Development Management DPD (adopted July 2013).

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. However the District Planning Authority has attempted to work positively and proactively and suggested revisions/submission of additional information with the application. These revisions/additional information has not been forthcoming. As such, the reasons for refusal have not been negated.

03

List of refused plans and documents:

- Revised Site and Block Plan Drawing no. 21-1993 Rev 2B received 9 December 2021
- Revised Existing Floor Plans and Elevations Drawing no. 21-1993 Rev 1B received 9 December 2021
- Concrete panel elevations and floor plans and typical bund cross sections Drawing no. 21-1993 Rev 3 received 9 December 2021
- Topographical Survey Drawing No. PO2094_2D_DRG1 received 9 December 2021
- Planning Supporting Statement Dated November 2021 received 9 December 2021
- Revised planning Application form received 9 December 2021.

BACKGROUND PAPERS

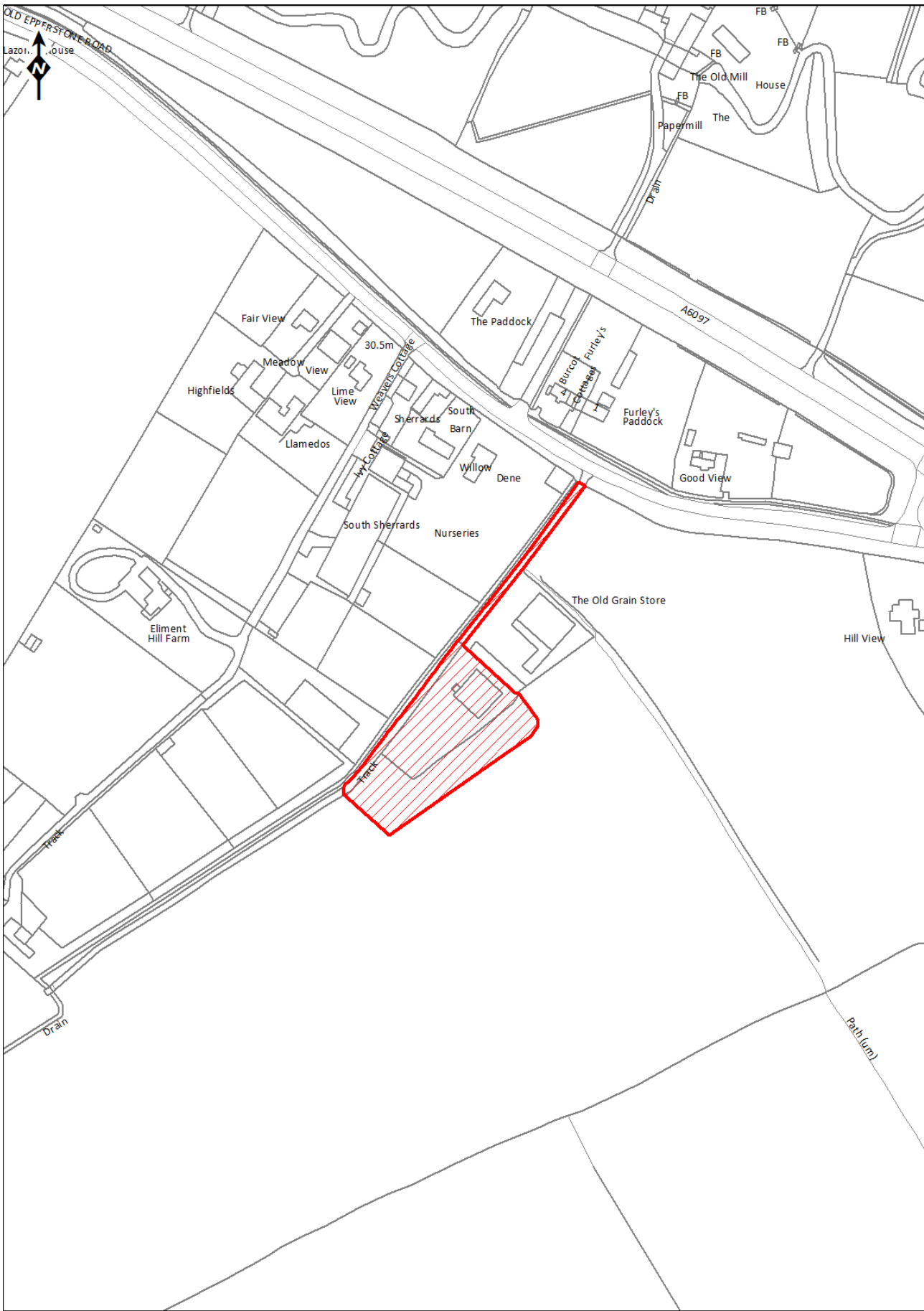
Application case file.

For further information, please contact Helen Marriott on x5793

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 - 21/01830/FUL



© Crown Copyright and database right 2020 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE - 15 FEBRUARY 2022

Application No:	21/00699/FULM (MAJOR)		
Proposal:	Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above.		
Location:	32 Stodman Street, Newark On Trent, NG24 1AW		
Applicant:	Newark and Sherwood District Council		
Agent:	RG+P Ltd.		
Registered:	11.10.2021	Target Date:	10.01.2022
		Extension agreed to:	21.02.22
Link to Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQF2JILBMHB00		

This application is before the Planning Committee for determination as the applicant is Newark and Sherwood District Council.

The Site

The site is situated in the heart of Newark Town Centre, and comprises a two-storey former retail premises most recently occupied by M&S who vacated in April 2019 (since M&S's departure, the site has remained vacant). The site lies within the historic core of Newark Town Centre, within the designated Conservation Area (CA) and surrounding the site there are a number of listed buildings, notably Maurice Key Furnishings Warehouse (Grade II) located to the SW and properties along Stodman St to the NW and NE. The site has a prominent Art-Deco frontage on to Stodman Street (northern elevation) of approximately 13 metres and extends along St Marks Lanes to the south where the building is of more modern construction.

St Mark's Place, a modern shopping precinct lies to the east of the site and Lombard St lies to the south. A public right of way spans the length of the eastern elevation of the building and is a key through route from Lombard St through to the Market Place. The site is surrounded by predominately retail uses with a number of national occupiers adjacent. A small section to the rear also adjoins an adjacent multi storey car park. Loading and vehicular access is also provided from a private communal access off Lombard Street to the rear.

The site is located within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy.

Relevant Planning History

There is extensive planning history relating to advertisements and alterations to the building as a commercial unit.

The Proposal

The application seeks permission for re-development of the site into a mixed use scheme of Use Class E space at ground floor with apartments above. The application seeks to demolish the existing building with the retention of the Art Deco façade and replacement with a 4-Storey development behind the main façade comprising 29 apartments. Public realm improvements are also proposed to the eastern side of the building providing an improved pedestrian through route from Stodman St to Lombard St, reinstating the historic St Mark's Lane.

In general the proposed building is scaled at 4 storeys with a maximum height of approximately 12.4m. The ground floor of the new build element would contain glazed panels and would span 80m in length, 15m wide approximately. Materials proposed include red brick with a combination of light and dark mortar, brick with lime wash (or white painted sections), rhomboid zinc tiles in grey forming cladding and stainless steel simple balustrades to match the panelling. Areas of perforated and textured brick panelling are also proposed to break up the elevations.

At Ground Floor: One 318.3m² unit accessed of Stodman Street and one 156.3m² unit accessed via St Marks Place shown as Use Class E. Servicing areas are also proposed in addition to a bin storage area and access to the apartments above. Accessed via Lombard St to the rear would be for 12 no. car parking spaces and 48 cycle spaces.

First, Second and Third Floors: 29 no. residential apartments (16 no. 1 bed and 13 no. 2 bed units) with private balcony spaces to the eastern side. A shared amenity space would also be provided above the third floor extension to the retained façade on Stodman St to serve the occupiers of the third floor apartments. Residential access would be via entry points off St Marks Place, Stodman Street and Lombard Street. The western side of the building would contain the walkways for access into each unit.

The application is supported by the following Plans and Documents:

- Site Location Plan – Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Existing Plans – Ref. 101-137 (P) 030 (deposited 11.10.21)
- Existing Elevations – Ref. 101-137 (P) 032 (deposited 11.10.21)
- Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.2022)
- Proposed 1st and 2nd Floors – Ref. 101-137 (P) 002 K (deposited 30.11.21)
- Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21)
- Proposed Roof Plan – Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections – Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Elevations – Ref. 101-137 (P) 018 I (deposited 28.01.22)
- Demolition Plan – Ref. 101-137 (P) 027 A (deposited 11.10.21)
- Bay Studies – Ref. 101-137 (P) 028 B (deposited 30.11.21)
- Design and Access Statement Revision B (deposited 28.01.22)
- Planning Statement (deposited 26.10.21)
- Statement of Significance (deposited 11.10.21)
- Site Wide Utility Services Report (deposited 11.10.21)
- Amended External Lighting Report (deposited 26.11.21)

- Ecology Report (deposited 11.10.21)
- Travel Plan Statement (deposited 12.10.21)
- Transport Statement and Appendices (deposited 11.10.21)
- Structural Inspection and Demolition Report (deposited 11.10.21)
- Viability Assessment (deposited 11.10.21)
- Noise Impact Assessment Report (deposited 11.10.21)
- Newark Market Review (deposited 11.10.21)
- HSP Consulting – Transport Technical Note (15.11.21)
- Access/Highways Plans:
 - o Proposed General Arrangement – Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
 - o Proposed General Arrangement with annotations – Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
 - o Proposed Visibility Splays – Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
 - o Car Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
 - o Delivery Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Departure/Public Advertisement Procedure

Occupiers of 47 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press. Earliest decision date 18.10.2022

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail & Town Centres

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NSDC Allocations and Development Management DPD (July 2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Policy NUA/TC/1 – Newark Urban Area: Newark Town Centre

Other Material Planning Considerations

National Planning Policy Framework and its Technical Guidance, 2021
National Planning Policy Guidance suite, on-line resource, March 2014
Planning (Listed Building and Conservation Area) Act 1990
National Design Guide, on-line resource, October 2019
Residential cycle and car parking standards SPD, 2021

Consultations

NB: A summary of consultee comments is set out below, comments can be found in full here:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQF2JILBMHB00>

Newark Town Council - No objection - subject to adherence to all recommendations made by statutory consultees. The Town Council would also strongly urge the District Council to reduce carbon emissions including the use of an alternative form of heating to gas.

Newark Civic Trust – No objection – comments received in support of the scheme which is considered to be a significant improvement to St Marks Place and the town centre. Observations made in respect of the design of the façade at ground floor on the eastern elevation and comments made about the service/delivery routes which should ensure vans etc. do not access via Stodman St.

NSDC Planning Policy – No objection – “Under Policy DM11, proposals for non-retail uses at street level within the Primary Shopping Frontages, as defined on the policies map, will not usually be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. However, the changes to the use class order means that shopping frontages can only be used to control changes from former class A1 uses to non-class E uses. The mix of uses on the ground floor, whilst not entirely clear, would appear to be retail and office uses, so the ground floor uses would fall within the same use class (Class E). The role of these shopping frontages will be reviewed as part of the Review of the Allocations and Development Management DPD. However, whilst frontages remain part of the Development Plan, it is appropriate to give weight to the fact that the proposed new ground floor uses now fall into the same use class as the existing retail use and so, were no building work necessary, could independently occur without planning consent. The main purpose of the Town Centre policy is to maintain the vitality and viability of Centres, which is reflected in the wording of DM11. Given the proposed ground floor uses (if they comprise of retail and office space) are main town centre uses (as defined in the NPPF), then I would be comfortable concluding that they will positively contribute towards vitality and viability of Newark Town Centre. I would welcome the site of the Planning Statement once submitted so I can take a view on the precise ground floor uses proposed.”

NSDC Conservation – No objection subject to conditions – “The extent of demolition of number 32 Stodman Street, whilst causing minor harm [to no. 32 as a non-designated heritage asset] (at the scale of the lower end of less than substantial harm) from the loss of limited historic fabric, should be considered as part of the planning balance and against specific heritage benefits of the scheme. The scale, form, massing and details of the proposed replacement scheme have been well-considered to provide a responsive and contextual proposal that will both preserve and enhance the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. The scheme delivers tangible heritage benefits, especially in the re-forming of the traditional alignment of St Mark’s Lane and from the conservation of the Art Deco façade (which should be

secured by condition). The scheme has the potential to deliver further heritage benefits if a shopfront enhancement scheme is delivered.”

Historic England – No objection but concerns raised - “[...] Overall, we consider that the proposal would be harmful to the character, appearance and significance of the Newark Conservation area by virtue of its bulk and inappropriate design as outlined above. In addition, we believe that the bulk and detailed design of the proposal would further degrade the setting of the listed buildings to the immediate west.

This is a key strategic site for Newark and its redevelopment will set a benchmark for future development within the town centre. As previously outlined, we are very concerned that the current approach is not the right approach for this location and that it will set an undesirable precedent for future development in Newark, harming the character and appearance of the conservation area rather than enhancing it, and therefore ultimately not meeting the policy objectives and the statutory duty in relation to conservation areas. [...]

Historic England has serious concerns on heritage grounds as outlined in our letter of 4th November 2021. We acknowledge that the scheme has been revisited following our previous comments, however, the proposed revisions have failed to address our fundamental concerns. We are not opposed to a mixed-use scheme incorporating housing in this location and believe that there is scope to provide a high-quality development within this sensitive part of the conservation area. However, we are unable to support the current scheme and continue to urge your authority to reconsider its approach to the redevelopment of the site.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 197,199, 200, 202 and 206 of the NPPF 2021.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

LCC Archaeology – No objection subject to an archaeological condition for a mitigation strategy to effectively deal with this site given the high archaeological potential identified. This would initially include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development. Further archaeological mitigation work would be required if significant archaeological remains are identified in the evaluation. The evaluation must be undertaken following demolition to slab level of the existing buildings and prior to any further intrusive demolition or ground works.

Towns Fund Delivery Partner Heritage Specialist – Support the proposal - Overall the scheme offers a significant improvement to the public realm by the restoration of St.Marks Lane and sets a valuable precedent by reducing the development footprint of a site in favour of the town’s spatial and visual connectivity. The height of the proposals do not appear to be read from other nearby significant public realm locations or from the ground plane/ pedestrian level of significant heritage assets.

The proposal offers a significant opportunity to improve the setting for buildings in the immediate vicinity which are currently surrounded by detracting structures and a poorly defined public realm. The mixed use development and opportunity for community engagement will restore the historic hierarchy of St. Marks Lane and restore a higher level of connectivity between Stodman Street and

Lombard Street.

NCC Highways – No objection subject to conditions relating to: Securing TROs on Howitts Yard for off-site traffic management works, provision of a pedestrian footway and lighting along Howitts Yard, installation of Keep Clear markings on Lombard St opposite Howitts Yard, hard bound surfacing of the site access, provision of visibility splays, parking, turning and servicing areas, provision of surface water drainage to the access/parking areas, provision of cycle and car parking areas etc. – Note from Highways: Any details shown on the Access/Highways plans showing highway improvement works and amendments to existing Traffic Regulation Orders (TRO) on Howitts Yard shall be read as indicative only as they would be subject to a public consultation and a Section 278 agreement and design check, which are separate processes to planning.

NCC Rights of Way – No objection subject to an informative note regarding construction in proximity to public rights of way.

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 which the EA would like to formally comment upon.”

NCC Flood Risk - No objection.

NSDC Environmental Health – No objection subject to conditions relating to: a demolition management and construction management plan, implementation of the recommendations detailed at Sections 7 and 8 of the submitted Noise Report to provide adequate protection against noise and excess heat, where windows need to be closed (for example Acoustic Ventilation Requirements and glazing requirements) and provision of an updated Noise Survey (including tap testing and implementation of any additional sound proofing as recommended) prior to the ground floor units operating under use E(d) Indoor sport, recreation or fitness (due to the current noise report not fully considering the potential for noise disturbance arising from this use).

NSDC Contamination – No observations in relation to land contamination.

NHS Clinical Commissioning Group – “Impact of new development on GP practice: The development is proposing 29 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx. 66.7 (B) (2.3 x A).

GP practice most likely to be affected by growth and therefore directly related to the housing development: It is unlikely that NHS England or Nottingham and Nottinghamshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is:

- Lombard Medical Centre
- Barnby Gate Surgery
- Fountain Medical Centre

Necessary to make the development acceptable in planning terms: All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased

population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area.

Plans to address capacity issues: The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.

Fairly and reasonably related in scale and kind to the development: As a consequence and since the number of patients exceed 65, we would ask for £982 per dwelling for costs of Primary Health Care provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations, revised indexation 2016. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.

Financial contribution requested: £28,478 (29 x £982 per dwelling)."

NSDC Open Space – "There doesn't appear to be any open space available for this site, but due to the makeup of the apartments, i.e. 1/2 Bed Apartments, I feel there should be a request for a play provision, for small children, plus some adult exercise equipment. Nearest public open space would be St Mary Magdalene Church Gardens, where a provision for the above can be provided."

Strategic Housing – "The affordable housing policy requirements on the proposal is eight dwellings. Of these, five units should be designated as an affordable or social rent tenure and three units for intermediate housing (shared ownership) of which two units could be allocated for the First Homes Product. In the instance that the above does not meet with a RP's requirements, then the units could be converted to rent which would require six units. The Council may wish to consider a commuted sum payment in lieu of the above requirements."

AMK Independent Viability Assessment – "The overall conclusion of the AMK assessment is very similar to that [submitted by the applicant] – that there is a significant development deficit of over £2.9 Million requiring public subsidy to proceed. This deficit does not include any allowance for the additional cost of Affordable Housing or other S106 contributions (which are therefore considered economically unviable). In the event the Council decide to deliver a policy compliant scheme including 30% Affordable Housing and £87,019 of S106 contributions then the development deficit would increase by circa £700,000 to £3,639,067."

Severn Trent – No objection subject to a condition requesting drainage plans for the disposal of surface water and foul water.

Cadent Gas – No objection subject to inclusion of an informative note relating to gas infrastructure in the vicinity.

No comments have been received from any local residents/interested parties or from the following consultees: The Police, NSDC waste, Nottinghamshire County Council Planning Policy Team, the Ramblers, NSDC Community Facilities/Sports or Nottinghamshire Wildlife Trust.

Comments of the Business Manager

Principle of Development

The site is located within Newark Urban Area as defined by the Allocation and Development Management DPD and within the sub-regional centre set out in the Settlement Hierarchy defined by Spatial Policy 1. The site is well served by bus and rail transport links in addition to good cycling and walking routes. Spatial Policy 1 and Policy DM1 state that development will be focused within the Newark Urban Area and that such development should be appropriate to the size and location of the settlement and accord with other relevant policies of the Core Strategy and Development Plan Documents. Given the site is located within the main built up area of Newark which is a sustainable settlement the principle for residential development is considered to be acceptable.

However, Core Policy 6 requires the economy of the District to be strengthened and broadened and Core Policy 8 sets out the retail hierarchy for the District. The site lies within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy. Policy NUA/TC/1 promotes Newark Town Centre as the major focus for new and improved shopping, leisure and tourism facilities. The town centre boundary illustrates the extent of the primary shopping area, as well as primary and secondary shopping frontages (as defined on the Policies Map). The primary shopping frontages are areas which contain the Town's key retailers, have strong pedestrian activity and are the focus for retail activity. The policy states that development of retail and other town centre uses within Newark Town Centre will be considered against the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM11.

Policy DM11 states that proposals for non-retail uses at street level within the Primary Shopping Frontages, as defined on the Policies Map, will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. The retention of Primary Shopping Frontages within Newark is cited as being key to maintaining their vitality and viability and consequently substantial justification of the benefits is required in order to support non retail uses. In this context, retail uses comprise, according to Policy DM11, A1 (shopping), A2 (financial and professional services) and A3 (café and restaurant) uses. However, since this Policy was adopted, the Use Class Order (UCO) of 1987 has been amended a number of times with the most recent in 2020. The 2020 UCO revoked all of these former retail uses (including A4 (drinking establishments) and A5 (hot food & take away) putting them all, in this case into one use class (Class E – Commercial, business and service uses). Whilst this is the case, it is noted and acknowledged that whilst the Use Class position has changed, the thrust behind the Policy is to ensure that Newark Town Centre remains an active and vibrant place to visit.

This application proposes the demolition of a large retail unit (approx. 1480.8m² ground floor retail space) and replacement with a mixed use development with 474.6m² floor space at ground floor for commercial/co-working space. The supporting document indicates that the uses proposed could comprise co-working office space, however at present no end users have been confirmed and thus consent is sought for the units to be used in Use Class E.

A Market Review Assessment has been submitted which concludes that the large retail market in the area is struggling with other notable void retail units throughout the main shopping area. Investor and developer demand for high street retail is explained to be relatively limited in the current market with appetite for such large retail units marked as low. The Assessment explains that the current scheme could assist in creating opportunities for the building to be put into uses driven by market demand to create a more vibrant high street and town centre. The market

summary concludes that the serviced office sector has expanded over recent years and that there is an increasing *agile* working business community seeking greater office space flexibility. Comparable business centres are running at full or close to full occupancy which supports the need for this type of office/co-working accommodation in the locality.

Whilst not strictly '*retail use*', considering the changes to the UCO to bring about more flexibility, the mix of uses at ground floor would fall within the same use class (Class E). Comments from colleagues in Planning Policy advise that the role of these shopping frontages will be reviewed as part of the Review of the Allocations and Development Management DPD. However, whilst frontages remain part of the Development Plan, it is appropriate to give weight to the fact that the proposed new ground floor uses now fall into the same use class as the existing retail use and so, were no building work necessary, could independently occur without planning consent. The main purpose of the Town Centre policy is to maintain the vitality and viability of Centres, which is reflected in the wording of DM11. Given the proposed ground floor uses are main town centre uses (as defined in the NPPF), the scheme would contribute to provide complimentary uses to those already within the town that will positively contribute towards the vitality and viability. The development will further significantly contribute by way of providing 29 residential apartments which will increase footfall in the town during both the day and night.

There is a shifting emphasis recognised in the NPPF towards supporting the diversity of uses in town centre locations in order to support the vitality of town centres and the high street to adapt and diversify which has resulted in permitted development reforms and changes to the Use Class Order to allow the most effective use of existing buildings for both business and residential use. Such reforms seek to ensure the effective use of land for housing, to boost housing density in areas of high demand such as town centres and high streets and consequently increase footfall in the town centres to help support their vitality.

Furthermore, the scheme has arisen, in part, as a result of the Town Investment Plan and to reinvigorate this area of Newark Town Centre through introducing increased footfall and high-quality design intervention. The redevelopment of this site would have a significant positive benefit on the redevelopment of a brownfield parcel of land which is supported both at a local and national level. This is further emphasised with the Department for Levelling Up, Housing and Communities advancing grant funding towards the redevelopment of this site. It is anticipated that the redevelopment of this site would be a catalyst for other developments coming forwards within Newark Town Centre. Thus it is considered overall that the principle of this development is acceptable and in line with both local and wider national policy objectives.

Housing Mix and Density

Core Policy 3 states that the Local Planning Authority (LPA) will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. It goes on to say that '*such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information*'.

This scheme proposes 29 no. residential apartments as 16 no. 1 bed 2 person units and 13 no. 2 bed 4 person units. In the Newark sub area the Housing Needs Survey (2020) concludes that there is the greatest need in the Newark Town Centre for 1 and 2 bed flats that attract professionals rather than families given the limited external amenity space on offer. It is therefore considered that the mix proposed would align with the most up to date evidence in accordance with CP3.

In terms of density, the development site area is c.0.16 Ha therefore the proposal for 29 units would represent high housing density; however, this is not unusual within a town centre. Whilst high density in itself is not of a concern, this is subject to the units being of an appropriate size, design, and them providing adequate living standards. In this case all of the units meet the minimum gross internal floor space requirements set by the 'Technical housing standards – nationally described space standard' (March 2015) published by the government and would have their own external balcony amenity spaces. It is therefore considered that this higher density proposal would be acceptable within this town centre location.

Impact upon Character of Area and Heritage Matters

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

Given that the site is located within the Conservation Area and within Newark's Historic Core regard must also be given to the distinctive character of the area and proposals much seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9, 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 NPPF.

The existing building yields very little surviving historic fabric save for the Stodman Street frontage and immediate return around the corner of the eastern elevation to St Mark's Lane. The north facing façade of the former Marks & Spencer shop is of two storeys in height, of a typically art-deco style 1930's design, which, on the whole, makes a positive contribution to the street scene and the Newark Conservation Area. This frontage is considered to be worthy of retention for its aesthetic and communal values, with polite stylistic features that have longstanding recognition within the town and its residents.



Front elevation corner Stodman Street / St Mark's Lane: Historic façade turns the corner and returns one bay along St Mark's Lane

The original building has been adapted and extended over the years, and other than what remains on Stodman Street, the building is predominantly insignificant, modern, and difficult to reuse for alternative contemporary means. Behind the historic front façade, and corresponding brick-built basement cellar, very little original structure remains. The bulk of the property is defined by a large-framed, modern concrete encased steel structure, with asbestos containing materials. The substantial alterations and extensions are noted in supporting surveys as making the building difficult to adapt. Whilst the building offers level access at Stodman Street, the rear access to St Mark's Place is a half-storey below the public realm and would require significant alteration to provide better access for all.

Owing to this elevated external perimeter, the extensive St Mark's Lane and Place elevations are blank at the public level, with no active frontage and/or engagement with the street. These bland and expansive side and rear elevations are not of the quality of design and construction commensurate with the historic townscape, and do not create any link to past activities or a sense of place. The replacement of this modern bulk of the building would provide opportunities for interesting and imaginative design, which could readily engage with and enhance its context. The supporting Statement of Significance Report explains that given the site context it could be possible to increase the scale of built form at this site to the more general three-four storeys of nearby buildings if handled correctly through careful design, so as to maximise the potential of the site.

In design terms, the full redevelopment of the premises presents an opportunity to improve the existing urban design deficiencies, as well as incorporating the only surviving historic fabric worthy and capable of retention: the art deco façade. The Statement of Significance also notes the opportunity to reinstate historic links (former St Mark's Lane) by removing the eastern projection of the building to give visibility north-south from Lombard Street to Stodman Street. This would improve pedestrian thoroughfare through to the Market Place and bring the opportunity to enhance the experience of this walkway by introducing an active frontage, but also to open up the passage so that it can be read as an inviting destination, thus attracting a greater pedestrian footfall.



Front elevation corner Stodman Street / St Mark's Lane: Proposed Visual

The design of the replacement building advanced (behind the retained façade) draws reference from the surrounding townscape, building and material features and stylistic design. The design,

whilst modern, clearly draws reference from the town's heritage and seeks to materially enhance the quality of the public realm. Whilst increasing in height to four storeys, the building would sit comfortably within the existing urban grain and would not become a dominating or imposing feature. The design of the building would increase activity within the street scene and utilise a human scale with active frontages to result in an improved public interface. Furthermore, the private amenity spaces proposed to serve the apartments would create a sense of natural surveillance which overall would create a more inviting pedestrian environment. At the 'rear' of the development (the former Marks and Spencer loading bay accessed via Lombard Street) the semi-enclosed circulation corridors and dual aspect design apartments would also provide a secure and monitored car park court area and deter any potential crime.



St Mark's Lane: Proposed Visual

Overall the replacement building would improve the permeability and legibility of the area, incorporates improvements to the public realm and presents an opportunity for the creation of a feature building with local interest and distinctiveness. The use of high quality materials and design standards for the building and public realm would help achieve a step change in perception for the area and encourage more active use. Overall the re-development approach accords with the principles set out within the National Design Guide and local and national policies relating to good design as set out above.

Heritage Matters

In respect of heritage impact, the proposal is within Newark Conservation Area and has the potential to affect the character and appearance of the Conservation Area. 32 Stodman Street has also been identified as being a Non Designated Heritage Asset (NDHA) in its own right and the building is a positive building within the wider Conservation Area (CA). Further, there are a number of listed buildings within close proximity to the application site and within the CA as set out in the Council's Conservation Officer's (CO's) comments.

Two sets of revised plans were received in Nov 2021 following initial advice from the CO. The advice sought to address concerns over the need to better articulate the rear façade, incorporate areas for signage on the front façade and create consistent window pane proportions to the front ground floor elevation. Discussions also related to the potential impact of the proposed solar panels on the roof. The following appraisal relates solely to the amended plans received.

In addition to comments received from the Council's CO, Historic England and the Towns Fund Delivery Partner Heritage Specialist have provided comments which appraise the heritage impact of the development. In summary Historic England have commented that they consider the proposal would be harmful to the character, appearance and significance of the Newark Conservation area by virtue of its bulk and inappropriate design. They consider the bulk and detailed design would further degrade the setting of the listed buildings to the immediate west and overall would fail to preserve or enhance nearby heritage assets. This is not an opinion shared by the Council's CO and I note that their comments specifically address the concerns raised by HE and explain how a different conclusion has been drawn which are well reasoned. To this I would note that it is not uncommon for professionals to have a difference in opinion, however I also note that comments have been received from the Towns Fund Delivery Partner (TFDP) Heritage Specialist which align with the assessment of the Council's CO which has led me to give more weight to the comments of the Council's CO. The TFDP Heritage Specialist concludes that they consider the proposal offers a significant opportunity to improve the setting for buildings in the immediate vicinity which are currently surrounded by detracting structures and a poorly defined public realm. In addition, they consider the scheme offers a significant improvement to the public realm and would deliver wider heritage benefits. The comments of the Council's CO will now be explored below.

Impact of the proposed demolition on the fabric and significance of 32 Stodman Street

Whilst the Art Deco façade of the existing building is considered to be a NDHA and to make a positive contribution to the CA, the Statement of Significance and Heritage Impact Assessment (HIA) submitted also identify several negative elements to the building, the HIA stating that the site, *'lies within the heart of the Conservation Area and makes both positive and negative contributions to its character and appearance'*. Firstly, it is important to understand the negative elements of the site, in terms of heritage significance, as the planning proposal sees the removal/alteration of these elements. The CO notes in their comments that the negative assessment of the side elevation as being *'bland and expansive'* rings true, while the rear elevation and service yard are blank and oppressive in places, with solid and blocky massing and few openings. The reports also describe the negative impact the food hall extension has had on the townscape of this area by diverting and truncating the ancient St Marks Lane, eroding the historic plan form of the town and curtailing views and desire lines. This element of the building would be removed with the current proposal. Given these have been identified as negative architectural elements, the CO concludes that their loss will cause no harm to the significance of number 32 Stodman Street and provides the opportunity to preserve or enhance the significance of the building.

The demolition would also include an element of side elevation of the building that was built contemporaneously with the Art Deco façade - the HIA states that the proposed development will bring about a very low degree of harm to the NDHA through the loss of its rear retail space and demolition proposed. The CO agrees with this assessment and advises that this limited harm would be at the lower end of the less than substantial harm scale and would need to be balanced against the public benefits from the application as a whole. The proposal preserves the primary interest of the building, being the Art Deco façade and first bay of the building behind, including the shopfront. The analysis undertaken by the CO notes how this is where the principal significance of the building as a NDHA lies and so this significance is retained. This not only retains the significance for the building in isolation but also in terms of how it relates to the streetscape and other C20 period shopfronts in the town and Conservation Area. The CO concludes that the proposal also provides opportunities to actually enhance the significance of number 32.

The CO has recommended that whilst the façade itself is not currently noted as being in a poor state or repair, given how important to the scheme for the retention of the façade is, it would be important to ensure this scheme does not overlook the long term conservation of this element. As such, a condition is requested to secure an agreed a specification of repairs where required and a timescale for implementation prior to key milestones in the project. Furthermore, whilst there has been no shopfront scheme submitted for the art deco façade the Applicant's intention is to improve this as part of the overall scheme, which the CO has advised should be conditioned in order to secure this further heritage benefit.

Overall there would be a minor level of harm, at the lower end of the less than substantial harm scale, as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street. For the purposes of the NPPF, the effect of a development on the significance of a NDHA requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203). As such, balanced against this harm would be tangible heritage benefits as a result of demolishing the more modern and negative architectural elements of the building, resulting in an enhancement of the significance of no. 32 and how it relates to the streetscape of the town and Conservation Area. Furthermore, I am mindful that there would be wider reaching public benefits as a result of this development in addition to other heritage benefits which would weigh in favour of the scheme. As such it is considered in this case that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole. However, I am mindful that the NPPF advises that LPAs should not permit the loss of the whole or part of a heritage asset (such as the NDHA in this case) without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (para. 204). Therefore a condition will be required to ensure that the development takes place within a reasonable timeframe following the demolition of the rear of no. 32 Stodman Street.

Impact on the Conservation Area

Overall the CO concludes that the proposal will see a marked change to the character and appearance of the Conservation Area. This will be felt not just in St Mark's shopping centre, but also beyond on Stodman Street, limited areas of Middle Gate and on Lombard Street. The best elements of the site will be retained, being the Art Deco façade, and this will be transitioned into a new offer which removes the harmful elements of the current site. While the scale of the new build will be more impactful than the existing site, this has been carefully balanced by massing and articulation of the building to offer a building that more resonates with the traditional proportions and orientation of structures in the town centre. The use of attractive and complementary architectural detail and materials provides interest and relief where the current site is lacking, especially so on the rear service yard. The scheme should also boost use and activity in the Lane. By reinstating the more traditional line of the Lane the area should not only become more user friendly but will better reveal the traditional and attractive historic grain of the Town.

The proposal will both preserve and enhance the character and appearance of the Conservation Area and the CO concludes overall that, accounting for all impacts and the current contribution made by the Site, the proposed development will bring about a net enhancement to the character and appearance of the conservation area.

Impact on the setting of Listed Buildings

The Archaeological Assessment identified heritage assets potentially affected by the scheme and the HIA has made a thorough assessment of the significance of the listed buildings, an analysis of their setting, the contribution of setting and the impact of the proposal on their setting, and thereby significance. I do not repeat these findings but note that the CO considers these to be a sound assessment of impact.

The CO concludes that overall the proposal will either preserve or enhance the setting, and thereby significance, of the nearby listed buildings. As discussed in the above analysis, the proposed scheme may be visually more impactful in the setting of some listed building, especially for the two nearby listed churches, but by the use of a more contextual approach to massing, form, materials and details than the current site it means this should not be a harmful change to their setting. The recent revisions have ensured the rear elevation now has the positive elements of the front elevation, which was a particular concern for the two churches. From a slightly wider perspective the scheme should comfortably become part of the townscape of Newark, being of a suitable scale and mass and with attractive details such that it will make its own contribution to townscape.

Re-establishing the route of St Mark's Lane will reconnect Lombard House, visually and in terms of historic urban grain, to the town centre core. This will enhance the setting of the building, making views of its front façade more prominent and re-establishing the historic grain and historic context that the building is best appreciated in. This will improve the setting, and significance of this listed building.

Heritage Conclusion

The CO concludes that the extent of demolition now proposed seems justified and balances a small loss of historic fabric with other tangible heritage gains. Extensive analysis of the proposed new development has been undertaken by the CO, the conclusions of which I concur with. The overall height of the proposed new build has been well considered against extensive analysis and revisions and would be in keeping with the context.

The height has been designed to transition well from the more modest proportions of the Art Deco façade. The massing of the building is broken by a stepped roof line and a well articulated façade which reads as a terrace of two and three bay structures. The design uses a muted and traditional colour and material pallet that ties in with the town centre generally, as well as the feature of the Art Deco façade. The scheme provides contextual texture and architectural features throughout, especially welcome in the more neglected service areas. Using a contemporary design, the scheme incorporates the familiar qualities of domestic town houses and shopfront design, and specifically addresses the transition from the Art Deco façade to the new build.

The CO notes that the scheme creates a potentially more impactful, but more responsive and more attractive scheme than the current site, preserving and enhancing the character and appearance of the Conservation Area and the setting, and thereby significance, of nearby Listed Buildings.

While a traditional active frontage in the form of individual shopfronts cannot necessarily be secured by this scheme, the proposal is likely to increase activity, use, footfall and surveillance of the Lane, along with a more animated ground floor appearance, all of which improve upon the current position. Overall, it is likely that the proposal will increase footfall in and out of the building, increase surveillance up and down and looking into the Lane, give views of borrowed

activity from the main roads, increase the use of the public realm area and increase the architectural relief at ground floor. These would all be tangible improvements over the current situation and ways in which an active frontage can be delivered. Furthermore, the applicant has taken on board comments relating to the planter proposed along St Marks lane and has incorporated areas for seating within this to further encourage activity within this area, the precise details of this area can be controlled by condition.

Furthermore, the CO concludes that the re-alignment of the building line more in keeping with the traditional form of St Mark's Lane will make for a more attractive environment here but also delivers a tangible benefit to the historic grain of the town, which benefits the wider CA as well as the setting of the nearby Listed Buildings. The scheme also secures the long-term conservation of the significant elements of a positive building within the CA, which can also be seen as a NDHA in its own right.

The positive conclusion of the CO is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets. Furthermore the scheme would present an opportunity to significantly enhance the public realm and street scene and improve the standards of design in the area. Whilst there would be a minor level of harm (at the lower end of the less than substantial harm scale) as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street (a NDHA), balanced against this harm would be tangible heritage benefits as outlined in detail above. As such it is considered in this case that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole. Overall, I am therefore satisfied that the scheme would 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 and design policies and advice contained within the Council's LDF DPDs and the NPPF.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

In terms of any overbearing and overshadowing impacts, there are no other residential units surrounding the site and thus no existing amenity impacts to consider. Equally, due to no other residential units and the location of windows and heights of adjoining buildings, the amenity of future occupiers would be protected in terms of overlooking and overbearing impacts. Private amenity spaces are proposed for most of the apartments, and there is a shared amenity space for residents proposed on the third floor, above the Stodman Street façade. Whilst overlooking St Marks Place, the private balconies are set back from St Marks Lane which would afford some degree of privacy. Nevertheless, in town centre locations it is generally accepted that residential units have limited private amenity spaces, however in this case there would be adequate amenity spaces provided within the building with access to larger communal green spaces throughout the town.

In terms of future occupants of this building, internally the *'Technical housing standards – nationally described space standard'* (March 2015) are an important consideration - all units meet the GIA's relevant for the size of the units proposed and are served by adequate sources of natural

light. Officers are also mindful that future occupiers would be aware of the town centre location of these units prior to occupation and as such must acknowledge the impacts that would have on their amenity in terms of potential for late night noise and disturbance that is likely to affect their amenity to some degree. Whilst the area immediately surrounding the development is currently dominated by daytime business uses the ground floor is proposed for Class E use which incorporates the:

- *E(a) Display or retail sale of goods, other than hot food*
- *E(b) Sale of food and drink for consumption (mostly) on the premises*
- *E(c) Provision of:*
 - *E(c)(i) Financial services,*
 - *E(c)(ii) Professional services (other than health or medical services), or*
 - *E(c)(iii) Other appropriate services in a commercial, business or service locality*
- *E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- *E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- *E(f) Crèche, day nursery or day centre (not including a residential use)*
- *E(g) Uses which can be carried out in a residential area without detriment to its amenity:*
 - *E(g)(i) Offices to carry out any operational or administrative functions,*
 - *E(g)(ii) Research and development of products or processes*
 - *E(g)(iii) Industrial processes*

It is worth noting that residential uses within town centre locations can help contribute to its vitality and viability outside of these daytime hours, however it is important that future occupiers would have acceptable living conditions in this environment. A noise survey has been submitted with this application which concludes that a sound insulation scheme should be installed to protect the amenity of future occupiers. The EHO has reviewed the noise assessment and has raised no objection subject to a condition requiring the implementation of the Sound Insulation Scheme detailed at Sections 7 and 8 of the report (including the installation of acoustic glazing, acoustically treated ventilation and internal sound proofing) which is considered to be reasonable.

The EHO has however raised concerns about the additional noise that could be associated with use E(d) Indoor sport, recreation or fitness below residential units, which they consider has not been fully appraised within the noise assessment (given gym classes can use amplified music and sound into the later evenings and early mornings) – they have however suggested that a suitably worded condition could be attached to require provision of an updated Noise Survey (including tap testing and implementation of any additional sound proofing as recommended) prior to the ground floor units operating under use E(d) which is considered to be reasonable in this case to ensure the amenity of future residents is adequately protected.

An external lighting report has also been provided which explains that the proposal is to illuminate the external walkway alongside the realigned St Marks Lane. Decorative lighting would be provided within the building facades which face the main walkway and indicate the buildings main entrances. Luminaire types has been selected to provide virtually no upward light output after trading hours to reduce obtrusive light with feature up lighting being restricted to trading hours only. The Environmental Health Officer has raised no objection to the external lighting scheme proposed.

It is noted that the demolition of the building also has the potential to give rise to disturbance to neighbouring occupiers and land uses – a structural inspection and demolition report has been submitted to accompany this application which explains the structural integrity of the building and any integration with adjacent buildings and includes a demolition plan. The EHO has recommended that conditions be imposed to ensure a full demolition method statement is submitted in addition to a construction method statement in order to ensure demolition and construction are carried out to protect the amenity of neighbouring land uses.

Overall, it is therefore considered that this proposal would result in an appropriate level of amenity for future and existing occupiers in accordance with Policy DM5 of the DPD.

Impact upon the Highway

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision based on the scale and specific location of the development. The Council has also recently adopted a Residential Cycle and Car Parking Standards and Design Guide SPD (2021).

The proposed development would provide 12 car parking spaces, a single motorbike parking spot and 48 cycle spaces to serve 29 apartments (16 no. 1 bed units and 13 no. 2 bed units). The Parking Standards SPD sets a minimum of 1 cycle space per 1 bed unit and 2 spaces per 2 bed unit across all tenures in the district. The scheme advanced would exceed the requisite number of cycle spaces.

For car parking, the SPD states that within Newark Town Centre, given there are a good range of parking facilities and public transport links the Council would not normally expect residential car parking spaces to be provided as part of proposals in Town Centres. However, following a Market review the scheme has been advanced with some on site car parking spaces. Whilst there would not be a 1:1 provision of spaces this is not considered to be fatal to the scheme given the sustainable location. Future occupiers would also be aware of the limited parking availability on site prior to occupation.

The parking spaces provided would be leased to users of the residential development and would not be available to users of the potential office/co-working areas. In a town centre location this is acceptable in principle and it is noted that the Highways Authority (HA) have raised no objection to the parking scheme put forward.

Reviewing the application the HA raised some initial queries, principally relating to land ownership to the rear of 34 Stodman Street for access purposes, the impact of servicing requirements from the highway for all premises that currently utilise the service yard (Howitts Yard) to the 'rear' side of the building (off Lombard Street), visibility splays existing from the servicing yard and pedestrian prioritisation/access. In response the applicant provided a Transport Technical Note and following constructive negotiations submitted a suite of Highways/Access plans for the Lombard Street/Howitts Yard access and parking arrangements.

The HA have reviewed these amended plans and have advised that they raise no objection to the development subject to a number of conditions such as, securing Traffic Regulation Orders on Howitts Yard for off-site traffic management works, provision of a pedestrian footway and lighting along Howitts Yard as a secondary pedestrian route, installation of Keep Clear markings on Lombard St opposite Howitts Yard to facilitate better access and turning off Lombard St/Howitts Lane, hard bound surfacing of the site access, provision of visibility splays, parking, turning and

servicing areas, car and cycle parking spaces, provision of surface water drainage to the access/parking areas etc. All conditions are considered to be necessary to make this development acceptable in highways safety terms and would ensure the development does not adversely impact the safety of the highway network.

The application is also accompanied by a Travel Plan – this document provides a framework that encourages sustainable travel and intends to limit single occupancy vehicle usage through a series of measures to be implemented. This approach is in accordance with the NPPF in encouraging sustainable travel at all new developments. Section 5 of the Travel Plan explains the measures proposed to encourage the use of sustainable transport methods and Section 6 sets out the Action Plan which explains the actions that need to be undertaken prior to and upon occupation so that the promotion of sustainable transport is ingrained in the proposed development from the outset, enabling future occupants to make sustainable travel choices. The HA have not commented on the Travel Plan as they have stated that one was not considered necessary for this scale of development. Nevertheless, Officers consider the details contained within the Travel Plan would assist in promoting sustainable transport and travel in accordance with the aims of SP7, DM5 and the NPPF and therefore consider it reasonable to condition the implementation of the recommendations of the travel plan statement.

In respect of Public Rights of Way (RoW) - the RoW team have reviewed the proposal and advised that they raise no objection to the proposal subject to an informative note regarding construction in proximity to public rights of way.

Overall, given the positive conclusions of the Highway Authority and the Rights of Way team and the highly sustainable location of the site within to the town centre, it is considered that there would be no detrimental impact on highway safety as a result of this proposal and that the development would promote sustainable methods of transport in accordance with the NPPF. As such, the development would accord with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

Given the scheme proposes the demolition of a large building a Preliminary Ecology assessment has been submitted to accompany the application comprising a preliminary bat roost and bird nesting assessment. No evidence of bats was recorded internally or externally during the survey. The Site is not located in an area of optimal bat foraging and is poorly connected to the nearest areas of habitat. The surrounding premises and streets are also well-lit artificially. Overall the Site is considered to have negligible bat roosting potential. Whilst a small number of potential bat roosting features were recorded during the survey; due to their location on the building, the lack of suitable surrounding foraging habitat and the urban nature of the Site, as well as the lack of evidence recorded, the likelihood of bats using these features was concluded to be very low, and roosting bats are considered highly unlikely to be using the Site. No further survey or mitigation measures have been proposed in respect of bats.

No evidence of nesting birds were recorded in association with the building and no birds were recorded during the survey. Some bird droppings were recorded inside the water tank structure located on the flat roof of the building but the survey concludes there was no evidence to suggest

that birds were nesting in this location. The survey recommends that in order to avoid any potential impact on nesting birds, demolition work should be undertaken between September and February. If this work has to be undertaken during the bird breeding season, then it is recommended that a survey for active bird nests is undertaken by a suitably experienced ecologist before the work commences. If any active nests are identified then work would need to be delayed in the affected area until the young birds have fledged. It is considered reasonable to attach these recommendations by condition in this case. Therefore, subject to conditions it is considered that the proposal is compliant with Core Policy 12 and Policy DM7 in this regard.

Developer Contributions and Viability

Spatial Policy 6 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. They states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Affordable Housing and Vacant Building Credit

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions.

Para. 64 of the NPPF also states *'Provision of affordable housing should not be sought for residential developments that are not major developments....To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'* (known as Vacant Building Credit/VBC). The relevant footnote then states *'Equivalent to the existing gross floor space of the existing buildings. This does not apply to vacant buildings which have been abandoned.'*

However para. 65 of the NPPF also requires that on major developments for housing (developments of over 10 dwellings), at least 10% of the total number of homes should be available for affordable home ownership. The application does not form any of the exceptions to this requirement and therefore, even if applying the VBC proportionately reduces the AH requirement for this site, there would remain a minimum expectation of a 10% affordable housing contribution in accordance with the NPPF.

Comments have been provided by NSDC's Strategic Housing Officer which state that for the proposed development, 8 units would be sought for affordable housing (to meet the 30% requirement of CP1). When considering application of VBC the Affordable Housing requirement is calculated as follows:

Affordable Housing Requirement with VBC	=	$\frac{\text{Difference between proposed and existing GIA floorspace}}{\text{Proposed GIA floorspace}}$	x Policy Requirement
--	---	---	----------------------

In this case the key inputs are:

Existing GIA: 3192sqm

Proposed Residential GIA: 2477sqm

Affordable Housing Requirement: 30%

Given the existing GIA is in excess of the proposed Residential GIA there would be no requirement for affordable housing when applying the VBC. Notwithstanding this however, the NPPF still requires a minimum of 10% affordable housing be provided on major developments unless the scheme meets one of the exceptions (which this scheme does not) – on this basis, and given the VBC applicable, only the minimum of 10% is required in this instance which equates to **2 units**.

Comments from the Strategic Housing Officer (SHO) explain that taking into consideration the type of accommodation proposed, it is unlikely that a Registered Provider (Housing Association) would express an interest in managing these units. They have therefore advised that in this case a commuted sum payment in lieu of the above requirements would be acceptable. The SHO has calculated the commuted sum required to be as follows:

	Affordable Rent	Shared Ownership
1 Bed	1 unit @ £80,000 40% of Open Market Value = £32,000 Commuted Sum/Unit = £48,000	
2 Bed		1 unit @ £100,000 70% of Open Market Value = £70,000 Commuted Sum/Unit = £30,000 Total = £30,000
TOTAL	£78,000	

Given the NPPF and policy requirements for the provision of affordable housing it is considered that this request is fairly and reasonably related in scale and kind to the proposed development and is necessary to make the development acceptable in planning terms.

Community Facilities

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity. The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. A development of 29 dwellings would therefore equate to a contribution of £40,138.03 plus indexation.

Based on the existing facilities in the vicinity no case has been advanced as to how a contribution based on the SPD calculation would be spent. Officers are mindful that planning obligations should only be sought where they are fairly and reasonably related in scale and kind to the proposed development and are necessary to make the development acceptable in planning terms. Given no case has been advanced to explain the current capacity of local community facilities or how this sum would be allocated it is not considered that it has been demonstrated that this contributions would be necessary to make the development acceptable in planning terms.

Open Space

The SPD outlines that a development of this size would need to make provision for public open space in the form of both natural and semi-natural green space and provision for children and young people. Given the town centre nature of the proposal and based on the layout proposed neither requirement would be fulfilled by any on-site provision.

Based on the SPD formula the off-site contribution would be as follows:

- For natural and semi-natural green space a contribution of £2,977.14 would be sought plus indexation (based on a £102.66 contribution per dwelling) with £2,977.14 maintenance cost (plus indexation).
- For provision for children and young people a contribution of £12,054.38 would be sought plus indexation (based on £927.26 per 2 bed unit) with £13,406.90 maintenance cost (plus indexation).

The NSDC Open Space Officer has commented that given the split of 1 and 2 bed apartments there should be a request for play provision and equipment for '*small children*'. The Officer has indicated that in this case the obvious site for provision/improvement would be the St Mary Magdalene Church Gardens, which is located close to the application site. This is also identified in the councils Open Space Assessment and Strategy (2021) as currently being of low quality and value.

However, Officers are mindful that an Open Space contribution for the provision for children and young people is usually only applied to schemes with units of 2+ beds given these are more likely to be occupied by those with children and note that in the contribution request reference is made to provision for '*small children*'. In this case there would be 13 no. 2 beds out of the overall 29 units. However, given this scheme proposes residential units for relatively high density within a town centre environment it is considered unlikely that these units would attract families in any event. Officers are therefore of the view that an Open Space contribution for provision for children and young people would not be fairly and reasonably related in scale and kind to the proposed development and necessary to make this particular development acceptable in planning terms.

It is however noted that the Open Space Assessment and Strategy does identify a number of open spaces within Newark town centre (including amenity spaces) which are of poor quality and value in close proximity to the application site. It is also important that future occupiers have access to good quality green spaces to support their health and wellbeing. Given any future occupier would be reliant upon these existing open spaces for recreational enjoyment and that some of them in the immediate vicinity are scored at poor quality and value it is considered reasonable that a contribution is sought towards natural and semi-natural green space and its maintenance in this case given the additional pressure on these existing spaces that would result from the development.

Health

The Clinical Commissioning Group at the NHS have commented that they would request a contribution of £28,478 to invest in enhancing capacity/infrastructure within local practices (such as Lombard Medical Centre, Barnby Gate Surgery and Fountain Medical Centre). All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will

include either reconfiguration or extension of existing premises or a new build that this financial contribution would contribute towards. It is considered that this request is fairly and reasonably related in scale and kind to the proposed development and is necessary to make the development acceptable in planning terms.

Education

The Developer Contributions and Planning Obligations SPD indicates that development of 10 or more dwellings which generate a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. Nottinghamshire County Council have been consulted on this application but they have not provided any comments. There has therefore been no information provided to explain whether a primary school contribution could be justified as being necessary to make this development acceptable in planning terms.

However, Officers consider that even if a justification was provided (based on lack of school capacity), only units of 2 or more bedrooms could be subject to this requirement (similarly to open space for provision for children and young people) which is affirmed by the County Council's own recently published Developer Contributions guidance. Furthermore, in any event given that this scheme is for high density town centre apartments it is unlikely that these would attract families resulting in additional pressure on primary school capacity. On this basis, no education contribution is considered to be justified in this case to make the development acceptable in planning terms.

Transport and Travel

The Developer Contributions Team at the County Council have been consulted on this application but they have not provided any comments requesting or justifying a financial contribution towards transport and travel. On this basis, no contribution is considered to be justified to make the development acceptable in planning terms.

CIL

Apartments are zero rated across the district for CIL purposes and thus there is no CIL charge applicable to the residential element of this development. There is a districtwide charge on Retail uses (formerly use classes A1-A5) at £100/m². The development would result in 753sqm commercial floor space which could be used for retail purposes under use Class E. The CIL charge on the development is therefore £76,451.38, however the existing floor space can be deducted from the proposed floor space given the floor space that would be lost to demolition has been in lawful use for a continuous period of 6 months within the past three years, therefore there would be no CIL charge on the proposed development.

Overall Summary of Contributions

A summary of the abovementioned developer contributions is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of this application:

	Total Financial Contribution (plus indexation)
Affordable Housing	£78,000
Open Space (natural and semi-natural green space)	£2,977.14
Maintenance Open Space (natural and semi-natural green space)	£2,977.14
Healthcare	£28,478.00
TOTAL	£112,432.28

A viability assessment has been undertaken and submitted as part of this application to assess the viability of the proposed development as a policy compliant scheme and to explore the viability of other scheme options from a heritage/design perspective. This assessment demonstrates that the proposed development is not viable and would result in a shortfall of approximately £2.9million excluding any developer contributions. The outcome of this assessment is therefore that there is insufficient headroom to support any developer contributions as part of this redevelopment and that on this basis, a non-public sector developer would seek not to pay such contributions on the grounds of viability.

The LPA commissioned an independent assessment of this viability case to determine whether the assessment undertaken by the Applicant was robust, whether the scheme proposed is deliverable and whether standard policy based contributions are viable and, if not, the level of contributions that could be delivered whilst maintaining economic viability. The overall conclusion of the independent assessment is very similar to that submitted by the Applicant – that there is a significant development deficit of over £2.9million requiring public subsidy to proceed. This deficit does not include any allowance for the additional cost of Affordable Housing or other S106 contributions (which are therefore considered economically unviable). In the event the Applicant did provide a commuted sum towards Affordable Housing and the contributions as set out in the table above, the development deficit would clearly increase.

Whilst Officers do not challenge the viability conclusions, it is clear that the scheme would not be viable with a policy compliant level of contributions which calls into question the overall sustainability of a development that would not adequately contribute to meeting the needs of its future occupants. Officers are however mindful that given the benefits that would arise from this scheme a reduced level of contributions could nevertheless be acceptable in this instance. However, the Planning Statement submitted sets out that in the interests of sustainability and public interest, the District Council (as the Applicant) is agreeable to paying the Affordable Housing, Open Space and Healthcare contributions as set out and justified above as a responsible developer acting in the interest of the public. This would result in what Officers considered would be a policy compliant scheme in accordance with policies SP6 and DM3, these contributions would be secured through a S106 agreement.

Other Matters

Archaeology - The site lies in an area of high archaeological potential associated with the medieval and post-medieval development of Newark. The site lies within the medieval town, close to the

southern defensive wall, and our Archaeological consultant has advised that the site is likely to contain evidence for medieval and later occupation activity. Medieval archaeological remains have been recorded adjacent to the site on St Mark's Lane suggesting good preservation at a depth of at least 1.5m, sealed by later post-medieval layers.

The site has been subject to numerous phases of development, some which may have removed any archaeological remains present, however recent excavations in the town have demonstrated good survival of medieval remains where modern cellars and other deep disturbances are not present.

The application is accompanied by an archaeological impact assessment which concludes that further evaluation is recommended to determine the level of survival and truncation of archaeological deposits within the site. Our Archaeological Consultant advises they agree with this conclusion and recommend that trenched evaluation be undertaken to inform an appropriate mitigation strategy. The evaluation would need to be undertaken after demolition of the building to slab level, but prior to any further intrusive demolition or ground works. Subject to the conditions suggested by the Archaeological Consultant it is considered that the development would be acceptable in this regard.

Planning Balance and Conclusion

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that this application be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Overall it has been concluded that the principle of this development is acceptable in this town centre location. The redevelopment of this site would have a significant positive benefit through redeveloping a brownfield site for mixed use, including housing, which is supported both at a local and national level and will help to ensure the sustained viability and vitality of the District Centre. The scheme also supports the Government's agenda for supporting investments in town centres which is further emphasised with the Department for Levelling Up, Housing and Communities advancing grant funding towards the redevelopment of this site. Further, it is also anticipated that the redevelopment of this site could be a catalyst for other developments coming forwards within Newark Town Centre which would assist with achieving the objectives of the Town Investment Plan. The provision of 29 no. housing units in the town centre would also assist in contributing towards boosting the supply of housing in a way in which meets the most up to date housing need for the area. These economic and social benefits accord with the aims of both local and national planning policies and therefore attract substantial positive weight.

In urban design terms, the redevelopment scheme would improve the permeability and legibility of the area, incorporates improvements to the public realm and presents an opportunity for the creation of a feature building with local interest and distinctiveness in the town centre. The use of high quality materials and design standards for the building and public realm would help achieve a step change in perception for the area and encourage more active use. Overall the redevelopment approach accords with the principles set out within the National Design Guide and local and national policies relating to good design and would assist in improving the overall character of the area. Accordingly I attach moderate to significant positive weight to this benefit.

In respect of heritage impact, special regard is to be given to the desirability of preserving the setting of Newark Conservation Area and the listed buildings within it and great weight is to be given to these assets' conservation commensurate with their importance. The effect of a development on the significance of a NDHA is also important and requires a balanced judgement,

having regard to the scale of any harm or loss and the significance of the heritage asset. Notwithstanding comments from other consultees, the positive conclusion of the Council's CO is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets.

In heritage terms, the scheme would present an opportunity to significantly enhance the public realm and street scene and improve the standards of design in the area. Whilst there would be a minor level of harm (at the lower end of the less than substantial harm scale) as a result of some of the demolition works/loss of historic fabric proposed to 32 Stodman Street (a NDHA) which attracts negative weight, balanced against this harm would be a number of tangible heritage benefits (as outlined in the heritage appraisal above) which attract positive weight. In this case it is considered that the low level of less than substantial harm to the NDHA would be outweighed by the benefits of the scheme as a whole (to no. 32 itself as well as to the Newark Conservation Area and the setting of nearby Listed Buildings). Overall, it is therefore considered that the scheme would 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 and design policies and advice contained within the Council's LDF DPDs and the NPPF. The heritage benefits of the scheme overall attract significant positive weight.

Subject to conditions the application has also been found to be acceptable concerning impact on residential amenity for existing and future occupiers or land uses, the safety of the public highway, archaeological impact and would not result in any adverse impact on ecology. Neutral weight attaches to these aspects given planning decisions should not adversely impact either of these considerations. Furthermore, notwithstanding the viability case advanced, the scheme would secure financial contributions towards affordable housing, healthcare and open space provision in accordance with the aims and objectives of SP6 and DM3.

Overall the scheme would deliver a number of public benefits and no conflicts have been identified with the policies and guidance contained within the Council's Development Plan. 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. Further, the proposal is considered to be in accordance 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 guidance contained within the NPPF, which is a material consideration. I therefore recommend, on balance, that planning permission is approved subject to the conditions detailed below and the signing of a Section 106 legal agreement to secure the contributions also detailed below.

RECOMMENDATION

That following the close of the consultation period, full planning permission is approved subject to the following conditions and reasons below:

Conditions

01

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

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

02

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

- Site Location Plan – Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22)
- Proposed 1st and 2nd Floors – Ref. 101-137 (P) 002 K (deposited 30.11.21)
- Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21)
- Proposed Roof Plan – Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections – Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Elevations – Ref. 101-137 (P) 018 I (deposited 28.01.22)
- Demolition Plan – Ref. 101-137 (P) 027 A (deposited 11.10.21)
- Bay Studies – Ref. 101-137 (P) 028 B (deposited 30.11.21)
- Proposed General Arrangement – Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
- Proposed General Arrangement with annotations – Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
- Proposed Visibility Splays – Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
- Car Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
- Delivery Vehicle Tracking – Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Reason: So as to define this permission.

03

No development shall commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the land subject of this consent has been entered into and completed by all parties with an interest in the land and has been lodged with and executed by the Council. The said obligation is to provide the following:

	Total Financial Contribution based on 29 units
Affordable Housing	£78,000 + indexation
Open Space & Maintenance (natural and semi-natural green space)	£5,954.28 + indexation
Healthcare	£28,478.00 + indexation
TOTAL	£112,432.28 + indexation

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development

04

Prior to the commencement of any development (including demolition) a timeline for the phasing of the development (including the demolition, façade retention and conservation, construction

works and shopfront enhancement scheme) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved timeline.

Reason: To ensure the heritage benefits secured by the redevelopment of the site are delivered in a timely manner following the demolition works in accordance with the NPPF.

05

Prior to any development above slab level details and samples including external finish of the materials identified below shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing materials
- Bricks
- Stone
- Roofing materials
- Green Roof Specifications
- Cladding
- Lime/White Wash
- All metal work including balustrades

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

No development shall be commenced in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Window and Door Headers and Cills;
- Material finish of all external windows and doors;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Extractor vents;
- Flues;
- Meter boxes;
- Airbricks;
- Solar Panels (including size, type, positioning and inclination);
- Soil and vent pipes.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features (as shown on the approved plans and visuals) and areas

of mortar distinction (as detailed within the Design and Access Statement) or decorative metalwork shall be submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

08

Prior to any development above slab level brick sample panels showing the brick bond, mortar specification, pointing technique, lime/white wash specification, and any architectural decoration (as shown on the plans required by condition 06) shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

09

Prior to any demolition and repairs or works to the retained Art Deco Façade (on Stodman Street and the return also being retained onto St Mark's Lane) a full specification and methodology for undertaking any structural support or repair works (informed by an up to date structural survey) to the retained façade shall be submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses the façade retention and conservation, any repair or structural works required and a timeline for implementation of the works before key milestones in the development. Development shall thereafter be carried out, prior to occupation or use of any part of the development, in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

10

Prior to the use of the ground floor commercial units hereby approved, a scheme for the improvement of the shop front within the Art Deco Façade on Stodman Street shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

11

Notwithstanding the annotations on the approved plans indicating indicative areas of signage, prior to the installation of any signage on the building full details of the signage (including but not limited to: size, design, materials, illumination and positioning) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

12

Prior to the first occupation of the development hereby permitted, full details of hard and soft landscaping to the 'Shared Amenity Terrace' as annotated on plan Proposed 3rd Floor – Ref. 101-137 (P) 003 K (deposited 30.11.21) shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved and the terrace shall be made available for use prior to first occupation and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

13

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;
- green roof specifications;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, raised planters/seating, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity and to ensure that the development takes the form envisaged through the application submission.

14

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

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

15

Prior to any development above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft

landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

16

The bin and cycle storage facilities as shown on plan Proposed Ground Floor – Ref. 101-137 (P) 001 O (deposited 30.11.21) shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

17

Prior to any landscape work being undertaken (including the installation of any planting within the building design, public realm, green roofs or shared amenity spaces) a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

18

The use of the ground floor units hereby permitted shall only take place during the following hours:-

07:30h to 23:00h Monday - Friday

08:30h to 23:00h Saturdays

10:00h to 22:00h Sundays

Reason: In the interests of residential amenity.

19

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22) shall only be used for uses falling within Use Class E of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: In the interests of residential amenity.

20

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with

the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity.

21

Archaeological Conditions:

Part 1

No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains in sensitive areas, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

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

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

Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Mitigation Strategy and Written Schemes of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

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

22

Save for any demolition works, the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

23

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

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

Reason: In the interests of residential amenity.

24

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor – Ref. 101-137 (P) 001 P (deposited 28.01.22) shall not be brought into use until the recommended acoustic mitigation and ventilation works embedded within Sections 7 & 8 of the Noise Impact Assessment Report (Ref. P4466-R1-V4, dated 04.10.2021, Version 4) undertaken by Noise Air are implemented in full. These measures shall also be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

25

Prior to the commencement of any E(d) Use (indoor sport, recreation or fitness) of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) at ground floor, an updated Noise Assessment report must be provided which includes a detailed assessment of the impact of this use (including tap testing) and any acoustic mitigation works required. Any mitigation measures recommended shall be implemented in full prior to the commencement of any E(d) Use and shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity as the submitted noise assessment does not adequately consider the potential noise disturbance to residents associated with Use Class E(d).

26

The Travel Plan for the development shall be implemented in accordance with the Travel Plan Measures and Action Plan detailed in Sections 5 & 6 of the Travel Plan Statement (Ref. C3441, Rev A, dated Oct 2021) produced by HSP Consulting.

Reason: To promote sustainable travel.

27

No demolition shall be commenced until details of a programme of historic building recording of the cellars have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

28

No development shall commence until the off-site traffic management works comprising of changes to current Traffic Regulation Order on Howitts Yard (to provide a servicing bay) are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: To ensure a safe area within the highway is provided for loading and unloading of vehicles and in the interest of highway safety.

29

No part of the development shall be occupied on any part of the application site unless or until the new pedestrian footway and street lighting have been provided along Howitts Yard as shown for indicative purposes only on the approved plan ref. HSP-00-00-DR--C-951. All highway works shall be carried out to Highway Authority's specification and to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

30

No part of the development shall be occupied on any part of the application site unless or until the KEEP CLEAR road marking has been provided Lombard Street opposite the access to Howitts Yard with details first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: In the interest of pedestrian safety.

31

No part of the development hereby permitted shall be brought into use until the access to the site and off-street parking areas have been completed and surfaced in a bound material (not loose gravel) for a minimum distance of 8.0m behind the highway boundary in accordance with approved plan reference STHSP-00-00-DR--C-951.

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

32

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. ST-HSP-00-00-DR--C-952 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

33

No part of the development hereby permitted shall be brought into use until the parking, turning, and servicing areas are provided in accordance with the approved plan ref. ST-HSP-00-00-DR--C-951. The parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

Reason: In the interest of highway safety and to enable service vehicles to safely load and unload without obstructing the highway.

34

No part of the development hereby permitted shall be brought into use until the access driveway, parking and turning areas are constructed with provision to prevent the discharge of surface water from the driveway, parking, and turning areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

35

No part of the development hereby permitted shall be brought into use until the cycle parking and storage area has been provided and that area shall not thereafter be used for any purpose other than the parking and storage of cycles.

Reason: To ensure that adequate cycle parking provision is made to promote sustainable modes of transport.

36

The new doors on the street frontage shall open inwards only. The approved doors shall then be retained for the life of the development.

Reason: In the interest of pedestrian safety.

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 given that there is no net additional increase of floorspace as a result of the development.

02

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

03

Note from CADENT Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

04

Notes from LCC Archaeology:

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

05

Notes from Rights of Way:

Newark Public Footpath No. 63 and 64 (St. Marks Lane) are adjacent to and cross the area marked in red on the Proposed Ground Floor Plan.

During the demolition and construction phase the safety of path users should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the Right of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section countryside.access@nottsgov.uk

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.

06

Notes from Severn Trent Water:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations for any advertisements requiring express consent that you may wish to display on these premises.

08

Ecology Notes:

In order to avoid any potential impact on nesting birds, it is recommended that the demolition work is undertaken between September and February. If this work has to be undertaken during the bird breeding season, then it is recommended that that a survey for active bird nests is undertaken by a suitably experienced ecologist before the work commences. If any active nests are identified then work will need to be delayed in the affected area until the young birds have fledged.

09

Highways Notes

Building Works shall not project over the highway: No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Traffic Regulation Orders (TRO): The proposed off-site highway works referred to in condition 28 requires a Traffic Regulation Order before the development commences to provide safe access and offsite mitigating works. The developer should note that the Order can be made on behalf of

the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact businessdevelopment@viaem.co.uk

Section 38 Agreement (Highways Act 1980): The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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 Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

Correspondence with the Highway Authority should be addressed to hdc.north@nottsc.gov.uk or ring NCC's Customer Services on 0300 500 8080 and request Development Control Team for Newark & Sherwood district.

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

Correspondence with the Highway Authority should be addressed to hdc.north@nottsc.gov.uk or ring NCC's Customer Services on 0300 500 8080 and request Development Control Team for Newark & Sherwood district.

BACKGROUND PAPERS

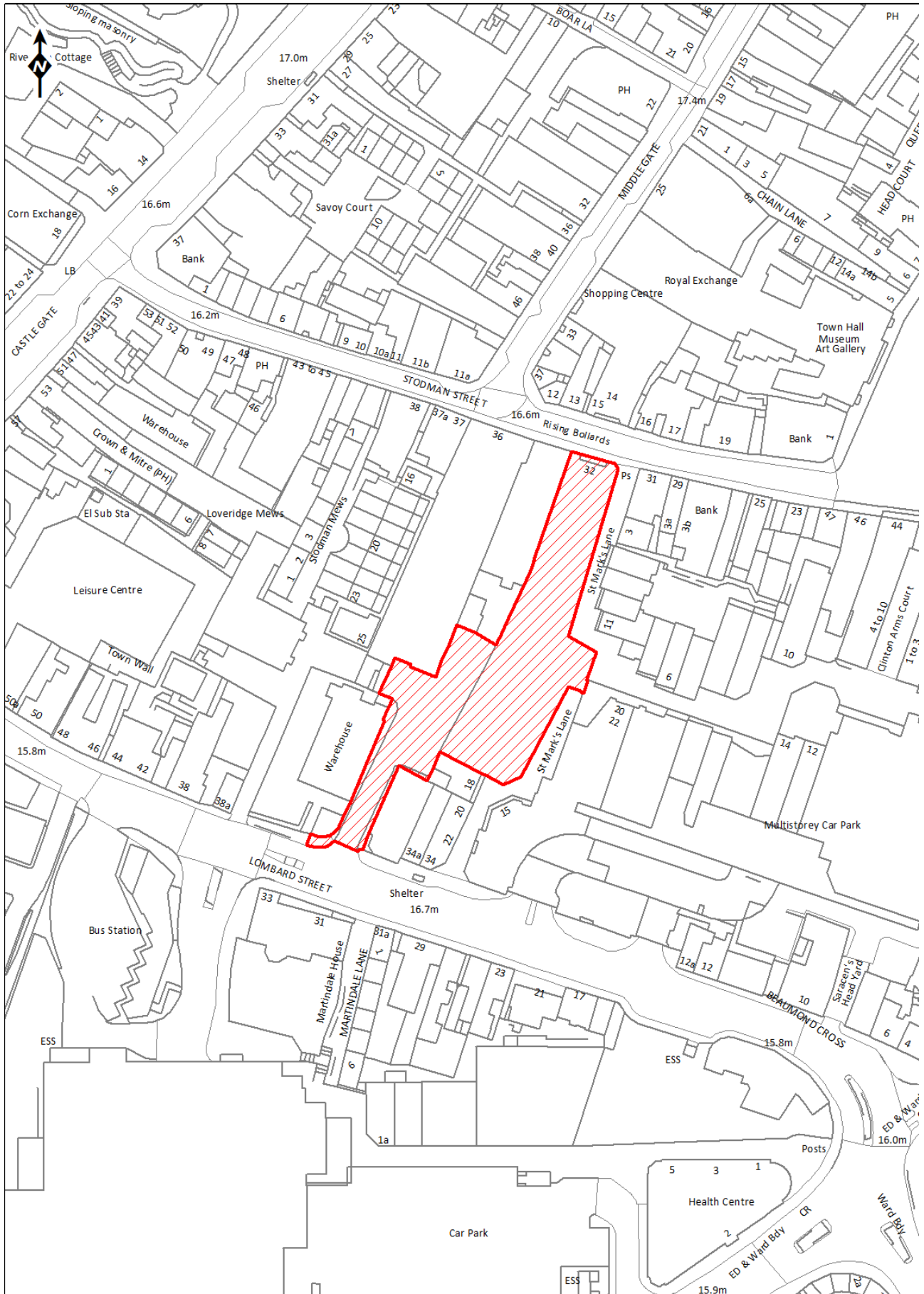
Application case file.

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 - 21/00699/FULM



© Crown Copyright and database right 2020 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/02484/FULM (MAJOR)	
Proposal:	Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping	
Location:	Former Newark Livestock Market Unit 1 Great North Road Newark On Trent	
Applicant:	Lincoln College Group - Mr Nick Pettit	
Agent:	Stem Architects - Mr William Silby	
Documents:	21/02484/FULM Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping. Former Newark Livestock Market Unit 1 Great North Road Newark On Trent (newark-sherwooddc.gov.uk)	
Registered:	25th November 2022	Target Date: 24th February 2022

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

The Site

The 0.86Ha application site relates to part of the site on which the Newark Livestock Market was located (demolition consented under application no. 21/00247/DEM) including land to its rear and frontage which contains a public car park (still in operation). The single storey, steel framed Newark Livestock Market building including cattle pens and a residential dwelling to its frontage (formerly known as Andreas consented for demolition under application no 21/00246/DEM) have recently been demolished and the site cleared. Heras fencing is currently positioned around the wider site.

The site is located within Newark Urban Area. Great North Road (B6326) runs in a north-south direction to the south west of the site. Newark and Sherwood District Council (NSDC) offices and parking areas are located to the south east and Newark Lorry Park is located to the north and north west. The nearest residential dwellings are located on the other side of Great North Road to the south of the site (Midland Terrace).

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Agri Centre and

Railway Station building which are both Grade II Listed to the south of the site and a Grade II Listed culvert located to the south west of the site (adjacent to Great North Road). The spire of Grade I Listed St Mary Magdalene Church spire and Newark Castle which is also a Scheduled Ancient Monument are also visible in close proximity to the site.

To the north west of the site on the opposite side of Great North Road is an allocated employment site (Policy NUA/E/4).

The site is located within Flood Zone 2 with a 1 in 100 annual probability of river flooding (medium probability) as identified by the Environment Agency (EA) flood maps. The old Trent Dyke flows along part of the east boundary of the site.

A number of mature trees are located on and adjacent to the site.

Relevant Planning History

21/00247/DEM - Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences – prior approval required and approved 03.06.2021.

21/00246/DEM - Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings - prior approval required and approved 03.06.2021.

01870379 - Construction of livestock market car and lorry parks – permission 28.09.1987

The Proposal

Full planning permission is sought for the erection of a building to accommodate a further education establishment for the training of young adults within the aviation and space industries. The proposed facility would be known as the Internal Air and Space Training Institute (IASTI) and would cater for approximately 350 students and 40 staff.

Access to IASTI would be taken from the Great North Road via an existing access which serves the Newark and Sherwood District Councils Offices as well an existing public carpark. The main entrance to the building would face towards Great North Road. It is intended the car park would be incorporated into the IASTI campus and would serve as the car park for the facility (albeit it would be open for use by the public at evenings and weekends). No alterations are proposed to the access. Other associated infrastructure would include a refuse area, substation and landscaping.



3D Visuals of Proposed Building



The proposed overall floorspace would be 3600m² over three floors (with a double height workshop/hangar at ground floor level to the rear). Within the workshop/hangar would be an aeroplane and a wing/canopy project from the glazed feature window. Modern methods of construction utilising a traditional and simple palette of materials (glass and brickwork) is proposed throughout.



Extract from 1009_A Proposed Site Plan and 3D Visuals of Proposed Building

The following plans and documents have been submitted with the application:

- 0001 Existing Site Plan
- 1009_B Proposed Site Plan
- 1024_F Proposed Ground Floor Plan
- 1025_E Proposed Second Floor Plan
- 1026_E Proposed First Floor Plan
- 1027_B Proposed Roof Plan OP2B
- 2000 Proposed Elevations (all)
- 2000 Proposed Elevations (SE)
- 2000 Proposed Elevations (NW)
- 2300 Proposed Elevations (SW)
- 2400 Proposed Elevations (NE)
- 4003 Rev A Site Section
- 4004 Rev A Great North Road Street View
- 92000-P01 Foul Water Drainage Layout
- 92001-P01 Surface Water Drainage Layout
- 92002-P01 Drainage Construction Details (Sheet 1)
- 92003-P01 Drainage Construction Details (Sheet 2)
- Design and Access Statement (Received 24.11.2021)
- Sequential Test (Received 24.11.2021)

- Flood Risk Assessment and Drainage Strategy (October 2021)
- Historic Impact Statement (Received 24.11.2021)
- Archaeological Desk-Based Assessment (October 2021)
- Transport Assessment Report (October 2021)
- Transport Plan Draft (August 2021)
- Ecology Report (September 2021)
- Phase 1 Pre-development Arboricultural Report (July 2021)
- Phase 1 Preliminary Risk assessment (August 2021)
- Site Investigation Report (Letter March 2021)
- Noise Impact Assessment (October 2021)
- Air Quality Assessment (October 2021)
- External Lighting Statement (October 2021)
- EXT01 Indicative External Lighting Philosophy (June 2021)
- Lighting Assessment (October 2021)
- Energy and Sustainability Statement (October 2021)
- Ventilation Statement (October 2021)
- Photographs and Photomontages
- Series of Maps by Curtis (Received 24.11.2021)
- Civil and Structural Stage 3 Report (25.01.2022)

Departure/Public Advertisement Procedure

Occupiers of 34 neighbouring properties have been individually notified by letter. A site notice was displayed near to the site on 02.12.21 and an advert has been placed in the local press on 09.12.21.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 8 – Retail and Town Centres
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 14 – Historic Environment
 NAP1 – Newark Urban Area

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
 Policy DM3 - Developer Contributions

Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM11 – Retail and Town Centre Uses
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework NPPF
National Planning Practice Guidance PPG
Historic England Good Practice Advice Notes (GPA2 and GPA3)
Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Newark Town Council – No objection was raised to this application subject to an adequate Flood Risk Assessment being produced with satisfies both NCC and NSDC.

Averham, Kelham and Staythorpe Parish Council – no observations.

Historic England – no comment.

Highways England – no objection.

Network Rail – no objection in principle to the development subject to consideration of measures to relating to the safety pedestrians using Newark Castle Level Crossing and ensuring abnormal loads avoid routes that include Network Rail assets.

Natural England – no comments.

Environment Agency – standing advice applies.

Severn Trent Water - Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse, which we have no comment.

Nottinghamshire County Council (Lead Flood Risk Authority) – no objections subject to a surface water condition.

Nottinghamshire County Council (Highways Authority) – no objection to the proposed development subject to conditions relating to measures to control parking.

NSDC Planning Policy – The International Air & Space Training Institute (IASTI) forms an integral part of the wider redevelopment proposals for the ‘Newark Gateway’ site. The proposal would support the local implementation of the Governments Towns Fund Initiative, and deliver a key priority project in the IASTI. I’m content that it has demonstrated the Sequential Test as passed, and that objectives relating to education provision and economic development within the Development Plan would also be supported. It is clear that the development would provide significant benefits from a social and economic perspective – and providing that you are satisfied that the detail, including in respect of its environmental impacts, of the development is acceptable then

the granting of approval would be consistent with the presumption in favour of Sustainable Development.

NSDC Conservation – no objection subject to conditions relating to materials.

NSDC Archaeology Advisor – If permission is granted, I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.

NSDC Environmental Health Officer(s)–

Reactive – no issues with the noise report.

Contaminated land - no objection subject to imposition of full phased contamination condition.

Air Quality - I can concur with the findings of the air quality assessment and would expect the proposed mitigation to be employed to mitigate adverse dust emissions during construction.

NSDC Tree Advisor – no objection subject to conditions relating to tree protection and landscaping.

NSDC Economic Growth Officer – In early 2020 the project to deliver the International Air and Space Training Institute (IASTI) was initiated. Led by Lincoln College Group (LCG) and supported by the RAF, defence and civilian industry, this project will build on their success in delivering an Air and Defence College across three colleges in the East Midlands. The proposed erection of the educational establishment for the training of young adults within the aviation and space industries aligns closely with the Visions and Priorities from the Newark & Sherwood Economic Growth Strategy highlighting the upskilling of people into education or apprenticeships. The IASTI will create 428 new training opportunities, aligning with the Community and Newark Towns Plan for the creation of 600 additional FE places with 250 students being in residence. The job creation of 38 roles once completed plus the number employed during the build aligns with the Community and Town Investment Plan to create 3900 new jobs by 2050. The plan also responds to the LEP regional plan by providing a new pathway into a key growth sector to widen education participation.

The outputs and outcomes of the IASTI will have a multitude of positive impacts on Newark and the region in both the immediate and long terms. It will provide specialised skills training, develop an industry cluster, encourage exciting developments in the supply chain, and enhance the infrastructure of Newark. These benefits are broken down below:

Output of the provision

- Centralized education facilities under one roof within Newark town centre
- Enhanced education to employment routes
- Repurposing an underutilised brownfield site which will attract students, hotels, aviation industry and business incubation to the town

Outcome of the provision

- Redevelopment of a key brownfield site in the town centre

- Level 2 qualifications to at least 300 people (over a 15-year period)
- Level 3 qualifications to 1,600 people (over a 15-year period)
- 204 apprenticeships across IASTI and local industry (over a 15-year period)
- Degrees to 888 people (over a 15-year period)
- Creation of 38 new jobs

Strategic alignment to the Newark Town Investment Plan:

- Town Centre Regeneration and Culture: IASTI will contribute to creating a vibrant town centre through a centrally located skills facility which will enhance Newark's vitality by diversifying the reasons for visiting
- Skills, Education and Businesses: The project will contribute to the delivery of better learning and employment opportunities for all by establishing post-16 education pathways to aviation and space industries, allowing entry to different sectors, and providing a high-quality new learning facility based within Newark town centre

Strategic alignment to the LEP / D2N2 regional plan

The IASTI is Phase 1 of the Newark Gateway development, and as a part of the D2N2 Vision 2030, provides pathways into key growth sectors that would have otherwise been inaccessible to most people. By challenging previous delivery models and hosting the IASTI in a central location, the project can help tackle the inaccessibility of the sector – enhancing both economic inclusion and opportunity.

The IASTI will provide the aerospace industry with the skills it needs to continue its recent growth trajectory. Between 2011 and 2017, the economic output of the UK aerospace sector increased by 39%. Capturing this within Newark and the wider east midlands can ensure that D2N2 benefits from the sector's future growth and productivity uplift. Furthermore, as a part of the D2N2 Recovery and Growth Strategy the IASTI will provide significant investment into education infrastructure at a critical time – widening education participation to support Covid recovery by offering both training and retraining opportunities.

Specialised skills developed by the IASTI

- Engineering and computing
- Aviation and space related programmes including pilot skills, airfield operations, cyber, robotics, logistics, aviation engineering, software engineering and aerospace

Pathways from education to employment

The IASTI - strategically located in the Newark Gateway - would support the long term growth of the aviation and space sectors. Providing education opportunities for Newark's residents, attract new businesses and students to the town and enhance the town's vitality. The IASTI proposals will do much to anchor the existing Further and Higher Education (FE/HE) provision in the area. Given the current state of FE funding in England and Wales, many institutes are cutting back course provision because grant funding has been reduced. IASTI offers the opportunity to open up new revenue routes and to aggregate demand to make new and existing courses more economic.

Wider secondary benefits for Newark as a town include:

- Recruitment and retention of people locally filling military and civil aviation jobs in the area

- Attracting investment from training organisations and equipment suppliers
- Attracting investment through relocation of businesses to the region due to the supply of new people
- New start-ups to develop regional benefits associated with air and space sectors
- Cross-regional working in the Sector (e.g. The National Space Centre)
- Wider regional opportunities linking to initiatives such as the East Midlands Freeport

Clustering

The project encompasses all types of training at all skills levels with multiple provider types – both educational and industry. This will pool labour and bring together a transformative partnership that links employer and industry training with all aspects and formats of the education system at all levels and capabilities, helping to form an industry cluster.

Supply Chain

The Newark's Town Investment Plan proposes the creation of a new 'Smart Innovation, Supply Chain, and Logistics Zone' (SiSCLog), to provide on-site access to skills development, innovation and R&D. With the IASTI playing a major part in these developments to create an integrated cluster hub and business ecosystem. The skills and technology gained from this enhanced business ecosystem will subsequently boost productivity and produce a more efficient supply chain.

Concluding Thoughts

The presence of the IASTI in Newark will represent an integral magnet for relevant sectors and their supply chains to form. Capturing these agglomeration benefits in Newark can drive COVID recovery, economic growth, and enhanced employment opportunities for residents. The benefits gained from the proposed development would be manifold and in this regard the Economic Growth team supports this proposal.

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

Comments of Business Manager - Development

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.

The proposal site is located on a gateway site in Newark Urban Area which is the Sub-Regional Centre for the District, as defined under Spatial Policy 1 of the Amended Core Strategy. Newark Urban Area functions as a focus for housing and employment growth in Newark and Sherwood and the main location for investment for new services. The Gateway site is a key regeneration location within the Town Investment Plan (TIP) for Newark, which supports the local implementation of the Governments Towns Fund Initiative. Delivery of IASTI is justified as a

priority project within the TIP, and is central to realising its objectives around skills, education and business.

Through Policy DM1 support is provided for a range of development types appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the remainder of the Development Plan. The location of the proposed development within the Newark Urban Area would be consistent with the Spatial Strategy, indeed given the nature and ambition of the use it is the Sub-Regional Centre which would offer the most suitable location – given its role and function.

The site is not located within Newark Town Centre albeit is close enough so that linked trips to both the IASTI site and town centre would be achievable. As an education use (with ancillary café and office uses), the proposed development is not considered to represent a main town centre use in terms of the definition set out in the NPPF. As such, a town centre sequential test or impact assessment is not considered to be required in this instance.

IASTI would be an educational facility. Through Core Policy 8 in the Amended Core Strategy new community facilities will be encouraged, particularly where they address a deficiency in current provision and where they meet the identified needs of communities both within the District and beyond. IASTI seeks to offer education, training and practical experience relevant to, and in partnership with, the civil and military aviation and space industry. Under the leadership of Lincoln College Group, IASTI will offer Further Education and T Levels. Presently air and space training are not integrated into the formal education system, generally being delivered via private training or by the industry itself, post-education. IASTI will therefore offer an alternative route and assist in meeting community needs (both within and beyond the District) not currently catered for. As such, its provision would be a form of community facility that would benefit the local community and beyond in accordance with the aims of Spatial Policy 8.

Consequently, the principle of the IASTI development on this site is considered acceptable subject to an assessment of all other relevant considerations including site specific constraints and relevant aspects of national policy and the District's development plan. This assessment is set out 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.

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, including their setting and any architectural features 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). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, LPAs should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering new development.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Historic Newark developed along the Trent River corridor, predominately located to the southeast of the river and there are a number of listed buildings in this area. The application site is located to the northwest of the river historically formed part of open fields. It is located on the Great North Road, a significant historic route and built on the grade II listed causeway culvert dating to 1770 designed by John Smeaton, which raises the Great North Road above any flood waters. The Great North Road is lined with lime trees, which were laid out by public subscription.

The site is located outside the conservation area on a very significant historic gateway into Newark. As a major historic gateway into Newark, as well as the significant Smeaton arches, there are key views towards significant historic buildings in Newark. These include:

- Grade II listed Goods warehouse 150 metres northeast of Castle Station
- Grade II listed Castle Railway Station
- Grade I listed and Scheduled monument remains of Newark Castle
- Grade I listed Church of St Mary Magdalene

Due to the topography of the area and the alignment of the Great North Road from the northwest, views of the Church of St Mary Magdalene and the warehouse begins from the other side of the A46, therefore taking in the proposed development site when travelling along Great North Road.

Until recently, the existing livestock building and mid-20th century house (Andreas) were located on the site and were considered to make a neutral contribution to the character of the area prior to their demolition. With the existing lorry park and railway line with associated buildings close by, this part of the Newark has a very industrial character both historic and modern. This is reflected in the scale of the buildings.

The specialist use and the installation of a training aircraft located within the building has influenced the overall design of the building. The supporting information states that the building design has been influenced by different elements of the aircraft industry, both historic and modern. The south and east elevation being influence by hangers. The west elevation has been influenced by the 'ribbon' of windows seen on a passenger aircraft. The roof form reflects the stacking of aircraft tail fins. This design approach results in very different elevations. The east and south elevation with large areas of glazing and the west elevation are more solid with smaller ribbons of windows. This creates a more subtle elevation when viewing the proposal site from the west, allowing the building not to dominate views when entering Newark along the Great North Road.

The proposed building would be a three storey linear building with a saw-tooth roof form. The resultant saw-tooth roof form is not unusual in Newark and can be seen on industrial and manufacturing buildings of varying scales. Proposed site plans show that the building would be set in line with the rear of the Council building. Having the building well set back from the road helps to minimise impacts on significant views along the Great North Road. The building is of a similar scale of the neighbouring Castle House, albeit slightly higher (as shown in the street view extract below). The submission outlines the use of brick (light grey, sandy brick) and zinc roof. The location is an important gateway to Newark it is important to create a statement and on this basis, the Conservation Officer raises no objection to the design approach proposed. However, it is recommended that the brick choice is a warmer tone of colour to reflect the Castle and Newark Castle train station rather than the grey/buff shown in the supporting information. This is a matter which can be dealt with by planning condition.



Extract from 4004 Rev A Great North Road Street View

A Heritage Impact Assessment has been submitted with the application which considers the impact of the development on individual buildings, concluding the proposals are 'unlikely to impact on the significance of any heritage assets or their permanence; with several assets remaining completely unaffected by the proposals due to their location within the existing urban grain with other development between them and the proposed site'. A series of long range views have also been provided to help demonstrate this including a view from Great North Road (as show in the Extract below).



Extract from Historic Impact Statement - Long Range View 3 View South along Great North Road

The proposed building would be modern in its design and appearance and would form a key landmark building on entry into Newark. The proposed development is located beyond the historic limits of the town which has previously been developed and subject to conditions I do not consider the proposed development to be harmful to the character or appearance of the nearby Conservation Area or the setting of any listed buildings in accordance with CP14 and CP9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

Impact on Highway and Railway Safety and Parking

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.

Highways

Access into the site would be via the existing site access, which serves Castle House off Great North Road. The existing car park to the front of the site would remain albeit would no longer be a public car park (except during evenings and weekends) and would be for the use of IASTI staff and visitors.

The site is considered to be a sustainable location for the nature of the use proposed with good public transport options including regular bus services and close proximity to the train station. There are also a number of local cycle routes offering connectivity to the local cycle network.

A Transport Assessment (TA) has been submitted with the application. A review of the trip generation associated with the development suggests the traffic generated by the facility will be relatively modest with only 18 car movements in the peak hour. It is considered unlikely that this level of traffic will result in any significant or severe capacity issues on the local highway network.

The Highways Officer raises no objection to the development subject to conditions including that a scheme to prevent errant parking on the Great North Road adjacent to the site is provided. This is

because the transport assessment suggests that no parking will be provided for students on site and the following reasons:

'....the newly adopted Nottinghamshire Highway Design Guide suggests a minimum of 1 space per 15 students should be provided. Based on a role of 350 students this would require at least 23 spaces. With no provision on site for student parking we have concerns that the development will result in errant parking on the adjacent highway, in particular on the Great North Road between the development site and the A46 roundabout. Given that this road is one of the primary routes into Newark Town Centre from the A46 and beyond, this raises significant concerns with regard to the potential impacts this may have on the free flow of traffic into the Town Centre and associated highway safety issues'

The applicant responded to these comments to state that *'many of the students on site will be either too young to drive, or unlikely to own vehicles as the college intake is primarily aimed at 16 and 17 year old school leavers. In accordance with Lincoln College policy, students will not be permitted to bring vehicles on to the site, which is why no student car parking is proposed. This policy operates successfully at other Lincoln College sites. Following minor amendments to its layout to introduce barrier control at the access and egress points the car park will provide a total of 52 car parking spaces. 22 spaces are required to meet NCC parking standards for college staff and visitor parking. A surplus provision of 30 car parking spaces will therefore be available in this car park during normal college operating hours, which exceeds the student parking requirement of 23 spaces. The College does not anticipate that any errant student parking will occur on Great North Road however, the availability of spare parking capacity within the car park fronting Great North Road means it will be possible to monitor parking activity and use the spare capacity if necessary to prevent any problems on Great North Road'*.

Notwithstanding this, the Highways Officer remains of the view that some of the students are of an age where they will be able to drive and if they cannot park on campus they may attempt to seek out an area of unrestricted free parking close to the college, and this could be on the Great North Road. As such, a condition to agree a scheme to prevent errant parking is recommended on this basis.

In addition, a further condition to control the use of the proposed development car park is also recommended. Whilst the Transport Assessment demonstrates that there is adequate parking capacity within the Town Centre to cope with the loss of this parking, given that this car park has previously been available for public use, the Highways Officer is keen to ensure that members of the public do not attempt to use the car park when visiting the adjacent Council Offices, not realizing the change of its status. To ensure this does not happen the condition would seek to ensure that the car park would be clearly signed and demarcated as private. Furthermore, the proposed car park would be one-way with barriers provided at the car park entrance and exit points. The provision of cycle parking/storage is also encouraged travel by means other than the private car and the provision of this would be required by condition.

Railway Level Crossing

The IASTI building would be close to the Newark Castle Railway Crossing on Great North Road and would result in an increase of vehicular and pedestrian traffic. In terms of increased vehicular use of the level crossing the forecast flows are low. The maximum development traffic impact in any peak hour is 1.2%, equivalent to an extra 6 cars passing over the level crossing. An increase of this magnitude is unlikely to be noticeable in practice.

In terms of pedestrian and cyclist trip movements the daily two-way development flows are 153 pedestrian movements and 9 cycle movements. Giving a daily two-way total of 162 combined

pedestrian / cycle movements. Over a 12 hour day it is expected that the existing two-way use to be higher than the demand forecast from IASTI.

Network Rail have confirmed that their aspirations to make improvements here going forward and whilst not prerequisite of the development, wished to ask the developer if they would consider a contribution towards pedestrian stop signals. Such a contribution would need to be secured by S106 Agreement. However based on the evidence available such a contribution would not meet the tests of requiring a S106 Agreement (as set out in [The Community Infrastructure Levy Regulations 2010 \(legislation.gov.uk\)](#)). Network Rail have confirmed they do not wish to pursue a requirement for contributions on this basis and it is not considered that the proposed development would result in any adverse railway safety impacts.

They have however requested that Level Crossing safety literature is included in any welcome packs provided to students and staff at the new facility. This requirement would be advised by an informative note to the applicant.

In relation to abnormal loads and construction traffic, Network Rail have requested that construction traffic and abnormal load in particular should avoid Newark Castle Level Crossing. A construction method Statement to include lorry routing details is recommended on this basis.

Highways England raise no objection to the application having given full consideration to the impacts upon the A46 roundabout. The County Highways Officer and Network Rail raise no objection to the application subject to conditions. It is not therefore considered that the proposed development would result in any adverse highway or railway safety issues subject to conditions in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flood Risk 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 NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is located within Flood Zone 2 and is therefore a site at risk of flooding (medium probability), defined in the NPPF as land having an annual probability of river/tidal flooding of between 1 in 100 (1%) and 1 in 1000 (0.1%). A Flood Risk Assessment has been submitted with the application.

In this instance, the local planning authorities must apply the Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding.

The Sequential Test

As defined in the NPPF the purpose of the Sequential Test is to ensure that a sequential approach is followed steering development to areas with the lowest probability of flooding. As a starting point the intention should be to steer development to Flood Zone 1, where there are no reasonably available sites in Flood Zone 1, local planning authorities should take into account the

flood vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test as required.

A sequential test has been submitted with the application. This follows engagement with Planning Policy colleagues to agree the sources of potential alternative locations including the sequential search area. It was agreed suitable to limit application of the test to the Newark Urban Area. The locational requirements of the use refer to proximity to public transport links and the Town Centre. The conclusion reached is that having examined site allocations (employment and mixed use), extant planning consents, Strategic Housing and Employment Land Availability Assessment submissions and land within and around Newark currently being marketed for sale – there are no sequentially preferable sites suitable for the proposed development. Planning Policy colleagues and I concur with this conclusion. The only additional site which could be considered are other parts of the Gateway land, this is however at the same level of flood risk as the application site – or at greater risk once climate change allowances are applied – and so no better in flood risk terms.

It is noted that for the purposes of the Test, the applicant has disaggregated the IASTI from the remainder of the emerging Newark Gateway proposals. Whilst there appears to be overlap between the range of emerging uses proposed for the wider Gateway site, the IASTI is at a much more advanced stage – with permission now being sought in advance of the rest of the land. Given the potential for the mix of uses across the remainder of the site to change prior to the seeking of their consent, then I do not consider undertaking the Test on an aggregated basis to be suitable (at this stage).

Even had there been a sequentially preferable location elsewhere, capable of meeting the requirements of the proposal (on either an aggregated or disaggregated basis) then it still remains the case that the redevelopment of the Gateway Sites is a key objective in the local implementation of the Towns Fund Initiative, which the IASTI will be central to realising. This is clearly a material consideration, and there is an imperative to see the site successfully redeveloped – an outcome that the development potentially occurring elsewhere would be inconsistent with. Having reached the conclusion that the Test has been passed in the widest sense, it is then necessary to apply it at site-level, where the location of the most flood sensitive uses in those areas of least risk would be sought.

The EA mapping shows the site to uniformly sit inside within Flood Zone 2, however through the update to the Strategic Flood Risk Assessment (2016) climate change modelling was undertaken - with 20%, 30% and 50% allowances applied to the Q100 (1 in 100 year event). Whilst the site was flood free in the baseline Q100 model, when the allowances were applied this did result in increased risk – I note that the modelling the applicant's FRA has drawn on shows a similar picture here. My reading of the SFRA update's climate change modelling is that the most flood sensitive element of the scheme, the IASTI building itself, is proposed to be located in the area of the site which has been modelled to be at least risk. It is also important, in line with guidance, that the Sequential Test takes account of flooding from other sources, not just fluvial. In terms of Surface Water flooding the EA mapping shows the greatest risk to be in the south of the site – where the existing car park is located. The car park is proposed for retention and represents a less flood sensitive use than the IASTI building itself – resulting in a sequentially appropriate disposition of uses within the application site.

Based on the above I am satisfied that the Sequential Test has been passed – both in broad terms and at site-level.

Impact on Flood Risk

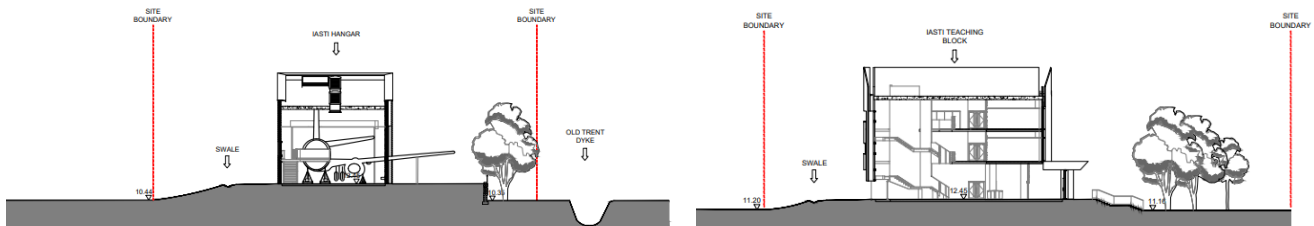
Whilst in sequential terms officers are satisfied that the site proposed is the one that can best deliver IASTI, it is also necessary for the submitted flood risk assessment to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposed use is 'less-vulnerable' which means that development can be appropriate and the exception text is not required subject to the application of Environment Agency Standing Advice in this regard which includes a consideration of matters relating to floor levels, access/evacuation and surface water management.

A Flood Risk Assessment and Drainage Strategy (FRA) have been submitted with the application. This concludes that 'IASTI site specific flood mitigation proposals have been developed based on the outcomes of the flood modelling which allow the building and its occupants to be flood safe over its intended lifecycle, and with the proposed level raising, access and egress will remain possible when the river is in full flood'. I am aware that this modelling has not yet been approved by the Environment Agency albeit they have commented to state that standing advice applies.

This FRA proposes that the ground floor level of the proposed IASTI building will be set at 12.45 mAOOD which gives a 300 mm freeboard above the modelled (average pre and post development) 1 in 100 year plus climate change flood level of the River Trent of 12.15 mAOOD. The FRA advises that this would ensure that the site as developed would be at all round low flood risk. It is recommended that a condition be imposed to ensure development is undertaken with the mitigation measures set out in the submitted FRA, including finished floor levels.

As this is the first development plot upon the potential site wide redevelopment, surrounding external landscaping levels have been set with retaining walls and slopes to tie in with existing levels as illustrated in the site sections below.



Extract from Proposed Site Sections 4003 Rev A Site Sections

In relation to access and evacuation, according to Standing Advice, it is only necessary to provide details of emergency escape plans for any parts of a building that are below the estimated floor level. With the proposed flood risk mitigation and resulting low all round flood risk to the IASTI building and surround external areas, it is proposed that there would be safe access and egress at all times should a flood event occur elsewhere in the area. However, I am also aware that the modelling has not yet been approved by the EA. In a worst case scenario, proposed floor levels may not be above the estimated floor level. To mitigate this risk, I consider it necessary to impose a condition requiring the submission of a flood warning and evacuation plan.

The outline drainage strategy also confirms the redevelopment will not increase flood risk to the site or others. The new development proposal would incorporate attenuation features to store the surface water runoff onsite prior to discharging into Old Trent Dike at a control rate through the use of a flow control chamber. The intention would be to re-use the existing outfall and flat value

subject to a condition survey to be undertaken onsite. The proposed foul water network will discharge to the public sewage system under Great North Road.

Whilst a detailed drainage design has been submitted during the lifetime of the application, the Lead Local Flood Authority have not commented at the time of writing this report to confirm that the submitted details are acceptable as proposed. As such, it is recommended that a condition requiring more detailed drainage plans is imposed.

Overall, subject to conditions, the application is considered to be acceptable in accordance with the requirements of Policy DM5 and Core Policy 10.

Impact on Contaminated Land

Policy DM10 of the DPD also 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. A Phase 1 Preliminary Risk Assessment has been submitted with the application. This document includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses (scrap yard and industrial buildings) and established an appropriate conceptual site model. The report concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling and ground gas monitoring to be carried out. The Environmental Health Officer raises no objection to the proposed development subject to a condition requiring a full contaminated land survey including remediation scheme in accordance with the recommendations set out in this assessment. This would ensure the site is suitable for its new use in accordance with the requirements of Policy DM10 of the DPD.

Impact on Ecology Including Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF advises that development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

A Tree Survey has been submitted with the application. The most important moderate quality class 'B' trees are located along the site frontage, adjacent Great North Road. These trees would be retained in the proposed development and considered to be significant landscape features on the approach into Newark on Great North Road. The rest of the trees within/immediately adjacent to the application site are low quality class 'C' trees or considered unsuitable for retention class 'U'. The small group of class 'C' tree located behind the former dwelling located on the site (Andreas) are proposed for removal. The Tree Officer raises no objection to their loss since they are small and less significant trees that can be readily replaced with new planting as part of development. Coppicing of the class U trees is recommend. It is recommended that this tree planting and a landscape scheme be secured by planning condition. This scheme would also include biodiversity enhancements/net gain to the site.

An Ecology Report has been submitted with the application. This includes consideration of the impact of the proposed development upon bats, water vole and otter (given the sites location adjacent to the Old Trent Dyke). No adverse impact upon protected species has been identified subject to a number of recommended mitigation measure which include:

- the provision of 2m high timber hoarding to top of bank during construction.

- the provision of bird and bat boxes in trees and on the roof of the proposed building.

It is recommended that a condition requiring a Biodiversity/Landscape Environmental Management Plan (LEMP) incorporating these biodiversity measures be required by planning condition.

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

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 nearest residential properties are located on the opposite site of Great North Road – as a consequence it is not considered that any adverse overbearing or loss of privacy impacts would result. The application site is located in a mixed-use area. Noise, Lighting and Air Quality Assessments have been submitted with the application. The Environmental Health Officer(s) raise no objection to the application based on the findings and recommendations set out with these reports which include mitigation to reduce dust emissions during the construction phase. It is recommended that a Construction Method Statement be required by planning condition to ensure suitable measures are put in place to ensure no adverse amenity impacts during construction.

Having carefully assessed the scheme I am satisfied that the proposal would not result in any significant or unacceptable detrimental impacts upon the amenity of nearby dwellings in accordance with the Policy DM5 of the DPD.

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.

An Archaeological Desk-Based Assessment has been submitted with the application. The site lies in an area of high archaeological potential associated with Roman, medieval and Civil War activity. A borehole survey of the entire Cattlemarket site undertaken in 2015, shows disturbance adjacent to the railway line but further away the sequence seems pretty well intact with archaeological potential for features both cut into (possibly medieval and later), and sealed by (maybe Roman or earlier), the alluvium layer. The HER notes an undated enclosure and pits immediately to the west of the Great North Road, level with the site and extending to the roundabout.

The area around the site also contains the remains of numerous Civil War fortifications, many of which are recorded as Scheduled Monuments due to their national significance. While the larger fortifications are thought to be well mapped, there is still potential to encounter evidence for smaller more ephemeral Civil War sites within the site boundary. Such remains would be considered of National significance. There is also potential to encounter Upper Palaeolithic deposits such as those identified at Farndon Fields to the south of the site. If present these may be considered of national importance.

However, use of the land as a Cattle Market in the 20th and 21st century may have resulted in some disturbance and truncation of archaeological finds. Further evaluation of the site is recommended to establish the presence/absence of any archaeological remains and the level of existing truncation. On this basis, the Archaeology Officer raises no objection to the application subject to conditions requiring archaeological evaluation to inform a programme of mitigation work (if necessary) prior to the commencement of development, in accordance with Policies CP14 and DM9.

Other Matters

Economic/Social Benefits

The scheme sits at the heart of the Town Investment Plan (TIP) which aims to transform Newark's economic growth prospects with a focus on improved transport, heritage, skills and culture – with a range of site specific interventions identified, including the IASTI. Part of the educational pillar to the TIP, which the IASTI is integral to, is to turn Newark into a local, national and international learning destination of choice in key sectors (supporting residents to fulfil learning and earning potential and to enhance social mobility). It is anticipated that achieving a high level of graduate retention and return will mean that local employers can access a highly qualified and work ready workforce. The strategy will assist to help prepare a workforce to meet the challenges of local employers and attracting investment into identified sectors to enable economic growth and prosperity for Newark and the surrounding area. Accordingly there are strong social and economic benefits associated with the scheme, two of the key components of sustainable development. These benefits are further detailed by the Economic Development Officer which are set out in full in the 'Consultations' section above.

The social and economic benefits also align with objectives in the Development Plan. Provision of employment opportunities to a local workforce equipped with a wide range of skills from improved education being a key part of its vision. Whilst improving the education and skills base and enabling higher attainment is a strategic objective. This translates through into policy content within Core Policy 6 which seeks to strengthen and broaden the District's economy, with raising workforce skill levels, improving employability and supporting economic development associated with these sources.

Conclusion

As a site located within Newark Urban Area, the principle of development on this site is considered acceptable. The site is considered to be a sustainable location for the nature of the use proposed with good public transport options. IASTI would provide social and economic benefits to Newark and the wider area. The proposed building would be modern in its design and appearance and would form a key landmark building on entry into Newark. The application is not considered to result in any unacceptable impacts upon the setting of heritage assets, archaeology, highway safety, flood risk, trees, ecology or visual amenity, subject to conditions. Overall, it is considered that the proposed development would represent sustainable development and complies with the Development Plan (the Adopted Amended Core Strategy DPD and Allocations and Development Management DPD) and all other material planning considerations.

RECOMMENDATION

That planning permission is granted subject to the following 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 Drawing Numbers:

- 1009_B Proposed Site Plan
- 1024_F Proposed Ground Floor Plan
- 1025_E Proposed Second Floor Plan
- 1026_E Proposed First Floor Plan
- 1027_B Proposed Roof Plan OP2B
- 2000 Proposed Elevations (all)
- 2000 Proposed Elevations (SE)
- 2000 Proposed Elevations (NW)
- 2300 Proposed Elevations (SW)
- 2400 Proposed Elevations (NE)
- 4003 Rev A Site Section
- 4004 Rev A Great North Road Street View

Reason: So as to define this permission.

03

Notwithstanding the submitted details, prior to the commencement of development, samples of the materials, including sample panels, identified below shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Bricks;
- Roof membrane;
- Any other facing materials.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby Listed Buildings and character and appearance of the adjacent Conservation.

04

Prior to the commencement of development, 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 unless otherwise agreed in writing by the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Rainwater goods;
- Meter Boxes;
- Flues;
- Soil/vent pipes;
- Any other external accretion.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby Listed Buildings and character and appearance of the adjacent Conservation Area.

05

Prior to first use of the development hereby approved, full details of both hard and soft landscape works (which follows the recommendations set out in Paragraphs 5.3-5.5 and 5.9 of the Ecology Survey (by BSG Ecology Sept 2021)) shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities;

car parking and driveway circulation layout and materials;

other vehicle and pedestrian access and circulation areas;

bins;

means of enclosure;

boundary treatments;

minor artefacts and structures (for example, street furniture, signs, lighting etc.);

retaining walls and ramps;

levels;

hard surfacing materials.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby heritage assets.

06

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained in the interests of visual amenity and in order to preserve the setting of nearby heritage assets.

07

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

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

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

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

08

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

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

- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

09

Unless otherwise agreed by the Local Planning Authority, development 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, 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,
 - groundwaters 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.

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, unless otherwise agreed in writing by the Local Planning Authority. 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.

10

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.

11

Prior to the occupation of the building hereby permitted, a Biodiversity/Landscape Environmental Management Plan (LEMP) as recommended in Paragraph 5.6 - 5.7 of the Ecology Survey (by BSG Ecology Sept 2021) shall be submitted to and approved in writing by the Local Planning Authority. 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 bird and 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.

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 enhancing biodiversity.

12

Precautionary measures including the erection of a solid timber hoarding at the top of the bank adjacent to Old Trent Dyke shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the local planning authority as set out in Paragraphs 3.21, 3.25 and 4.2 – 4.4 of the Ecology Survey (by BSG Ecology Sept 2021) and shown on Drawing No. 1009_B Proposed Site Plan.

Reason: In order to ensure protected species are not harmed during works.

13

Notwithstanding the submitted details, no development shall commence on site 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/abnormal load traffic to avoid the level crossing adjacent to Newark Castle Train Station.

Reason: In the interests of residential amenity.

14

Prior to the occupation of the building hereby permitted, details of any external lighting shall first be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution (including minimising light spillage into the adjacent watercourse in accordance with Paragraph 4.7 of the Ecology Survey by BSG Ecology Sept 2021). The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and biodiversity.

15

A Flood Warning and Evacuation Plan shall be submitted to and agreed in writing with the Local Planning Authority, and implemented prior to first occupation of the development hereby permitted. The development shall be carried out in accordance with this approved plan. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Reason: To safeguard against the risk of flooding.

16

No part of the development shall commence until a scheme to prevent errant parking on the Great North Road adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In the interest of Highway Safety and to maintain the free flow of traffic on the public highway immediately adjacent to the development.

17

No part of the development shall be brought into use until measures to control use of the proposed development car park have been implemented in accordance with details first submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety, to ensure that adequate off-street parking provision is maintained to reduce the possibilities of the proposed development leading to on-street parking in the area.

18

Part 1

No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

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

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

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

19

Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains.

20

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.

21

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.

22

Notwithstanding the submitted details, no development shall be commenced until details of the means of foul drainage and surface water disposal in line with the recommendations set out in Paragraph 11.2 of the Flood Risk Assessment and Drainage Strategy (by Curtons 27/10/2021) 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.

23

The building hereby permitted shall be constructed in accordance with the proposed ground floor level set at 12.45 mAOD in accordance with Paragraph 5.7 of the Flood Risk Assessment and Drainage Strategy (by Curtons 27/10/2021).

Reason: In the interests of reducing flood risk.

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).

02

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.

03

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.

04

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

05

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

06

With reference to Condition 16 – it is likely that an amendment to existing Traffic Regulation Orders or the creation of a new Traffic Regulation Order may be required to control parking. This Order can be made on your behalf by Nottinghamshire County Councils agents Via East Midlands.

Revision or amendment of existing Traffic Regulation Orders, or the making of a new Traffic Regulation Order, will be the subject of a separate statutory process which sits outside the planning process, and can take several months to implement. To ensure your program is not comprised you are advised to start this process as soon as possible. Please contact: Via East Midlands at the following e-mail address: businessdevelopment@viaem.co.uk at your earliest convenience to discuss the works. Please note all works associated with new or amended TRO's are undertaken at the applicants expense.

07

You are reminded that deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

08

Network Rail has requested that Level Crossing safety literature is included in any welcome packs provided to students and staff at the new facility. They can provide leaflets upon request or alternatively, the information is available online at <http://lxresource.co.uk/campaigns/distraction-campaign>

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes

Business Manager – Planning Development

PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/02492/S73		
Proposal:	Variation of Condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent (Change of use of former abattoir site and paddock to gypsy and traveller caravan site)		
Location:	Park View Caravan Park, Tolney Lane, Newark On Trent		
Applicant:	Mssrs Bower		
Agent:	Dr Angus Murdoch		
Registered:	1 December 2021	Target Date: 26 January 2022	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		

The Site

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

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

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

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

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

Relevant Site History

20/02394/S73 - Variation of condition1 attached to planning permission 18/01430/FUL to

make the temporary permission permanent, refused 29.04.2021 for the following reason:

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

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

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

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

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

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

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

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

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

“The application site lies within Flood Zone 3b where the NPPF states that inappropriate development should be avoided by directing it towards areas at lower risk of flooding. When

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

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

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

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

- 13/01167/FUL -** Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Refused 14.11.2013 Appeal Withdrawn

- 11/01509/FUL -** Change of use of former abattoir site and paddock to form site for touring caravans – Refused 24.01.2012 Appeal Dismissed

The Proposal

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

In support of the application, the agent has stated: “It is clear that the site is considered to be suitable by your authority given that it has been promoted for allocation. Approving it now would mean that there were 15 pitches provided immediately thereby obviating the need for allocating the site at all.”

No further information has been submitted with this application to vary condition 1, however, the original application approved under 18/01430/FUL was accompanied by the following documents:

- Location Plan Scale 1:1250 received 24 July 2018
- Site Plan (Drawing No: 20/48/2009) dated 28 June 2013
- Topographical Survey dated 11 November 2009

- Flood Risk Assessment dated May 2018

Departure/Public Advertisement Procedure

No occupiers of properties have been individually notified by letter, but a site notice has been displayed and an advertisement placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 4 – Gypsies & Travellers – New Pitch Provision

Core Policy 5 – Criteria for Considering Sites for Gypsies and Travellers and Travelling Showpeople

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 14 - Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption 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:

- o Existing level of local provision and need for sites;

- o The availability (or lack) of alternative accommodation for the applicants;
- o Other personal circumstances of the applicant;
- o Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- o 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.

When considering applications, weight should be attached to the following matters:

- a) Effective use of previously developed (brown field), untidy or derelict land;
- b) Sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

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

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

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

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

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

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020;
The Equality Act 2010;
Human Rights Act 1998.

Consultations

Newark Town Council – Object on the grounds that this application is in a high risk flood area which poses a danger to life, in support of the Environment Agency.

The Environment Agency – Object. The site lies within Flood Zone 3a and 3b (functional floodplain) and has a high probability of flooding. The development is classed as highly vulnerable and Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone and should not be permitted. Furthermore they object because it fails the second part of the Exception Test, which requires the applicant to demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

The likely maximum flood depths on this site would be:

- 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

Flooding to a depth of 0.6m represents DANGER FOR ALL. If the flooding is to a greater depth or involves moving water, the degree of hazard will be even higher. The above noted flood depths constitute a risk to life for any future occupants of the development.

Where there is reliance on flood warning and evacuation, the EA's 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 with to locate highly vulnerable development.

The proposals are contrary to NPPF and the flood risk to the site is highly significant. If the Authority is minded to approve the application on a temporary basis the EA request a copy of the decision notice for their records.

If the Authority are minded to approve the application on a permanent basis, the EA stress that they would consider instigating the call in direction as they 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.

NSDC, Environmental Health - No objections to the proposed removal of conditions attached to the original planning approval (ref: 18/01430/FUL). Note that despite numerous requests, no application has been submitted for a caravan site license as required by the terms of the Caravan Sites and Control of Development Act 1960.

NSDC, Emergency Planner – no comments received.

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

Comments of the Business Manager

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

Need

The Gypsy and Traveller Accommodation Assessment (GTAA) 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). Our 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 should 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 our pitch requirements are driven by locally identifiable need.

The site forms part of the baseline for the GTAA, which shows a current need for 8 pitches, and a further 5 within the remainder of the plan period – so 13 overall. With 8 pitches to address the needs of those who were demonstrated to meet the planning definition through that process, and 5 who did not. Clearly the proposal would allow for these immediate needs to be addressed as well as the future needs of those not meeting the definition. It is also noted that the temporary consent the site was subject to expired on the 30th November 2021, and so the occupants have an accommodation need which requires addressing.

The case presented is that given the site has been promoted for allocation through the recent Options Report consultation it is considered suitable, and so permission ought to be granted.

It is correct that the Options Report identified the land as ‘currently considered suitable’ for future allocation. However the weight which Local planning authorities may give weight to relevant policies in emerging plans is determined by the tests at paragraph 48 of the NPPF. In this respect

the stage of preparation of the Amended Allocations & Development Management DPD remains early, and there is also an unresolved objection towards the approach to Tolney Lane from the Environment Agency – received through the consultation. Consequently the amount of weight which could be afforded to the land's future allocation is extremely limited.

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

Flood Risk

The proposed use falls within a 'highly vulnerable' flood risk vulnerability category that is inappropriate to the Flood Zone in which the application is located (Flood Zone 3b – functional floodplain). Tables 1 and 3 of the PPG make it clear that this type of development is not compatible to this Flood Zone and should 'not be permitted.' Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given particularly vulnerability of caravans. Core Policy 5 requires the completion of a site specific Flood Risk Assessment, applying both the Sequential and Exception Tests, as appropriate, to achieve safety for eventual occupiers.

Park View forms part of a larger collection of sites along Tolney Lane accommodating some 317 individual pitches. The site occupies a location in the highest risk, within the functional floodplain (Flood Zone 3b), with a single point of access/egress (along Tolney Lane to the Great North Road) and which also lays within the functional floodplain. The modelling shows this access to flood before much of the land accommodating the gypsy and traveller pitches.

The Environment Agency objects to the proposal to allow the current temporary permission to be made permanent, advising that according to Table 3 (Flood Risk Vulnerability Classification) of the PPG, the Exception Test should not be applied in this case. The PPG states that highly vulnerable uses should not be permitted in Flood Zone 3, without exception. However paragraph 168 of the NPPF states that for changes of use to a caravan site, the Sequential and Exception Tests should be applied, as appropriate. In the event that these two tests should be applied (which is somewhat debatable), it is considered that the Sequential Test is passed, in that there are no other reasonable available sites with a lower risk of flooding.

In the event that the application of the Exception Test is considered appropriate in this case, this test states that to pass, it should be demonstrated that:

- 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 there are no reasonably available sites at lesser risk. No updated Flood Risk Assessment accompanies this application. The applicant is therefore relying on the Assessment submitted in support of the 2018 application. This FRA does not address the Exception Test or the technical ability of the site itself to be safe for its proposed use without increasing flooding elsewhere (and as such is inadequate) but instead relies wholly on the ability to evacuate the site on receipt of a Flood Alert

warning from the EA prior to a flood event occurring. Notwithstanding the absence of mitigation measures on the site, this evacuation process is required as the only access/egress route along Tolney Lane also lays within the functional floodplain. It has already been acknowledged that this places additional pressures on emergency services during a flood event to check that the site has indeed been vacated, but this is still considered to be an acceptable mitigation on the basis that it would be for a finite period of time.

In relation to the first arm of the Test, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site.

Furthermore, both officers and the EA are clear that the proposal has not demonstrated compliance with the second arm of the Exception Test.

In support of the application, the agent has referred to the fact that the site is considered to be suitable by the authority given that it has been promoted for allocation. However, the applicant will also be aware that provision of flood resilient access was clearly set out as a condition of the land being acceptable through the consultation process as a potential allocated site. This is something of which the design and delivery is yet to be considered in detail.

Therefore, notwithstanding the passing of the Sequential Test, the use is considered highly vulnerable in flood risk terms and national policy is very clear that it should not be permitted in either Flood Zones 3a or 3b and also fails to demonstrate compliance with the second part of the Exception Test. Clearly this weighs heavily in the balance against the granting of consent.

Other matters

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

Conclusion and Planning Balance

The land has been identified as a candidate for site allocation through the review of the Allocations and Development Management DPD. However this process is at too early a stage of production to be afforded meaningful weight, and there is an unresolved objection from the Environment Agency towards the approach. It is acknowledged that the proposal would allow for the accommodation needs of the occupants to be met, and would contribute supply towards local pitch requirements and the creation of a five year land supply – with the latter two considerations certainly needing to be afforded significant weight. However the land is located within the functional floodplain (as is the only point of access and egress onto Great North Road), and national policy is very clear that permission should not be granted for this highly vulnerable use in areas at that level of flood risk. The continued policy and technical objection from the Environment Agency, in this regard, is also clear and unambiguous. The potential danger to individuals and property from this context is a considerable material consideration – and one

which, in the view of officers, outweighs the otherwise substantial benefits associated with the scheme.

The Council is working to formulate a sound site allocation strategy, but until such time that this can be afforded meaningful weight there is the reasonable prospect that applicants can seek to bring forward suitable land in alternative locations – through Core Policy 5. The criteria within CP5 were modified as part of the examination of the Amended Core Strategy in order to allow this to take place, and provide the reasonable prospect of applicants being able to identify suitable land – including in areas at least flood risk.

In allowing the appeal decision at Green Park on Tolney Lane (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weighed positively including significant unmet need, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. This decision was reflected in the previous granting of a temporary permission for 3 years on the previous approval granted on this site, with flood evacuation plans put in place to mitigate flood risk to the occupiers of the site on a short term basis. There has been little material change to planning considerations since that decision was reached. The Environment Agency has requested that they be notified in the event that the application is granted a temporary or permanent consent.

Whilst it is acknowledged that this site has already benefited from two consecutive temporary permissions, as it stands officers are unable to provide support for the granting of permanent consent.

RECOMMENDATION

That planning permission is refused for the following reason

01

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

The purpose of granting temporary consent was to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The Authority is pro-actively pursuing the identification of suitable sites to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area through the Development Plan process. Although there would be some social factors which would weigh in favour of the proposal, it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would put occupiers of the site and members of the emergency services at unnecessary risk.

The proposal would therefore be contrary to Core Policy 5 and 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (2013) as well as the National Planning Policy Framework (2021), Planning Practice Guidance and Planning Policy for Traveller Sites (2015), which are material planning considerations.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

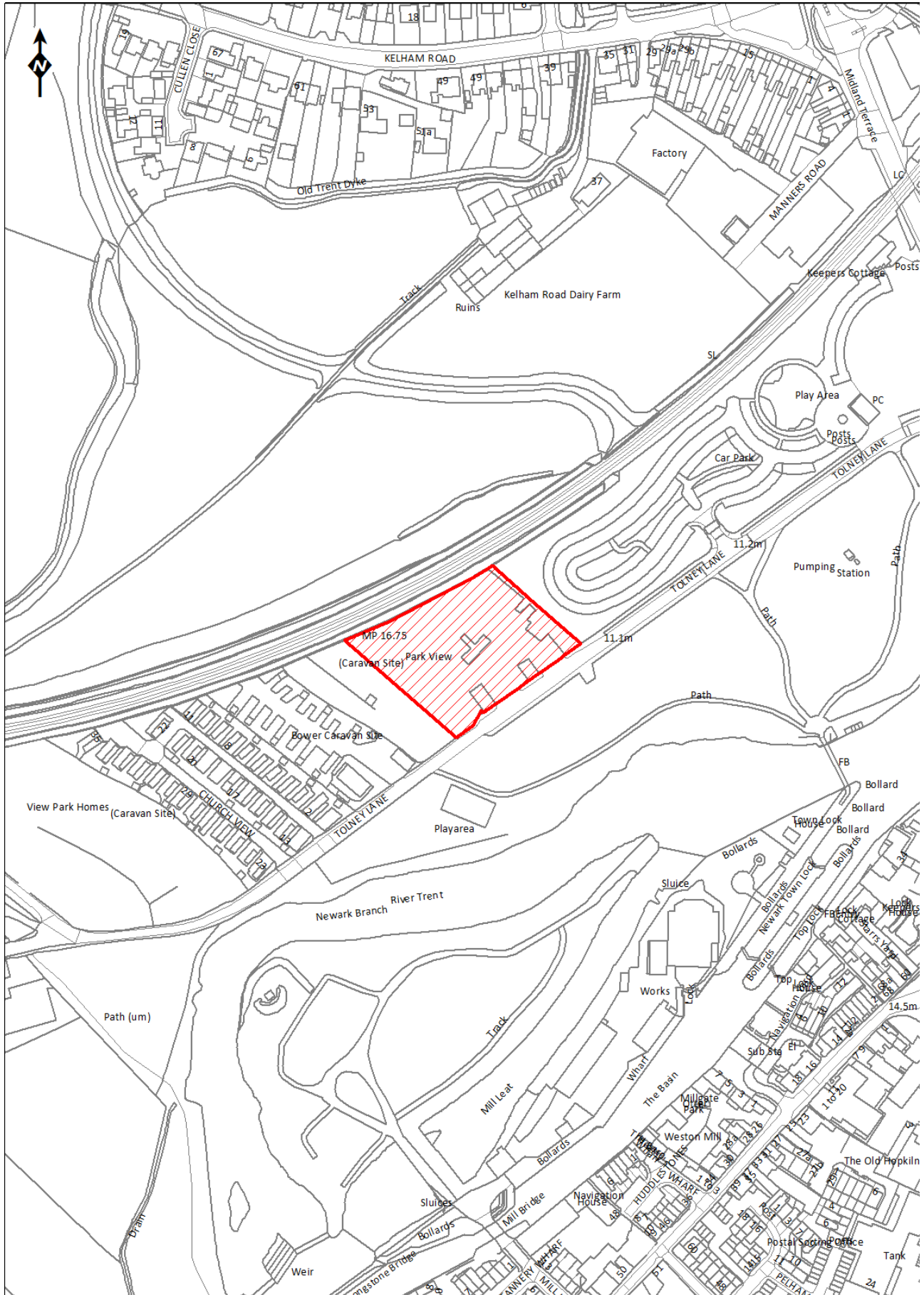
Application case file.

Link to Committee Report for application 18/01430/FUL – https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/72EDBB9F2DE47A3326616583B2CC84FC/pdf/18_01430_FUL-COMMITTEE_REPORT-927289.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



PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/02613/FUL		
Proposal:	Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works for temporary 3 year period (Retrospective) Re-submission of 21/01900/FUL		
Location:	Land at Shannon Falls, Tolney Lane, Newark On Trent		
Applicant:	S Price, Smith, Winter, Donaghue, A W Coverdale, Lowe, J Coverdale		
Agent:	Alison Dudley, Zenith Planning and Design		
Registered:	16 December 2021	Target Date: 10 February 2022	Extension of Time agreed until 17 February 2022
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R41VYGLBIPJ00		

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 Site History

21/01900/FUL – Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works (retrospective), refused 03.11.2021 for the following reason:

“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.”

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.

18/02087/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.

22/00073/S73 - Application to remove condition 2 from planning permission 18/02167/FUL to allow the existing temporary use to become permanent – Pending Consideration.

The Proposal

This is a re-submission of planning application 21/01900/FUL, as listed in the planning history section above. The main difference between this application and the one previously considered by the Committee at their November meeting last year is the fact that this application is for a temporary period for 3 years. In addition, the last application demonstrated gypsy status for 5 of the 13 pitches. This application submission includes the gypsy status of all the occupiers and the personal circumstances of residents of 9 of the 13 pitches. The Flood Risk Assessment has also been up-dated to include the most up to date flood information.

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.

Each pitch measures on average approx. 360 sq m in area. Each will accommodate 2 trailer (assumed to be tourer) 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 submitted Planning Statement 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 travellers, 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, but that because this is an application for a temporary permission of 3 years, this impact would not be realized. The 1 in 100 chance each year fluvial floodplain level would be 11.87m AOD within the site which is similar to the highest parts of the site and would result in fluvial flood depths at the lowest (southern) part of the site of 0.9m. It recommends that flood resilience measures are adopted to manage the risk of flooding. These include a water entry strategy, elevating services above the flood level, the use of flood warnings and the preparation of a Flood Warning and Evacuation Plan. This plan identifies that the residents would evacuate to the Lorry Park on Great North Road in the first instance, although there is a site owned by one of the applicants at Moorbridge Caravan Park, in Bestwood, Nottingham as a second option. The FRA 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.

Further to the previously submitted application, this application submission includes the gypsy status of all the occupiers and the personal circumstances of residents of 9 of the 13 pitches. The occupants of the other 4 pitches did not wish to provide statements, but are currently residing at Park View Caravan Park and have school aged children. Names and occupiers of each pitch have been provided. They all currently reside on existing sites on Tolney Lane and have done so for many years and so they have established relationships with both personally (family and friends) as well as with local services, schools, health care etc. They were all living on Tolney Lane at the time the GTAA survey was undertaken in 2019. They have no guarantee of a pitch on any of the existing sites and it means that if they move off the site to go travelling, there is no guarantee their pitch will still be available when they return, which can result in them having to live temporarily by the roadside. This site has been purchased jointly in order to provide more security for the families who are content to continue living in touring vans to enable them to comply with the Evacuation Plan and leave the site at short notice. There are a number of children who attend local schools and a number of the residents suffer with health issues.

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.

The Flood Warning and Evacuation Plan identifies that the occupiers of Pitches 2 and 3 (Mr A and J Coverdale) are responsible for the monitoring and maintenance of the Plan. The Plan outlines that occupants of the site should sign up to The EA's Floodline Warnings Direct scheme to be informed of possible flood alerts. Each occupant should prepare a Personal Flood Plan. It sets out the Evacuation Procedures to be followed and a Flood Recovery Plan.

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)
- Swept Path Assessments (Drawing No: F21179/01)

Submitted supporting documents comprise:

- Planning Statement
- Flood Risk Assessment dated Dec 2021
- Flood Warning and Evacuation Plan dated Dec 2021
- Supporting Text for Visibility Splays
- Additional Supporting Information is Response to Refusal dated Dec 2021
- Supporting Statements and Personal Information from Proposed Residents

Departure/Public Advertisement Procedure

Occupiers of 25 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

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 (adopted July 2013)

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:

- o Existing level of local provision and need for sites;
- o The availability (or lack) of alternative accommodation for the applicants;
- o Other personal circumstances of the applicant;
- o Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- o 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.

When considering applications, weight should be attached to the following matters:

- a) Effective use of previously developed (brown field), untidy or derelict land;
- b) Sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

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

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

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

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

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

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

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020;
- The Equality Act 2010;
- Human Rights Act 1998.

Consultations

Newark Town Council – Object, the site is in a high-risk flood area which poses a danger to life.

The Environment Agency – Object, The site lies within Flood Zone 3a and 3b (functional floodplain) and has a high probability of flooding. The development is classed as highly vulnerable and Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone and should not be permitted. The submitted FRA suggests that the impacts of climate change over this period are unlikely to be significant. The EA agree with this statement however, exclusive of the impacts of climate change the development site is still shown to experience flood depths up to 500mm in the vicinity of plot 13, and 400mm in the vicinity of plots 1 and 2 during the 1% Annual Exceedance Probability (AEP) event. Flood depths of up to 800mm are also possible during the 1% event on Tolney Lane immediately adjacent to this site. The flood risk to the site, even for a temporary permission, is clearly still significant.

They raise concern that granting of continuous temporary permissions could result in a deemed permission for permanent use.

The likely maximum flood depths on this site would be:

- 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

Flooding to a depth of 0.6m represents DANGER FOR ALL. If the flooding is to a greater depth or involves moving water, the degree of hazard will be even higher. The above noted flood depths constitute a risk to life for any future occupants of the development.

Where there is reliance on flood warning and evacuation, the EA's 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 with to locate highly vulnerable development.

The proposals are contrary to NPPF and the flood risk to the site is highly significant.

Advisory note included on foul drainage.

NCC, Highway Authority - No objections, the Highway Authority's observations dated 28 October 2021 remain relevant:

28.10.2021 - Amended and additional plans submitted demonstrate that a safe and suitable means of access can be accommodated on Tolney Lane, subject to conditions.

NSDC, Environmental Health - No objections. If planning permission is granted, an application for a caravan licence will need to be submitted to the Council.

NSDC, Environmental Health (Contaminated Land) - Historic mapping has identified a former railway line that crosses the site linking the Nottingham to Lincoln line with the former Parnham's Island Mill. Railway land is a potentially contaminative use and the former Department for the Environment Industry Guide for Railway Land identifies multiple possible contaminants. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

NSDC, Emergency Planner – No comments have been received.

NSDC, Conservation – No formal comments made.

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

Comments of the Business Manager

This is a re-submission of planning application 21/01900/FUL, as listed in the planning history section above. The main difference between this application and the one previously considered by the Committee at their November meeting last year is the fact that this application is for a temporary period for 3 years. In addition, the last application demonstrated gypsy status for 5 of the 13 pitches. This application submission includes the gypsy status of all the occupiers and the personal circumstances of residents of 9 of the 13 pitches. The Flood Risk Assessment has also been up-dated to include the most up to date flood information.

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, Planning History and other recent decisions on Tolney Lane

The Planning Committee considered the same use on the same site but on a permanent basis at its meeting in November 2021 when it was resolved to refuse planning permission on the grounds of flood risk and lack of sufficient demonstration of the gypsy status of the occupants.

Historically the principle of a residential caravan use on this site was also considered 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." Whilst the use ceased in accordance with the Enforcement Notice, the unauthorized tipping remains on the site.

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 be aware that there is an application on this Committee agenda for the site at Park View Caravan Park, for the same use, which had a temporary permission until 30 Nov 2021 and is now applying for a permanent approval – Ref: 21/02492/S73. It is recommended for refusal on flood risk grounds. Recently at the Committee's meeting in September 2021, Members considered an application at Green Park (Ref: 21/00891/S73), which was originally submitted to convert the temporary permission to a permanent consent but on seeing a recommendation for refusal the agent requested that it be considered for a further temporary permission. Members resolved to grant a further temporary permission for 2 years (until 30 Nov 2023) to allow alternative sites to come forward through the Plan Review process.

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 District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers can live. 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 sizeable overall requirement which needs to be addressed and a considerable shortfall in being able to demonstrate a five year land supply. 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 would 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 would appear from the additional information with this latest application that the accommodation needs of the applicants were captured by the GTAA survey and therefore this 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 other sites on Tolney Lane at the time. Further information has also been submitted this time to demonstrate that all the occupiers would meet the planning definition of a traveller provided through the Planning Policy for Traveller Sites and the personal circumstances of residents of 9 of the 13 pitches have also been included and a statement submitted to say that the 4 remaining pitches are to be occupied by existing residents of Park View Caravan Park. However, whilst it can

be considered to meet the immediate accommodation needs of the occupants for the next 3 years, it cannot be classed as contributing to the need identified by the GTAA which could only be contributed to by permanent pitches. This is because at the end of the 3 year temporary period, that need would still exist. This significantly reduces the positive weight that can be afforded to the proposal.

The applicant's reference to the contents of the Options Report document, the consultation for which recently concluded is noted. The case presented is that the recent Options Report consultation proposes the provision of flood resilient access to Great North Road, which includes an option of raising the ground level of Tolney Lane itself. Although the agent acknowledges that the Review of the Allocations and Development Management is still in its early stages, they conclude that the Council consider this is the most appropriate area for future allocations as a permanent site for gypsy and travellers, subject to the flood alleviation measures being implemented.

The weight which local planning authorities may give weight to relevant policies in emerging plans is determined by the tests at paragraph 48 of the NPPF. In this respect the stage of preparation of the Amended Allocations & Development Management DPD remains early, and there is also an unresolved objection towards the approach to Tolney Lane from the Environment Agency – received through the consultation. Consequently the amount of weight which could be afforded to the Lane's future suitability for site allocation is extremely limited.

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. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this is a significant material when considering applications for the grant of temporary planning permission. However, the granting of a temporary permission does not contribute to meeting the significant unmet need identified by the GTAA, but merely moves that need 3 years down the road. There can therefore be no positive weight that can be afforded to meeting the significant local identified need through the granting of this application, and the current requirement of 77 pitches up to 2024 would remain unaltered, even if this application were to be approved.

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.

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 plan below identifies the site outlined in red. The green and yellow colours at the southern end of the site indicate Flood Zone 3b – the functional floodplain.

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 along Tolney Lane is also within the functional floodplain.

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.

Even though the proposal has 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. However, it is accepted that as the Council is unable to point to any reasonably available sites at lesser risk of flooding that the Sequential Test is passed in this case.

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 it is 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 (albeit this would only be for a limited period of 3 years).

The second part of the Exception Test is justified within the FRA by the mitigation measures set out in the Proposal section above together with the submission of a Flood Warning and Evacuation Plan, which is geared to evacuating the site completely prior to a flood event, which is assisted by only tourers being positioned on the site. The FRA states that this Warning and Evacuation Plan should be in place prior to occupation of the site, it is not clear whether this has been complied with given that the site is already part occupied. 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.

The full comments of the Environment Agency are 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. They conclude that the 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. This was reflected in the concerns raised by the Council's Emergency Planner on the previous application on this site, regarding the additional burden that would be placed on emergency service responders in a flood event.

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 no objection on highway safety grounds, subject to the imposition of conditions and as such it is considered that the proposal raises no highway safety harm and accords with Development Plan policy in this regard.

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 relatively 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 the proposal is not for permanent pitches and there are no communal facilities provided within this scheme, but they provide a rough guideline for appropriate pitch sizes. It is considered that the size of the proposed pitches are generally acceptable and the smaller sized pitches should not prove fatal to the scheme, provided they allow for safe maneuverability of vehicles around the site which, as referenced in the highway safety section above, is unlikely.

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.

Although occupants of 4 of the pitches did not want to give detailed statements about their personal details, it would appear from the information submitted, that all the occupants have demonstrated their gypsy status in accordance with the definition set out in the PPTS and may have been captured in the GTAA survey carried out in 2019. Furthermore the personal circumstances of residents of 9 of the 13 pitches have also been provided. The supporting information determines them to be members of the Traveller community, who wish to live a more settled life due to either educational or health needs. The occupants have moved from other sites on Tolney Lane for reasons of improved security and better facilities. A list of names have been provided to identify the occupants of each pitch and whether they would include children.

Members will need to be aware of the relevant case law regarding the Human Rights of Gypsies and Travellers set out in the Rafferty and Jones V SSCLG and North Somerset Council. A refusal of permission is likely to have significant consequences for the home and family life of the family involved and it is clearly a circumstance where Article 8 Convention Rights are engaged. Article 8 imposes a positive obligation to facilitate the Gypsy way of life and, as a minority group, special consideration should be given to their needs and lifestyle. In that respect, the occupants have a clear preference for living in caravans and the option of living in bricks and mortar accommodation would not facilitate that lifestyle.

In addition, Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of children must be a primary consideration in all actions made by public authorities. The Article 8 rights of the children in that context must be considered. No other consideration can be treated as inherently more important than the best interests of the children.

Significant positive weight needs to be attached to the personal circumstances of the occupiers of the site, particularly the benefits associated with schooling arrangements for the children that a permanent base would provide.

However, the proposal is not for a permanent permission, but a temporary one. As such, this site could not provide the long term stable base sought or count towards contributing permanently to the significant unmet need for Gypsy and Traveller pitches in the District, given the temporary nature of the proposal, even if it were to be approved. The unmet need would remain the same and whilst the occupant's immediate accommodation needs would be met, this need would remain outstanding for another 3 years. This therefore completely tempers the positive weight that can be afforded to this scheme in this case.

It is therefore concluded that the site would be occupied by Gypsy and Travellers and although it may have been demonstrated that the 13 pitches could be counted towards meeting the immediate need of the occupiers, it cannot reduce the significant local District unmet need as identified in the GTAA, because of the use's temporary nature. The personal circumstances of the occupants are also material, as are the best interests of the children and are matters that can be given some positive weighting in the over planning balance.

Conclusion and Planning Balance

The differences between this application and the one that the Authority refused in November last year are the fact that this application is for a temporary permission for 3 years only, and not for a permanent consent, additional information has been presented on the gypsy status of all

occupiers and the personal circumstances of most of the occupiers, as well as up-dated flooding information presented within the Flood Risk Assessment.

On the basis of the submitted information although it has been demonstrated that the occupiers are of gypsy status and at least 4 occupiers would have been identified as part of the overall need, given that they used to reside at Park View Caravan Park, which only currently benefits from a temporary permission. As such the provision on this application site on a temporary basis would not contribute towards the locally identified need established through the GTAA, but rather secures it for a further 3 years. As such no positive weighting can be applied to this proposal in meeting unmet need. Though it is accepted that the proposal would allow for the immediate individual accommodation requirements of the occupants to be met, albeit for a limited period of 3 years. However, the fact that the District cannot demonstrate a 5 year land supply is a significant material consideration in favour of granting a temporary permission, as set out in the PPTS, which can be given some weight.

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 site most recently). In any event, the proposal, as a permanent or temporary site, is contrary to both national and local flood risk policies and fails the Exception Test. An additional 13 pitches in this high flood risk area would unacceptably add to the burden on the local emergency services, who already have to spend considerable amounts of time checking all sites have been appropriately evacuated, assisting and persuading those that may have remained on the site to evacuate and rescuing residents in dangerous scenarios, putting themselves in additional danger, in any flood event.

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 lack of alternative sites, the provision of an improved, if limited settled base for education and health care, the human rights of the families and the protected characteristics in relation to the duty under the Equalities Act are all factors that weigh positively in the overall balance and the lack of an up-to-date 5 year supply of deliverable sites, is a significant material consideration when considering applications for the grant of a temporary planning permission.

However, having acknowledged the above list of positive weightings and considerations, in the overall planning balance, it is not considered that the danger to people and property, the unnecessary risks that would be afforded to local emergency services, together with the failure of the proposal to provide for the significant unmet need are the determinative factors that cannot be outweighed in the overall planning balance. It is therefore recommended that the application be refused.

RECOMMENDATION

That planning permission is refused for the following reason:

The proposal represents highly vulnerable development that would be located within Flood Zones 3a and 3b (and relying on an access/egress within Flood Zone 3b) and therefore should not be permitted in accordance with the National Planning Policy Framework and the Planning Practice Guidance. If appropriate, 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, no weight can be afforded to the scheme in meeting any of the significant unmet need, given the temporary nature of the proposal. Although there would be some social factors which would weigh in favour of the proposal, it is not considered that these are sufficient to outweigh the severe flood risk and warrant the granting of consent, even on a limited, temporary basis. To allow occupation of a site at such high risk of flooding would put occupiers of the site and members of the emergency services at unnecessary risk.

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.

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.

03

Refused Plans:-

- Site and Location Plans (Drawing No: SF-21-P01 Rev B)
- Amenity Buildings (Drawing No: SF-21-P02 Rev A)
- Swept Path Assessments (Drawing No: F21179/01)

BACKGROUND PAPERS

Application case file.

Application for Gypsy and Traveller site dismissed at Appeal on adjacent Shannon Falls site to the west (dated 26.04.2018)

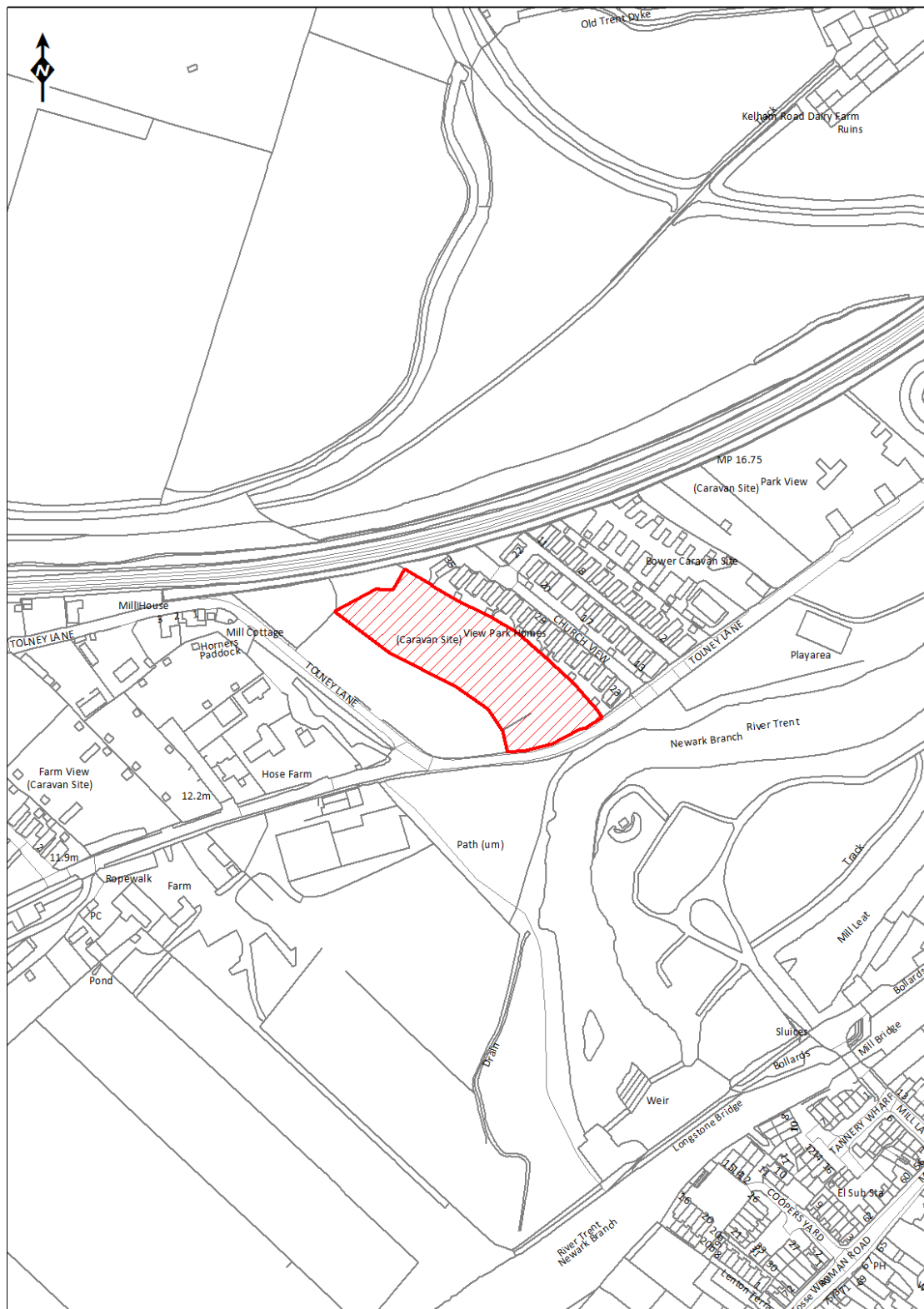
https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/E081234D6309833101E18E83AD362861/pdf/16_01884_FUL-DECISION-853193.pdf

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

Committee Plan - 21/02613/FUL



© Crown Copyright and database right 2020 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE - 15 FEBRUARY 2022

Application No:	21/02533/FUL		
Proposal:	Erection of a replacement dwelling and associated works and landscape enhancements		
Location:	Hill House, Chapel Lane, Epperstone, NG14 6AE		
Applicant:	Mr and Mrs Mould		
Agent:	Hughes Town Planning Consultancy Ltd - Mr Rob Hughes		
Registered:	03.12.2021	Target Date:	28.01.2022
		Extension Agreed to:	18.02.2022
Link to Application:	21/02533/FUL Erection of a replacement dwelling and associated works and landscape enhancements Hill House Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation and it has been called to Committee by Cllr R Jackson on behalf of Epperstone Parish Council.

The Site

This application site relates to an approx. 0.9 ha parcel of land situated on the western side of Chapel Lane in the northern extremities of the village of Epperstone. The plot includes Hill House, which is a large detached dwelling (estimated at 239.75m² footprint) in addition to a garage and shed (at 45m²), a disused tennis court which lies to the south-east of the dwelling and a large formal garden area. Access is taken from the north-east corner of the site off Chapel Lane past the dwelling known as 'The Elms'. Hill House is set back in excess of 100 m within the site and is not immediately visible from the entrance into the site. The dwelling sits on an elevated position in the landscape where the topography increases from Chapel Lane west further into the application site, however, given existing boundary vegetation the property can only be seen in glimpsed views from the surrounding area.

The existing dwelling is of buff brick and concrete tile construction and is not considered to be of any architectural or historic merit. There are a number of mature trees within the site and along its boundaries, particularly along the north, east and south, which assist in screening the built form. The site lies within the Epperstone Conservation Area and the Nottingham-Derby Green Belt but does not lie within an area at risk of flooding. A Public Right of Way (PRoW) passes along the eastern boundary of the site in a broadly north-south direction.

Relevant Planning History

No relevant site history.

The Proposal

Permission is sought for the demolition of the existing dwelling on site and erection of a replacement dwelling with associated landscaping. The replacement dwelling would be of a radically different and contemporary design, set within an integrated landscape.

The plans show a substantial sized property positioned broadly centrally on a NW-SE alignment towards the northern part of the site. The dwelling is shown as a series of linear blocks that would cut into the landscape as it raises to the west. The plans show the site would become re-landscaped around the dwelling with a pond in the SE corner adjacent to the existing tree belt, a pavilion, sculpture and seating area, stepped bank and outdoor dining area all shown within the grounds. The core of the site would be cleared for construction of the new dwelling and garden, however the existing trees and shrubs around the perimeter would be retained and supported and extended with new trees around the western end of the site. The west side of the house would be partly embedded in the sloping ground allowing the landscape to integrate onto the roof of the dwelling.

The dwelling would be contemporary in appearance with a predominant flat roof form, set into the landscape and around significant vegetation. The Engineering Concepts and Sustainability Strategy details that the dwelling would incorporate a robust SUDS strategy (including mitigation through green roofs and retention ponds, both of which would have a net positive effect on the biodiversity of the site), a water efficiency strategy (including the recycling of water) and an energy reduction strategy (to reduce the overall energy consumption and carbon emissions of the dwelling, by prioritising passive design approaches).

The replacement dwelling would overlay the position of the existing house and would have a linear form orientated so that the main living space faces the sun and the larger part of the garden. Access would remain via the existing drive and garaging is proposed under the house.

The below table shows a comparison of the existing vs proposed built form on the site:

	Existing Dwelling	Replacement Dwelling	% Increase
Footprint	157m ²	800m ²	410%
Floor Area	283m ² (House Total: 239.75m ² (GF: 132.16m ² FF: 107.59m ²) Garage: 36.12m ² Shed: 8.37m ²)	1230m ² (GF: 709.4m ² FF: 131.1m ² Basement: 388.9m ²)	335%
Volume	911m ³	5913m ³ (House above ground: 3600 m ³ House basement level: 290 m ³ Uninsulated garage area: 1120 m ³)	549% (295% above ground)

All calculations are approximate

The proposal also includes extensive landscaping – the scheme largely ensures the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, the Proposed Development will require the removal of eight individual trees and two groups of trees. Landscaping proposals also include the removal of four individual trees, the partial removal of

mainly understory trees through selective thinning and the removal of a mature beech hedgerow.

Access would remain as existing and parking would be provided within the site.

Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Earliest Decision: 20.01.2022

Planning Policy Framework **The Development Plan**

Epperstone Neighbourhood Plan, adopted December 2019

EP 7: Trees and Hedgerows

EP 8: Biodiversity

EP 9: Distinctive Views and Vistas

EP 11: Design Principles

EP 16: Epperstone Conservation Area

EP 17: Epperstone Historic Character

NSDC Amended Core Strategy Adopted 2019

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

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

- Planning Practice Guidance
- National Planning Policy Framework Adopted (NPPF) (2021)
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Landscape Character Assessment Supplementary Planning Document Dec 2013

Consultations

NB: A summary of consultee comments is set out below, comments can be found in full here: [21/02533/FUL | Erection of a replacement dwelling and associated works and landscape enhancements | Hill House Chapel Lane Epperstone NG14 6AE \(newark-sherwooddc.gov.uk\)](https://www.newark-sherwooddc.gov.uk/21/02533/FUL/Erection%20of%20a%20replacement%20dwelling%20and%20associated%20works%20and%20landscape%20enhancements%20Hill%20House%20Chapel%20Lane%20Epperstone%20NG14%206AE)

Epperstone Parish Council – Object – “Following our Epperstone Parish Council meeting on 18 January 2022, we write to inform you that after lengthy discussions and presentations by the proposers and objectors, the Parish Council voted as follows; 5 Objected and 2 Supported with construction issue and light pollution conditions. As such the Parish Council objects to this planning proposal for a replacement dwelling, for the following reasons:

1. The design, size and visual impact of the proposed house which sits in our conservation village, within the Green Belt.
2. The design is contrary to The Epperstone Neighbourhood Plan 2016-2033 and in particular para.4.4.1 which provides the basis for acceptable design.
3. The scale and size of the proposed house is huge and disproportionately large compared to other large houses in Epperstone. The proposed house is of the order of five times larger than the existing house it seek to relace, albeit no higher.
4. The construction access related issues for the village, Chapel Lane in particular and local residents will be enormous and exacerbated by the disproportionate size of the proposed house.
5. Light pollution and intrusion for neighbouring properties is a concern, due to the proposed length of the proposed house, which will sit on and into the hill.”

NSDC Conservation – No objection subject to conditions – “The development will not cause any significant material harm to the special character and appearance of the Conservation Area (CA). [...] There are no listed buildings within the immediate vicinity. Any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. I am satisfied in that context, however, that no harm is caused to any listed buildings.”

NCC Rights of Way – No objection subject to informative notes to the applicant.

Ramblers Association – No objection – “Epperstone Footpath No. 1 runs along the first part of the access drive to this application site. Nottinghamshire Area Ramblers are pleased to see that the route of this right of way is acknowledged in the Design & Access Statement. However there is concern that traffic resulting from the considerable demolition and construction work could cause a hazard to walkers on this narrow section of the access drive. It is suggested that if approval is given that a condition is attached requiring adequate safety procedures to be followed to protect walkers from construction traffic on the right of way through this corner of the application site.”

NCC Flood Risk – Flood Risk Standing advice applies.

NSDC Tree Consultant – No objection subject to conditions relating to: submission of an arboricultural method statement, prohibited activities on site and a replacement planting scheme.

Cadent Gas - No objection subject to informative notes to the applicant.

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

- Concerns that the development will increase flood risk locally to third parties as a result of the new pond and recontouring the ground.
- Access to the site for delivery of building materials will pose a highways safety issue as vehicles will block Chapel Lane. The structure of the lane also cannot cope with heavy traffic and emergency vehicle access will be compromised.
- The plans are very detailed and not easy to read in small print.
- Vermin will be disturbed by the work which will impact neighbouring properties.

- The increase in size of the new dwelling will have a substantial impact on neighbouring residents as it will dominate views from surrounding properties.
- The new building will have a significant impact on the green belt and conservation area, particularly when viewed from public footpaths.
- The replacement dwelling will stand proud of its surroundings and offer a stark, dramatic contrast.
- The multiple slot windows proposed will overlook neighbouring properties and result in an increase in light pollution with the whole upper floor lit from dusk onwards, dominating views.
- The design fails to reflect the character of the village and would be contrary to the Epperstone Neighbourhood Plans Village Design Statement.
- Whilst sustainability and performance of building is admirable, building a property 6 times larger than the existing, for two people, is not environmentally sensitive.
- There have been numerous replacement dwellings along Chapel Lane and many have undergone substantial redevelopment but were limited in size to minimise the impact on the green belt and conservation area.
- The design is of an aggressive style, completely out of character with its surroundings in terms of scale and mass and has a flat roof which is uncharacteristic of the Conservation Area.
- There will be a significant loss of outlook for walkers that use the footpaths which will dominate the village outlook.
- A six fold increase in built form with greatly increase surface water run-off locally.
- The LVIA notes inappropriate change of character affecting the CA as a result of the development.

Comments of the Business Manager

Principle of Development

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 residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. There is no definite list for what will constitute very special circumstances, but the threshold can be high and will turn on the facts and circumstances of the individual application.

In assessing this application, the main issues are:

1. Whether the proposal would represent inappropriate development in the Green Belt;
2. The effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and

3. If the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Point 1: The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception is *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. It is under this exception point that the appropriateness of this proposal is assessed. The NPPF establishes two tests, firstly relating to the use, and then an objective assessment of the relative size of the existing and replacement building. The application proposal would be the same use, passing the first test. The second test is a matter of judgement based on the evidence of each case, as neither the NPPF of the Development Plan defines ‘materially larger’ or offers any definitive guidance in this regard.

A comparison of the exact figures between the existing and proposed dwelling can be found in the description of the proposal section above however in short there would be a 410% increase in built footprint across the site, 335% increase in floor area and a 549% increase in volume (albeit a 295% increase in volume above ground). The new dwelling would significantly exceed the existing footprint, floor space and volume of the existing dwelling and would therefore result in a building that would be materially larger than the one to be replaced. The development would therefore not fall within exception d) of Paragraph 149 of the NPPF. To this extent, and in principle, the proposal would therefore be inappropriate development within the Green Belt in conflict with the aims of the NPPF.

Point 2: An essential characteristic of the Green Belts is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

In simple spatial terms, this proposal would have a clear and demonstrable effect on the openness of the Green Belt by introducing considerably more built development (in scale and mass) into land which is currently predominately open around the existing dwelling house. The replacement with such a large dwelling, spread over a greater proportion of this site would therefore bring about more built development where there is presently none. Whilst the development would be visually contained within the existing boundaries of the site, thus not encroaching into the agricultural land that surrounds it, and the design of the dwelling is such that it tapers to become integral to the landscape with the ground flowing over it, it would nevertheless have an adverse impact on the spaciousness and openness within the site.

In visual terms, I accept that when considering the massing and bulk the dwelling is proposed to be set into the landscape which assists in reducing its above ground impact. It also follows a very lateral, layered design to sink the design into the surrounding plot, is limited to two storeys above ground and set under a flat roof to reduce the overall height profile of the building and therefore I accept that the sculpting into the landscape may reduce the immediate impact of sheer scale of the proposed dwelling in visual terms. However, the existing dwelling’s ridge height is c.7.8m, compared with a proposed maximum height of c8m for the replacement dwelling and the volume of built development above ground level would still increase by 295% (at 3600m³ compared with existing 911m³). The expanse of built development would exceed the existing dwelling significantly, the effect of which would be a significant reduction in openness of the Green Belt.

Having considered the submitted Landscape and Visual Impact Assessment (LVIA), I accept the conclusion that the proposal, given intervening boundary screening to the north, east and south would only be visible from certain viewpoints. However, regardless of whether or not the proposal would be conspicuous from a public vantage point the fact remains that the development would have an adverse effect on the openness of the Green Belt, particularly in spatial terms. This would fail to serve the related Green Belt purpose, would constitute an inappropriate form of development and therefore it would clearly conflict with the fundamental aim of national Green Belt policy.

Point 3: The application advances that the outstanding design quality and sustainability of this dwelling should be regarded as a very special circumstances that are sufficient to outweigh any harm identified by this proposal in accordance with para. 134(b) of the NPPF. The application also argues that there will be other economic, social and environmental benefits that would result from this proposal that too would contribute to the very special circumstances. I will now go on to assess these other material considerations of the development before undertaking the green belt and overall planning balance.

Assessment of the Design & Sustainability

Both national and local planning policies state that good design is a key aspect of sustainable development and new development should be visually attractive, achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments (CP9, CP13, DM5 and EP11 of the ENP in addition to the NPPF). Policy EP11 further states that whilst developments must respond positively to the character and historic context of existing development within Epperstone, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Proposals should respect or enhance (but not necessarily replicate) the local character.

Of particular importance to this application is Chapter 12 of the NPPF which provides guidance in respect of achieving well-designed places and states at paragraph 134 that significant weight should be given to “*outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*” The NPPF is clear that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting, and that decisions should not prevent or discourage appropriate innovation or change.

Design

The supporting documents that accompany this application explain that the design for this replacement dwelling has evolved as part of an iterative design process and has principally taken reference from the landscape and built characteristics of Epperstone, with its distinctive boundary and retaining walls and structures (brick and stone), landscape patterns, ridge and furrow landscape and surrounding countryside to ensure the development references the character of its built and natural surroundings. The intention is for this development to be a sustainable, legacy project with a strong relationship to the landscape and every room feeling as part of the garden.

The design concept proposes a series of parallel brick walls which ‘slide’ into the sloping site, spaced to replicate the pattern of the surrounding ridge and furrow landscape and creating a hierarchy of spaces within the dwelling. The volumes created by the walls are enveloped by a green roof and

topped in part by a lightweight timber pavilion which draws reference to timber agricultural structures seen in the surrounding countryside. Architectural planes and interaction with topography and planting have been designed to break the mass and scale of the built structure so that in views from within and outside the garden the building merges with a landscape that flows over and around it. The landscape proposals are also informed by the site context with the landscaping around the dwelling aiding the transition between the countryside and the village, including the pattern and textures of the landscape, specifically the ridge and furrow fields, and the enclosure and screening of the site and trees which is a positive characteristic of the village. In addition to the built and natural features of the village influencing the design, the Design and Access Statement (D&A) also explains that the Applicant's family business has been a design influence with the elevations proposing to include textures from fabric weaving, and circulation/movement patterns.

To assist in the assessment of the design of this dwelling the Applicant has engaged with the Design: Midlands Review Panel (DRP) who are an independent, impartial panel that provide expert design support in the assessment of development proposals. Para. 133 of the NPPF advises LPAs and applicants to make appropriate use of processes for assessing and improving the design of developments such as the DRP and specifically states that in assessing applications, LPAs *"should have regard to the outcome of these processes, including any recommendations made by design review panels"*. As such the Applicant's engagement with this process is commended and the advice of the panel should be an important consideration in the overall assessment of the scheme's design. In this case the design panel was formed by four experts in built and landscape architecture and a heritage specialist, their advice can be found in full on the online planning file and is summarised as follows.

The Panel commended the collaborative design approach put forward, combining ambitious landscape design and architecture, with a strong client desire to create a high performance, low energy, exemplary dwelling. They considered the proposal was a result of a well-researched and rigorous design approach and a comprehensive site analysis of Epperstone. They noted the analysis demonstrates an in-depth and robust understanding of the site and its relationship with the surrounding context which assists in ensuring that the proposal is responsive to this site context. The DRP commended the overall design concept and noted it had a clear and logical design narrative, advising it represented a sensitive and well-considered response to the character of the site, its setting and the Conservation Area. They further noted that the scheme embodied a strong local philosophy and was sensitive to the immediate and wider site context.

The House: With regard to scale, form and massing the DRP comment that *"Although the form of the proposed building is not traditional, in that it has a flat/green roof, the Panel commended the quality of the design and contribution that the building will make to the site and the village. The architectural 'language' and overall form of the design were considered to be effective in referencing the characteristics of the built and landscape character of Epperstone. The Panel in particular praised the relationship of the building with the landscape, and the way the house provides a strong sense of arrival and disappears into the landscape/topography as you move through the site from east to west."*

The DRP considered the series of parallel, staggered, hierarchal, brick walls which 'slot' into the landscape to be the principal component of the scheme and the materiality, treatment and detail design of these as fundamental to the success of the project. The proposal to construct the building from brick was considered to be appropriate and in keeping with the character of Epperstone however the Panel noted that the choice of brick, including colour, texture, grain, bond, the choice

of mortar, how the walls will be capped, e.g. where they meet the green roof etc. would be critical to the project to ensure the high design standard is not compromised. To this I note that as per para. 135 of the NPPF ensuring the quality of the proposal is not be diminished at a later stage by watering down the quality of materials or design features would be fundamental to the success of this scheme and would require control through conditions. Further to this the Panel noted that the provision of a hierarchy of walls in the design, the proposed use of lime mortar for the joints (avoiding a need for vertical movement joints) and the sourcing of specialist bespoke bricks was strongly supported and would result in a scheme that would be highly distinctive, yet sensitive to the village context.

The dwelling is clearly contemporary, proposed with a predominant flat roof form, set into the landscape and around significant vegetation. I recognise that the scheme has an interesting modern design that has consciously taken reference from the architecture of the area. I also acknowledge that the proposed sculpting into the hillside seeks to give the appearance that the dwelling is integral to the landscape. Despite its scale, the building has a relatively low profile, which reduces its visual impact, and the landscaping proposed softens the elongated linear retaining walls. In my opinion, the concept of such a sculpted design which takes reference from the form of the surrounding countryside is a strong positive feature of the design and I note something that the Conservation Officer (CO) says should be applauded. The staggered linear walls cutting into the landscape are reflective of retaining walls seen around Epperstone and cleverly draws in the village's built heritage in addition to the strong landscape links. The sheer scale and size of this dwelling is unavoidable and the design is overtly contemporary however the design is such that the massing is broken down by the staggering of walls and subterranean sculpted elements and the design concept clearly links back to the character of Epperstone.

Landscaping: In terms of the building and its relationship to the landscaping strategy the DRP state that *"The 'nature first – building second' approach [to the design], with the creation of zones which reference and reinforce the immediate site context, in particular the location of the site between the countryside and the village, the relationship of the landscape with the building to ensure every room feels part of the garden and exploring opportunities to draw from the clients business of weaving within the landscape is all commendable."* They also note that the simplistic design of the meadow to the north west/western part of the site, *"enabling the open and rural character of this part of the site to be retained, and the notion of the house nestling into the landscape is considered very positive"*.

I concur with the opinion that the landscaping strategy and integration with the built form of the dwelling is a very positive element of the scheme. The sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass and aid the seamless relationship between the house and the garden which is a key design element of the scheme. The planting proposals to the site perimeter would reinforce the green and naturalistic character of the site and the minimalistic approach to the core of the garden area allows some sense of spaciousness and openness to be retained within the wider site. Furthermore, the landscaping approach on the northern side of the site takes into account the rural aspect here which is considered to be positive.

Sense of Arrival & Views: The DRP note that the reuse of the existing access drive, the informal and natural approach to the house, and the provision of an understated entrance at a midpoint to the north elevation to be positive elements of the design. The entrance to the site is understated, and parking arrangements discreet. The Swales adjacent to the drive are also carefully considered. Given the sites set back position from Chapel Road the impact on the street scene would be very limited

and the absence of a grandiose access to this site is a positive element of the design and reflective of the understated and integrated landscape approach taken in the overall design concept.

In order to raise the standard of design more generally in the area the DRP noted that good design does not need to be hidden. In this case the site benefits from existing mature boundary vegetation which buffers views into the site. However the LVIA submitted does note instances where glimpsed views of the dwelling would be achievable from public vantage points allowing chance views of the building and its design to be appreciated. The DRP note that glimpsed views providing a hint of the exceptional quality design of Hill House would contribute positively to the experience for those using the PRoW, the Conservation Area and the village.

Design Conclusion: Overall, it is evident from the various reports and statements submitted with the application that a detailed assessment of the character of the site and surrounding landscape has been undertaken. This has informed the proposed development and multidisciplinary teams have given thoughtful consideration to the design of the proposed dwelling. The DRP conclude their assessment of the scheme, commenting that this “[...] is very high quality proposal which the Panel believe will ensure the character and appearance of the Conservation Area is safeguarded and enhanced. It is a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow.

[...] The holistic and sensitive design approach integrating heritage, environment, landscape, character and context; robust design concept; strong client narrative, ambition and track record in delivering design quality has resulted in a scheme with a strong synergy between client, site/landscape and house. Hill House is an intelligent, exciting, yet sensitive scheme which is of its time and place. The Panel endorse the scheme wholeheartedly and believe that the proposals meet Paragraph 134 of the NPPF.”

The comments of the DRP are noted and I am mindful that the NPPF requires LPAs to have regard to the outcome and recommendations of DRPs. In this case I see no reason to come to a different conclusion than the one they have drawn. I consider this dwelling whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture within the District, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

Sustainability

The planning system supports the transition to a low carbon future in order to tackle climate change at a national and local level (NPPF and CP10). Development proposals should maximise the use of available opportunities for decentralised energy and mitigate the impacts of climate change through

ensuring that development proposals minimise their potential adverse impacts during their construction and eventual operation.

The Buro Happold Engineering Concepts and Sustainability Strategy (Sustainability Strategy) contained within the D&A statement sets out the overall strategy for the construction of the dwelling. The D&A explains that sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale.

It is proposed that the dwelling would have a '*vastly reduced*' level of regulated emissions and energy usage for space and water heating, lighting and ventilation using a number of measures, including:

- Building Fabric: specified to produce a highly efficient thermal envelope by using highly insulated thermal elements, high performing glazing and minimising thermal bridges.
- Air Tightness: to reduce convective heat loss, eliminating inefficiencies in building services.
- Heat Distribution and Control: to encourage energy-efficient by combining efficient ground source heat pumps with intelligent zoning technologies.
- Low Energy Lighting and Control: maximising the amount of natural daylight through the design and orientation of the building to reduce energy demand.
- Passive Design: using a 'fabric first' approach and creating a building that acts as a '*solar collector*' to reduce space heating demands achieved through a combination of: orientation, shading and fenestration, passive ventilation, mechanical ventilation, mechanical ventilation heat recovery and thermal zoning.
- Water consumption: utilising low-water use appliances to reduce internal potable water use.

In addition to optimising the building form, renewable energy technologies are also proposed to increase the sustainability of the building, including:

- Ground Source Heat Pump: a low-carbon technology what ensures greater heating efficiency.
- PV Panels: proposed on the roof to provide energy to the property and create a carbon negative build.
- Battery Storage: to store surplus solar energy in-house and bypass the national grid.
- The dwelling is proposed to be '*all-electric*' to eliminate the buildings residual CO₂ emissions and benefit from the decarbonisation of the national grid.

The replacement dwelling would be a low energy all-electric building to allow the building to decarbonise in line with the National Grid electricity. However, embodied carbon associated with construction materials throughout a building's life cycle is the dominant source of carbon emissions. As such, it is also proposed to utilise efficient construction materials and procurement policies to reduce wastage and encourage the reuse or recycling of materials in order to reduce the environmental impact of the dwelling during construction and for its lifetime. To achieve this and improve the embodied carbon of the build it is proposed to use:

- Sustainable and/or local material sourcing;
- The UK Government Timber Procurement Policy;
- Inherently environmentally inert, long life and low maintenance materials; and
- To use material and structural choices that have low embodied energy.
- Draw best practices from the Home Quality Mark.

The overall aim is to try and half the embodied energy of the build and better the government's current targets for embodied energy in residential buildings.

The Sustainability Strategy explains that the intention is to achieve at least 40% reduction in regulated carbon from the development over the baseline case. This is achievable with the employment of the abovementioned techniques and would reduce the carbon footprint of the development in accordance with CP10. Furthermore, in addition to the building construction and design techniques, the proposal also includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. This includes mitigation through green roofs and retention ponds, both of which have a net positive effect on the biodiversity of the site (which will be explored in greater detail in subsequent sections of this report). A water efficiency strategy would also be implemented, whereby efficient fittings, effective system design and the recycling of water, would minimise the use of potable mains water and foul water discharge to the sewer.

The technical details submitted with this application explain that the proposed development would promote high levels of sustainability and represent an exceptional quality of sustainable building and design construction to reduce the impacts of the development and ensure its resilience in the long term. Whilst in isolation the techniques and mechanisms proposed to be employed in this build are not considered to be at the forefront of sustainable innovation, I note that this is not the test in this case. The NPPF and CP10 encourage the incorporation of sustainable construction and operational techniques in order to reduce the carbon footprint of developments, and in turn the District, in order to tackle the causes and impacts of climate change. In accordance with para. 134 of the NPPF significant weight should be given to developments which promote high levels of sustainability.

In their independent assessment the DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *“one which others may be able to learn from and replicate”* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. I see no reason to disagree with this conclusion. The sustainability strategy designed for this dwelling incorporates a multifaceted approach to reducing energy consumption in both the construction and long term operation of this dwelling in a way that aligns with the aims of the NPPF, to encourage developments to minimise their impact on natural resources, to use renewable energy sources and be efficient in the consumption of energy, water and other resources. This development would therefore accord with the aims of Chapter 14 of the NPPF and CP10 in respect of tackling the causes and impacts of climate change and to delivering a reduction in the Districts carbon footprint. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

Impact on the Character and Appearance of the Area (including Heritage)

Heritage Impact

Given the site lies within Epperstone Conservation area Policies CP14 and DM9 and Section 4.6 of the ENP are relevant. These policies, 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).

The Conservation Officer (CO) fully appraises the significance of nearby heritage assets in their comments which can be found in the full on the online planning file, however in short they conclude

that Hill House is not identified as a building of any local interest and no special landscape value is identified on the site or surrounding area. The existing dwelling is not considered to be of any merit in historic or architectural terms to resist its loss, and as such, there is no objection to the principle of demolition. Although not in the core of the historic built form of the village, the site is sensitive in that its designation within the Conservation Area (CA) provides a rural landscaped setting for the village which is significant given the topography of the site. There are listed buildings within the vicinity of the site such as the Grade II former Methodist Chapel on Chapel Lane, to the southeast and the Grade II listed complex at The Poplars to the south of Chapel Farm. Further south is the important grouping of the Church of the Holy Cross which is Grade I and a local landmark.

The replacement dwelling, in its footprint, architectural style and detailing it is a significant departure from the surrounding character of traditional vernacular dwellings seen within the CA. However the CO notes that the CA designation does not prevent development, but rather is a means of managing change, whether that be in the guise of preservation or enhancement. In this case, the development is clearly very different from the existing built vernacular of Epperstone and the building types that contribute positively to the CA. However, the CO notes that *"it does not follow that new development must be a pastiche of buildings that have gone before. As explained in the CA Appraisal, there is a wide variety of traditional building types furthermore, and there is no reason to think that a further variation of architectural form couldn't be capable of being sensitive to the inherent values of the existing CA. There is also variety in scale of dwellings within the CA, from small rustic cottages through to much larger, polite architecture such as the Manor House and Rectory."*

The CO notes that the concept of a sculpted design is to be applauded. The site is set well back from Chapel Lane, and much more associated with the rural hinterlands of Epperstone than the denser urban grain of Chapel Lane and Main Street. Furthermore the CO notes that the large linear walls proposed to be cut through the site are the most prominent structural element of the new dwelling and acknowledges the precedent for retaining walls within the wider area, and the link to ridge and furrow in the arrangement of walls and bays. Nevertheless the CO also notes that the main length of the building is significant and would be a considerable uplift on more conventional domestic proportions. Further it is noted that the volume of domestic space would significantly increase, albeit acknowledged that the sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass. The above ground net gain of building is nevertheless thought to be in the region 295% more than the existing, and as a result the CO advises that the development would benefit from being reduced in scale, particularly in length.

Having discussed this with the agent they have advised that laying out the building in a slim and linear format enables the form to slide into the landscape, which is key to the concept of the design. The sculptural appearance of walls sliding into the land, only works as a linear element. Various building forms were considered and examined as explained in the D&A which resulted in a slender structure. In order to relate to the characteristic field patterns that have been identified in the adjoining land the building has required the scale and length as advanced in this submission. Reducing the length and pulling the volumes together would create a blocky object in the landscape and would fail to accurately reference the landscape, which is a key concept. Instead, the building nestles into the slope of the site, revealing itself slowly in layers and pieces as you approach. The length of the building would only be perceptible at a distance, sitting low into the topography mostly below the skyline and embedded within its setting of mature trees. Along the long elevation, the house is intended to be read as a collection of walls as if it were a walled garden, with reference to the long linear walls that are a defining characteristic of Epperstone. The staggered planes created

by the walls are proposed to dissolve bulk and create a structure of the garden, rather than a separate object that dominates its surroundings.

Considering the overall concept and commenting specifically on the proposal as submitted the CO concludes that the design concept should be commended. He states that it is noticeable that there is a lack of high quality bespoke modern architecture locally, not least in CAs where the typical response tends to be pastiche development of varied end quality. This is echoed by the DRP final report which argues that the development could become the heritage of tomorrow. To ensure the intended quality of the development is realised the CO notes that the masonry for the new wall sections will be critical and should be controlled by carefully worded conditions to ensure the development takes the form that is envisaged. The CO further notes that the quality of glazing and green roof specification is also important. Glazing should minimise light deflection where possible, and a management strategy for the green roofs and wider landscaping agreed to ensure that the development continues to take the form envisaged over time should be secured. The CO highlights that it is important that the quality of the proposal is not diminished at a later stage by watering down the quality of materials or design features as without the landscaping proposals, the development could become unduly prominent in CA terms.

Overall, the CO concludes that despite the scale and massing they do not consider the development would cause any significant material harm to the special character and appearance of the CA. They note that the site is discreetly located when experienced from Chapel Lane and the adjacent footpath network. The extent of trees already on site effectively screens the development from historic buildings along Chapel Lane, and this will be improved upon and potentially managed in a positive way (as shown in the tree strategy document). Given the lack of specific views and vistas of heritage to and from the site, the development is unlikely to be unduly prominent within the CA, even if glimpsed from unexpected receptors. Moreover, the combination of green roofs and significant landscaping design helps integrate the development into its environs, a conclusion which is supported by the LVIA and Heritage Impact Assessment documents that support the application. Whilst they do not agree with the assertion within the applicant's submission that the proposal will enhance the Conservation Area, given there is nothing inherently wrong with the existing arrangement, insofar as the current dwelling on site is neutral, they nevertheless conclude that the proposal will preserve the special character of the Conservation Area in accordance with the Act.

The CO goes on to further explain that there are no listed buildings within the immediate vicinity and any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. However concludes that they are satisfied in this context that no harm would be caused to any listed buildings as a result of the development.

Overall, the positive conclusion of the Conservation Officer is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets. As such it is considered that the scheme would 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 and design policies and advice contained within the Council's LDF DPDs and the NPPF.

Landscape Character and Visual Impact

In terms of the potential impacts on landscape character the site is located within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 40: Epperstone Village Farmlands with Ancient

Woodlands as defined within the Landscape Character Assessment SPD. This states the condition of the landscape is good and the sensitivity is moderate with an outcome to conserve and reinforce the landscape. The policy zone justification states with regards to built features, proposals should conserve and reinforce the rural character of the Policy Zone by concentrating new development around existing settlements and conserve the local built vernacular and reinforce this in new development.

To support the application a Landscape Visual Impact Assessment (LVIA) has been undertaken. The LVIA submitted explains that the character of the immediate site would not change from that of a rural setting with scattered individual dwellings or farmsteads. Owing to the topography of the site visibility is noted to be low with the LVIA explaining that there are only limited locations where partial views into the site would be achievable. Section 4.0 of the LVIA considers the receptors and potential impacts that have previously been identified as having the potential to arise from the development. This section also goes on further to explain how the design of the scheme has evolved to mitigate the potential impacts identified.

Landscape Character

The LVIA states that the land use, cover and character of the immediate site will not change from that of rural setting with scattered individual dwellings or farmsteads as a result of the development. However, the proposal will introduce new landscape features (such as trees, hedgerows, planting etc.) which would be integrated into the landscape to reduce the profile of the development. Nevertheless, the development would not change the overall character of the landscape which is undulating, strongly rural and agricultural in nature as it would be confined to the existing boundaries around the site and has been designed to cut into the landscape to reduce its prominence and impact from surrounding vantage points.

Despite drawing reference from existing developments and features within Epperstone and the Conservation Area I am mindful that the design proposed would not reflect the prevailing local built vernacular. However, as explored in the assessment of the design of the dwelling it would be unashamedly modern/contemporary in a bid to represent an outstanding form of development for the area, but one that has been designed around references from Epperstone's built and natural characteristics. It is noted that development need not be a replica of all that has gone before it, or that currently exists in the locality to be acceptable – whilst the design of the dwelling would not completely accord with the relevant aims of the Landscape Character Assessment SPD in this regard, it is not considered that the development of this site in isolation would undermine the overall character of the local policy zone as it would result in a limited magnitude of change on PZ40 as a whole. Further, the structure of features within the landscape (such as hedgerows, trees etc.) would largely remain unchanged – whilst the scheme proposes an overall enhancement of the landscaping of the site (including significant additional planting) this is not considered to be uncharacteristic of the landscape given the area is typically interspersed with areas of woodland.

It is noted that the LVIA identifies the potential impact on the Conservation Area as a factor that could impact the overall landscape character however the CO has concluded that the development would not result in any harm to character and appearance of the CA or its setting. The mitigation measures detailed at para 4.1 of the LVIA that have been translated into the final design of the dwelling are key factors in this respect. Therefore, overall, whilst the immediate character and openness of the site would change, the impact would be limited to within the site's boundaries. It is not considered that the character of the wider local policy zone would be significantly affected as

a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone.

Visual Impact

With regard to visual impact the LVIA considers the area from which the site is visible, the nature of existing views and how the views of individuals or groups of people (and the visual amenity experience by them), may be altered by the proposed development. The LVIA states that properties within the village directly to the south and east have no views into the site - only properties to the north are likely to see changes to direct views; however, these are likely to be partial due to the low profile of the replacement dwelling, the retention of boundary vegetation and distance. The visual effect would be greatest on properties to the north and walkers using the nearby footpath (to the NE), albeit the LVIA argues that the change of visual amenity is considered negligible to these receptors in the context of this landscape setting.

With regard to the visual effects of the proposed development upon local receptors, the LVIA concludes that the greatest effect/change would be experienced no further than 1km north of the site boundary and road users would experience very limited change to views (the LVIA explains that there is limited stretch of road where drivers could possibly experience a change to the site, however, the landscape setting would reduce changes to barely noticeable). Two properties to the north are likely to have a direct views from windows towards the site and others are likely to experience oblique views becoming more open when vegetation is not in leaf. However, these views would be of the enclosed mature tree lines that bound the site, with partial views of the dwelling.

Despite the close proximity of Footpath 1 (to the east of the site boundary) there are limited views to the interior of the site due to the strong tree lines. The LVIA states that there could be glimpsed views of the dwelling alongside the site when vegetation is not in leaf however these would be intermittent due to the presence of evergreen trees. In comparison, the LVIA explains that there would be views of the site from Footpath 2 to the north, particularly of the northern boundary of the site, however owing to the topography visibility is intermittent along the length of the footpath. Overall the LVIA notes that it is unlikely the proposed changes within the site will be noticeable from the numerous PRoWs in the surrounding landscape and thus the proposal would have a negligible impact on receptors using the public rights of way. Policy EM9 of the ENP also identifies key distinctive views and vistas, however this proposal is not considered to adversely impact any of these views.



Figure 2 - PRoW/Footpath Map (p.37 of the LVIA)

The LVIA concludes that overall the effects of the scheme are considered to be long-term in duration given the building will become a permanent feature of the landscape, however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be 'negligible' and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development.

Overall, the LVIA concludes that although the receiving landscape character is intact, the site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

Impact upon Residential Amenity

Given the size of the plot and degree of separation it is considered that the development would afford a sufficient degree of amenity for existing and future residents. Whilst I acknowledge the concerns of local residents, owing to the site context, separation distances and intervening landscape which comprises a number of trees that provide good screening I do not consider there would be any impact through direct overshadowing, overbearing or overlooking on the occupiers of any neighbouring dwelling.

I note concerns raised by locals and the parish council relating to light pollution from the dwelling and the impact this will have on neighbouring properties. The Parish have specifically raised a concern that the length of the property, coupled with it sitting on a hill and with the design showing large windows at first floor will result in light pollution and intrusion for neighbours. Firstly, I would note that the site itself is well contained within its boundaries, as can be seen from the site photos below showing the east and western outlooks from within the site.



Figure 3 - Site Photos of Eastern and Southern Boundaries

The southern side elevation of the dwelling would sit c. 40m from the southern boundary and the eastern elevation would be c.50m from the eastern boundary, both of which are formed by mature trees, most of which would be retained as part of the proposal. The property Brigholme to the SW corner of the site would be in excess of 90m from the proposed dwelling, between which would remain extensive mature tree cover and landscaping – further, owing to the orientation of the

proposed dwelling any visibility of the dwelling would be of the eastern elevation which has glazing panels recessed within the staggered façade as shown in the visual below. It is not anticipated that any adverse amenity impact (including through light pollution) would occur on this occupier or properties directly to the east.



Figure 4 - Visual of Proposed Eastern Elevation

Towards the south the closest properties are Fair View and Meadow View which would be in excess of 120m from the side elevation of the proposed dwelling, between which would remain the extensive tree line forming the southern boundary (see site photo below) which, given the height of the existing mature trees (which would mostly remain as part of the scheme), would provide a buffer between these properties and the replacement dwelling.



Figure 1 - Site Photo of Southern Boundary from Outside the Site (L) & Visual of Proposed Southern Elevation (R)



Figure 6 - Site Photo taken from the North of the Northern Boundary with Existing Dwelling (L) & Visual of the Proposed Northern Elevation (R)

Further, whilst I note there would be windows at first floor, these large glazed panels would serve a corridor leading onto the master suite rooms (on the south elevation) (including dressing rooms, bathroom, bedroom etc.) and the stair well (on the northern elevation) which are unlikely to be areas that would be continuously lit given they are essentially circulation spaces. As such it is not considered that neighbouring properties to the south would be adversely effected as a result of this proposal (including through light pollution). The same conclusion can be drawn for properties to the NE of the site which would be in excess of 100m from the dwelling and similarly buffered by intervening landscaping. Comments from local residents also refer to the impact on their amenity through the loss of a view, however this is not a material planning consideration. Overall, given the conclusions drawn above it is considered that the proposal would be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

Impact upon the Highway

The hostdwelling has one vehicular access point off Chapel Lane with off street parking provision within the site. Given the proposal is advanced as a replacement dwelling there would be no long term intensification of use of the site. Access and off-street parking within the site is also proposed to remain as existing. I note comments that have been received from local residents and the Parish Council regarding the width of Chapel Lane and its ability to accommodate construction traffic, however it is not considered that the relatively short term construction period which would require such traffic would result in a serve adverse highways safety impact that would warrant withholding permission. I note that other properties in close proximity, along Chapel Lane, appear to be undergoing building works and whilst it is accepted that an intensification of construction traffic would cause some disruption to local residents it would be over a relatively finite period and would not result in long term impacts on the highway network, however given the scale of the project it is considered reasonable to require submission of a construction management plan to mitigate any short term impacts as best as possible. As such, the proposal is considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Furthermore, I also note the comments of the Ramblers, Parish and local residents regarding the footpath along the eastern boundary of the site. As this is not proposed to be physically altered as a result of the proposal I have no concerns in this regard, noting that the Rights of Way team have raised no objection to the proposal subject to informative notes regarding measures to protect pedestrians during construction.

Impact on Ecology

The aims of the NPPF and Policies CP12, DM5, DM7, EP7 and EP8 of the Development Plan are to protect, promote and enhance the natural environment and green infrastructure. Further, the NPPF states that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity (*inter alia*).

Impact on Protected Species

To assess the impact on protected species a number of surveys were undertaken as set out in the Preliminary Ecological Appraisal (PEA). No records of amphibians or potential breeding habitats were found on the application site, as such the survey concludes that the site is unlikely to be of local importance for amphibians. Therefore, no further survey work or mitigation is considered necessary. The survey area provides some features offering potential reptile habitat, however as the grassland is cut and disturbed on a regular basis it is generally sub-optimal for reptiles. The site is also a significant distance away from the nearest brook which would provide a potential

commuting corridor for reptiles. The presence of reptiles within the site is concluded to be unlikely, however precautionary working methods are recommended as appropriate mitigation. No evidence of large mammals were found within the application site/survey area but precautionary working methods have been recommended.

Birds: The survey concludes that a variety of common bird species are likely to breed on the site, especially in the hedgerows, trees and shrubs. The garage and parts of the house exterior may also be used by birds. Therefore, any proposed demolition and/or tree, hedge or shrub removal should be constrained by the bird-breeding season, March to September inclusive.

Bats: The survey concludes that sparse evidence (3 droppings) of bats was found during the daytime inspection. Also, gap/crevice features were noted on the house exterior, particularly at gable-ends. The subsequent evening bat activity surveys that were recommended identified the location of a common pipistrelle bat roost (up to 6 bats) beneath roof tiles on the western slope of the main southern gable-end of the dwelling. Possible predation of these bats by a kestrel was also highlighted. As a bat roost was discovered, the survey explains that demolition work to the house can only proceed only after a European Protected Species (EPS) has been obtained from Natural England.

When considering applications which require an EPS, Local Planning Authorities are required to consider the likelihood of a licence being granted when determining a planning application and should have in mind the three tests set out in Regulation 53 of the Habitats Regulations, namely:

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

In terms of the first of these tests relating to overriding public interest I am mindful that due to the nature of the proposal being for one dwelling the public benefits are limited. However, the proposal would result in wider ecological benefits with Biodiversity Net Gains being achieved across the site in addition to sustainability benefits with the new build dwelling which would result in broader public benefits being achieved as a result. The existing dwelling is also underutilised and the replacement dwelling would contribute to the available housing stock within the district. If a replacement dwelling were to be resisted there is potential that the building would remain unused and fall into further disrepair, resulting in a loss of one dwelling towards the available housing stock.

In order for an EPS Licence to be approved by Natural England it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case an initial mitigation recommendations have been proposed, however a full mitigation strategy has not been submitted. Nevertheless, the report states that to mitigate any impact bat boxes will need to be erected prior to the commencement of works, pre-works inspections will need to be undertaken immediately prior to the commencement of the destructive search, a destructive search via soft stripping by hand will be required in addition to bat adapted lighting to be very carefully considered on site.

Given the low conservation significance of the roost identified it is considered that these mitigation measures are acceptable. However, given that bats are highly mobile and can change roost sites throughout the year and from season to season, if the works at the site do not begin within twelve months of this initial survey it will be necessary to conduct a re-survey to determine if the

characteristics of the roosts on site have changed.

Subject to the mitigation and compensation measures being secured by planning condition, in addition to an application for a Natural England European Protected Species (EPS) development license, it is considered that the favourable conservation status of the bats would be maintained in this instance in accordance with the aims of Core Policy 12.

Trees

The submitted Preliminary Arboricultural Assessment survey identifies the site as containing a mature landscaped garden with a number of young, early-mature and mature trees, which are predominantly in a good condition abutting the agricultural fields to the north, south and residential properties to the east. The most significant belt of trees exist along the east and southern boundaries which form a visual screen between the existing dwelling and houses to the east. These trees also contribute positively to the character of the area.

The Arboricultural Impact Assessment (AIA) submitted identifies that overall the Proposed Development would ensure the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, to accommodate the development and landscaping proposals, twelve individual trees and two groups of trees (species and condition as below in tables 5.1a and 1b) are proposed to be removed. Landscaping proposals also include the partial removal of mainly understory trees through selective thinning and the removal of a mature beech hedgerow as set out in the tables included in the description of the proposal.

The AIA explains that the partial removal of trees from groups G1, G3 and G4 will focus on failed or weak trees, or trees of poor form that offer limited contribution to the landscape of the site and any trees that pose a potential safety risk. It also explains that the removal of T26 (retention category U) would be required irrespective of this planning application due to its poor condition and the potential safety risk it poses. No high-quality trees are to be removed as part of the proposed development or landscaping schemes. There would also remain suitable distances between the proposed development and high-quality tree cover which would ensure long-term retention through successful protection.

Two moderate-quality trees T28 and T29 are to be removed to improve construction access and ensure the high-quality tree (T4) adjacent to the entrance can be suitably protected. Tree Group G5, containing three birch trees of moderate quality, would also be removed to facilitate construction of the main dwelling as well as six low-quality trees and a single group of trees. The AIA explains that although the loss of moderate quality trees should generally be avoided, the potential impact of this loss would be considered minimal in this site context, and that the new landscaping for the site would provide sufficient mitigation. Further, the AIA concludes that sufficient mitigation would be provided across the site to offset the minor loss of tree cover proposed.

For the wider landscaping scheme, trees to be removed from the orchard (G1, Cat. B) are those trees found to be in general decline with the survey noting that several trees have failed recently. The remaining specimens are to be retained and reinforced with new fruit tree planting to diversify the species range within the group as mitigation for the losses identified. The remaining moderate-quality tree group (G4 – along the eastern boundary) would be managed sympathetically through selective thinning to remove poor or weak specimens. The remaining trees would be protected

during the course of the development and enhanced with new tree planting which the AIA states would inevitably increase canopy coverage.

Overall the AIA concludes that the proposed development of the site is unlikely to significantly impact the visual amenity of the local area as a result of the proposed tree removal. The proposed development works are not concluded to impact significantly upon the long-term health of retained trees and landscaping proposals would be considered good arboricultural management in addition to compensating for the proposed tree loss. The landscaping proposals which include new tree planting are an integral part of the proposed development and having reviewed all documents submitted the Council's Tree consultant has raised no objection to the development subject to conditions which would require submission of an Arboricultural Method Statement, prohibit certain activities close to retained trees/hedgerows and require detailed landscaping plans to be submitted showing full tree planting specification.

The supporting documents to this application explain that the Applicants propose to mitigate the loss of any tree/hedgerow removal with an extensive replanting programme and landscaping scheme which would overall result in a biodiversity net gain (which will be discussed in further detail below). Having regard to the above, it is considered that the tree retention, removal and replanting balance would be acceptable, and that the proposal would accords with policies CP12, DM5, DM7, EP7, EP8 and the provisions of the NPPF in this regard.

Biodiversity Net Gain

In addition to the abovementioned policies which support nature conservation and the provision of net gains where possible, the Environment Act 2021 looks to set a minimum 10% net gain in biodiversity within all proposed developments as a legal requirement. There is a two-year grace period provided within the new legislation and therefore this requirement is not likely to become mandatory until 2023. However, many local planning authorities have already begun to require developments to achieve a minimum 10% biodiversity net gain. In the case of NSDC, we do not have any policies that currently adopt this approach, however achieving BNG on site is considered to be a benefit of developments.

The proposed development involves re-landscaping of the site, which will include on site enhancement of existing habitat and habitat creation. The boundary hedgerows will be enhanced by planting native tree and shrub species to infill gaps and manage them to achieve appropriate widths and heights. The plantation mixed woodland would also be enhanced by planting gaps with native trees, improving the species composition of the understorey and woodland edge by planting shade-tolerant native shrub species, and removal of non-native conifers/dying trees to encourage maturity of good quality trees. Scattered broadleaved and coniferous trees are also proposed to be planted to replace those lost to the development at a 2:1 ratio.

Green roofing is proposed to be installed on parts of the new dwelling, to include native meadow, wildflowers, and shrubs indicative of the local landscape. Shrub borders would also be created within the landscaping scheme and the creation of a pond with a natural form is also proposed. The pond would be filled from ground and rainwater and would be left to colonise naturally with aquatic and marginal vegetation. Furthermore, a 'Forest garden' would be created comprising fruit trees with native berries, vegetables, and wildlife-beneficial plants. A perennial meadow and species-rich wildflower and grass meadow would be created to replace areas of species-poor neutral grassland and swales are proposed to intercept surface drainage from the new dwelling and hardstanding.

An assessment of the potential for biodiversity net gain on the site has been undertaken using the Biodiversity Metric 3.0 Calculator (which is the most up to date assessment tool at the time of this report). This calculator looks at the on-site baseline and compares this with the on-site post-intervention (including habitat retention, creation and enhancement proposed). Comparing the two values gives an overall on-site net % change which is calculated for habitat units and hedgerow units. For this development, including all proposed habitat enhancements and creation, the proposed development would deliver a BNG of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. These percentage increases exceed the requirement for 10% BNG to be provided on site (as soon to be required through the Environment Act) and would be an ecological benefit of the development.

Taking all of the matters discussed above, when considering the ecological impact of the development overall it is not considered the proposal would result in an unacceptable ecological impact. Whilst there would be some initial loss on site, overall there is potential for the delivery of BNG in excess of 10% which would be a positive legacy of the scheme – noting the requirement to secure the recommended mitigation and enhancement measures by condition. Overall the proposal is considered to be in accordance with the aims of the NPPF and Policies CP12, DM5, DM7 and EP7 of the Development Plan in this regard.

Other Matters

Flood Risk & Drainage: The application site is located within FZ1 and is therefore not at medium or high risk of flooding from fluvial sources, similarly the area is also not at risk of surface-water flooding. It is noted that concerns have been raised by local residents that the development would increase the risk of flooding locally (to third parties) as a result of increased impermeable surfacing within the site (increasing run-off) and the creation of the pond in the SE corner of the site. The D&A statement submitted with this application explains that a sustainable urban drainage strategy (SUDs) accompanies the proposal containing a hierarchy of sustainable methods of capturing and storing rainwater.

The SUDs features proposed in this development include incorporation of green roof systems in the dwelling to treat, attenuate and slow down rain water runoff and support uptake of water within the site with appropriate planting. Areas of hard roof is minimised with the use of green roofs, thus the building would have a low runoff flow rate overall. Filter strips/swales are also proposed to accommodate excess rain water runoff from the driveway and any hardstanding areas to manage rainwater within the site. The vehicular access routes will also be formed from permeable paving material to reduce the need of formalised drainage such as gullies or linear channels. Drainage pipes taking excess contributing flows from all of these elements will then direct surface water run-off to a retention pond in the SE corner of the site.

The retention pond would be a permanent feature within the site and has been designed to accommodate storage capacity that exceeds the relative impermeable surfacing within the site. No such drainage systems currently exist on the site. Further, as a precaution, any excess surface water from the pond would outflow into a designated run-off area within the site where a soakaway would allow infiltration to ground in events of high rainfall. Overall considering the low risk of the site to surface water flooding and the SUDs strategy proposed for this site it is not considered that the proposal would increase the risk of flooding to third parties which is in accordance with the LLFAs standing advice. The proposed SUDs strategy also accords with the principles set out within the standing advice and would improve the current drainage arrangement at this site. This is in accordance with CP9 and CP10 in addition to the advice in the NPPF in relation to flooding and drainage.

Pests: Concerns from local residents also refer to the construction of this dwelling having the potential to disrupt vermin, resulting in a pest control issue. This is not considered to be a material planning consideration and in any event is purely speculative.

CIL: As the application proposes a replacement dwelling which is larger than the existing property, CIL is required for the development. The site is located within the designated 'Housing Very High Zone 4' in accordance with the Council's CIL Charging Schedule and as such a CIL levy of £100 per square metre applies. The net additional GIA would be 947m², the CIL charge would therefore be £96,148.01.

Planning Balance and Conclusion

Given the comparative scale of the replacement dwelling the scheme would constitute inappropriate development in the Green Belt as defined by the NPPF. Whilst the development would be contained within the existing boundaries of the site, the extent of additional development within the site would result in a clear and demonstrable impact on the openness of the Green Belt contrary to Spatial Policy 4B and the NPPF. Substantial weight has to be attached to any harm to the Green Belt and in accordance with the NPPF harmful development should not be permitted except in very special circumstances.

The application is advanced on the basis that the dwelling is of an outstanding design, promotes high levels of sustainability and would help raise the standard of design more generally in an area and that these factors, coupled with other benefits of the scheme, should represent the very special circumstances required to outweigh the harm identified to the green belt by virtue of inappropriate development.

I have concluded that this dwelling, whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings and draws reference from the landscape and built characteristics of Epperstone which are translated into a high quality design. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. The Design Review Panel have concluded that this development would be an intelligent, exciting, yet sensitive scheme which is of its time and place - a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow. The Panel have fully endorsed the scheme and consider it meets para. 134 of the NPPF.

To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture locally, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would amount to meeting the 'very special circumstances' test and accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

In addition to this, sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale. Furthermore, the proposal also

includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. The DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *“one which others may be able to learn from and replicate”* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

In respect of landscape character and visual amenity, it has been concluded that whilst the immediate character and openness of the site would change, the impact would be limited to within the site's boundaries. It is not considered that the character of the wider area/local policy zone would be significantly affected as a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone. In terms of visual impact, the LVIA concludes that overall the effects of the scheme are considered to be long-term in duration (given the building will become a permanent feature of the landscape), however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be 'negligible' and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development. The site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

Subject to conditions the application has also been found to be acceptable with regard to impact on residential amenity, highways safety, flood risk and ecology in respect of protected species and trees in accordance with policies SP7, CP9, CP12, DM5, DM7, EP7, and EP8. Furthermore it is considered that the proposal 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 and would not adversely impact the setting of any nearby listed buildings in line with Section 66 of the Act, CP14, DM9, EP16 & 17 and Chapter 14 of the NPPF.

Whilst noting that there would be some tree loss within the site and destruction of a known bat roost that would require a European Protected Species License, through the Landscaping and Tree Strategy, creation of a wetland habitat and biodiversity enhancements proposed the development could nevertheless result in a biodiversity net gain of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. This Net Gain would exceed the 10% requirement of the Environment Act and would be an ecological benefit of the development that accords with policies CP12, DM5, DM7 and EP7 of the Development Plan. This biodiversity/ecological benefit attracts moderate positive weight insofar as planning decisions should encourage BNG where possible to mitigate adverse impacts of developments.

The NPPF advises that substantial weight attaches to the harm to the Green Belt by reason of inappropriateness. However, I have concluded that the proposal would reflect an outstanding design which promotes a high level of sustainability and would help to raise the standard of design more generally in addition to being sensitive to the defining characteristics of the local area. With this in mind the NPPF gives great weight to outstanding and sustainable designs which help raise standards. Therefore, in the overall balance, it is my opinion that the harm identified, due to

inappropriateness and impact on openness is considered to be outweighed by the outstanding design quality and sustainability of the scheme, coupled with the improvements in landscape management and biodiversity net gain that would occur, would amount to the very special circumstances necessary to justify the development. I therefore recommend on balance that subject to the conditions detailed below, planning permission is approved.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Location Plan – Ref. 217.08.10000.LP REV P1
- North and South Building Elevations – Ref. 217.08.31000.ELE REV P1
- East and West Building Elevations – Ref. 217.08.32000.ELE REV P1
- Site Plan Proposed – Ref. 217.08.12000.SITE REV P1
- Proposed Basement Plan – Ref. 217.08.20100.GA REV P1
- Proposed Ground Floor Plan – Ref. 217.08.20200.GA REV P1
- Proposed First Floor Plan – Ref. 217.08.20300.GA REV P1
- Proposed Roof Plan – Ref. 217.08.20400.GA REV P1
- Garden Layout – Ref. 069-02A
- Garden Sections 1-3 – Ref. 069-03A
- Garden Sections 4-5 – Ref. 069-04A
- Tree Strategy – Ref. 069-05

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

Reason: So as to define this permission.

03

No development above slab level shall take place until manufacturers details (and samples upon request) of all external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority, including but not limited to:

- Bricks;

- Wall Coverings;
- Roof Coverings;
- Green Roofs (full installation and planting specifications);
- Cladding and Detailing Materials;
- Timber;
- Coping Materials;
- Balustrades;
- Windows and Doors (including glazing).

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

Reason: In the interests of visual amenity and to ensure that the development takes the form envisaged through the application submission.

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 any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Balustrades;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Solar Panels (including number, positioning, inclination and specifications);
- Soil and vent pipes (if required);
- Any other external accretions.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

05

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features shall be submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

06

Prior to any development above slab level brick sample panels (of no less than 1sqm) showing the brick bond, mortar specification, pointing technique, and any architectural decoration (as detailed on the plans required by condition 05) shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

The construction of the development hereby approved shall be undertaken in strict accordance with the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021 submitted in support of this application unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the very special circumstances that support this development and to ensure that the development takes the form envisaged through the application submission.

08

No development other than demolition shall take place until 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 be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and 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;
- proposed finished ground levels or contours (should be shown in context of existing land levels);
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)

Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.

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

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

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

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

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

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

Prohibited activities

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

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

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

12

The development hereby approved shall be undertaken in strict accordance with Mitigation, Compensation, Enhancement and Further Survey Recommendations outlined at Chapter 6 (pages 34-39) of the Preliminary Ecological Appraisal, Daytime Bat Survey, Bat Activity Surveys & Biodiversity Net Gain Assessment prepared by EMEC Ecology dated November 2021 submitted in support of this application unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

13

No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS), agreed by Natural England, has been submitted to and approved in writing by the Local Planning Authority. The approved BMS shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The BMS shall include:

- Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;
- A methodology of demolition
- Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.

Reason: In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.

14

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to prevent the deposit of mud and materials on the highway.
- measures to control the emission of dust and dirt during construction;
- measures to protect pedestrians using the public right of way;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Hours of working.

Reason: In the interests of residential amenity.

15

Prior to occupation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed. No external lighting shall be installed otherwise than in accordance with the specifications and locations set out in the approved scheme, and shall be retained and maintained thereafter. No other external lighting shall thereafter be installed unless agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

16

No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.

17

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 AA: Enlargement of a dwellinghouse by construction of additional storeys.
- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.
- Class C: The painting of the exterior of any building.

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

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the Green Belt.

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-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is

fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Notes from NCC Rights of Way:

- The route of Epperstone Public Footpath No. 1 passes along the first section of the driveway to Hill House. The correct legal alignment of the public right of way can be checked by carrying out an official search, contact row.landsearches@nottsc.gov.uk.
- The applicant will need to demonstrate how members of the public using the footpath will be kept safe during the demolition and construction phase of the proposal. 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 should be provided if possible.
- The surface of the driveway and therefore the footpath is currently a crushed stone/gravel surface with some worn tarmac where it meets the 'adopted' Chapel Lane. The plans seem to show no indication of the proposed treatment of the driveway surface following construction. Given the sloping nature of the drive; the likely increase in volume, size and weight of vehicles using the driveway during construction; it is likely that the existing surface will experience a high degree of damage and wear.
- Any vehicular damage to the surface of the footpath will need to be repaired by yourselves. The applicant will need to indicate and obtain approval of any changes to the surface treatment of the drive/Public Footpath.
- 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.

04

Notes from Cadent Gas:

- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions
- Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- Your responsibilities and obligations
- Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

05

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

06

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

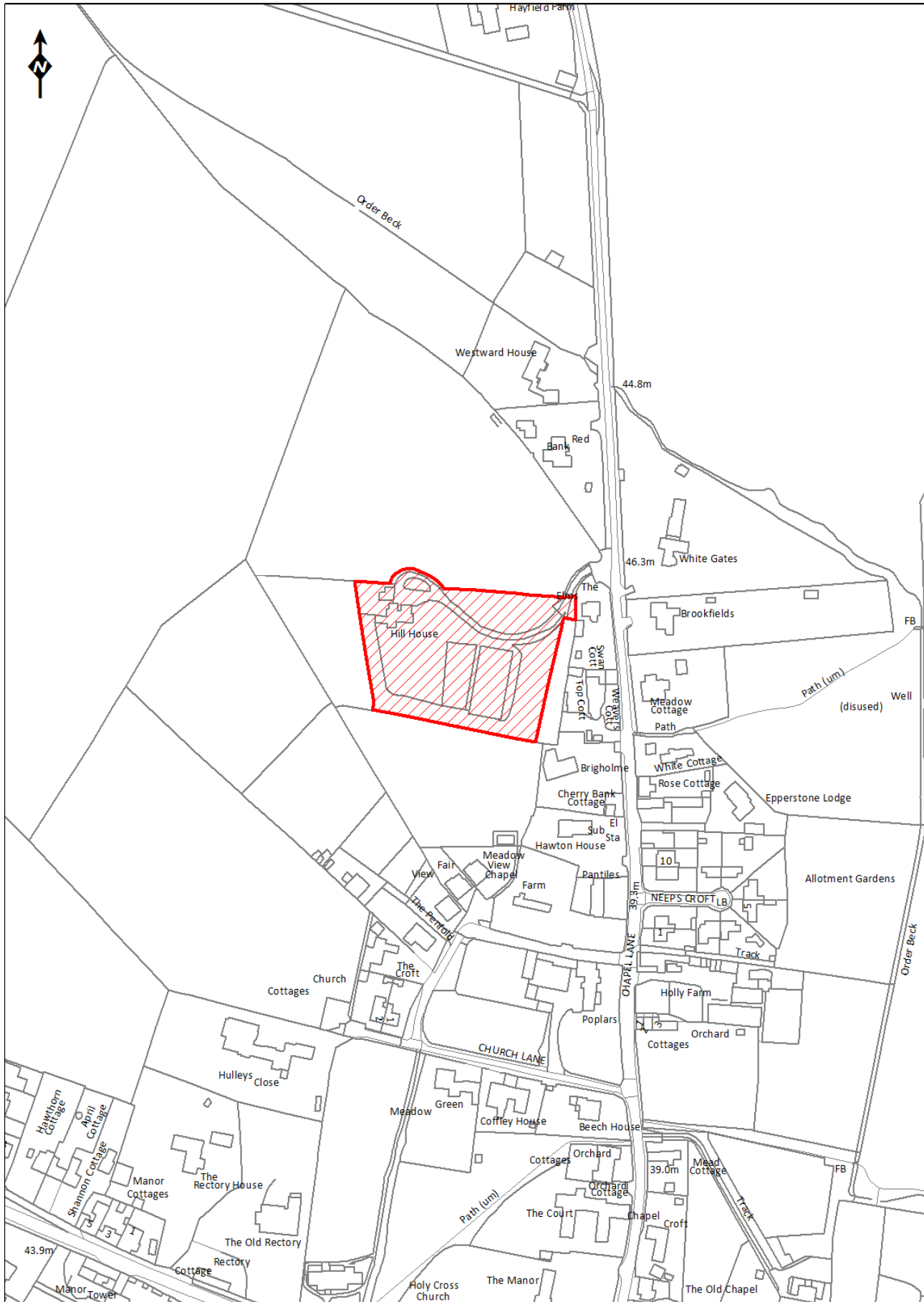
BACKGROUND PAPERS

Application case file.

For further information, please contact 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



PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/02336/OUT		
Proposal:	Erection of two dwellings with all matters reserved.		
Location:	Land Adjacent Orchard House Thorney Road Wigsley		
Applicant:	Mr D Houlston		
Agent:	Mr Chris Henderson - Lomas Architecture Design & Developments Ltd		
Registered:	10.12.2021	Target Date:	04.02.2022
	Extension of Time Agreed Until 18.02.2022		
Website Link:	<u>21/02336/OUT Erection of two dwellings, each with separate access onto Thorney Road with all matters reserved. Land Adjacent Orchard House Thorney Road Wigsley (newark-sherwooddc.gov.uk)</u>		

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dales) in line with the Parish Meeting comments for the following summarized reasons:

- SP3 focuses on housing in sustainable, accessible villages, no issue with infill development in principle but consider this application should be restricted to a single dwelling;
- This outline proposal is for two detached dwellings on this site and the impact of that constitutes over-intensive development which would be cramped and out of character with the existing spatial layout along Thorney Road;
- It would look incongruous and awkward in comparison to its immediate neighbours and to the other dwellings on Thorney Road;
- Furthermore, the proximity of the proposed house adjacent to Orchard House certainly looks to be too close to it.

The Site

The site relates to a plot of land approximately 0.33 acres in extent to the west of, and accessed via Thorney Road. The site sits between two residential properties; Holly Bank to the north and Orchard House to the south. Residential properties are located to the east on the opposite site of Thorney Road and to the west (rear) is a grassed paddock, used for grazing horses.

The site falls within Flood Zone 1 according to the Environment Agency maps. There are no designated heritage assets in close proximity to the site albeit there are dwellings along Thorney Road which are considered as locally important in heritage terms, the nearest being The Chestnuts

on the opposite side of Thorney Road however having visited the site the building is largely dilapidated.

Relevant Planning History

Permission has been previously refused for residential development on parts of the site:

07/00007/OUT – Erection of a dwelling (land adjacent to Holly Bank) – Application refused February 2007 (appeal dismissed). Reason for refusal related to there being no need for housing on a green field site given the limited housing need left over the plan period and that further growth over the plan period in the village would be unsustainable.

11/00200/OUT – Erection of a dwelling and garage (land adjacent Holly Bank) – Application refused March 2011. Reason for refusal related to proposal taking the amount of development in Wigsley over what could be considered as limited, increasing the size of the village beyond a sustainable level, whereby facilities and access to public transport were extremely limited resulting in reliance on the private car.

The Proposal

The proposal seeks outline permission with all matters reserved for the erection of two dwellings. An indicative layout suggests that the properties would be detached with separate accesses from Thorney Road.

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

- Site Location Plan – L-ADD-091-10;
- Block Plan - L-ADD-091-11;
- Existing Site Plan - L-ADD-091-12;
- Opportunities and Constraints Plan - L-ADD-091-13;
- Indicative Proposed Site Plan - L-ADD-091-14;
- Planning Design and Access Statement;
- Preliminary Ecological Appraisal dated December 2021.

Departure/Public Advertisement Procedure

Occupiers of 7 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 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

DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment

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

Wigsley Parish Meeting - The Parish Meeting notes that this proposal falls within the remit of policy SP3 in the Amended Core Strategy which provides that local housing needs will be addressed by focusing housing in sustainable, accessible villages - which Wigsley clearly is not having no services and only limited access to public transport.

However, it is also noted that there is a further provision in the policy which states that where the locational criterion is not met, consideration will be given to the infilling of small gaps with 1 or 2 dwellings where the village is well related to villages that do satisfy the locational criterion. The only village near to Wigsley is Harby whose amenities extend to a school, pub and a village hall.

The unsustainable nature of Wigsley village has historically been used to justify a number of refusals and dismissed appeals for similar proposals in the past. However, in an abrupt change of tack, Newark and Sherwood District Council did allow a single infill dwelling elsewhere in the village under planning permission 19/01614/FUL - which the pre-application advice referenced in the Design and Access Statement appears to reflect.

The Parish Meeting has no objection in principle to a single dwelling on this parcel of land. However, it is concerned that 2 substantial dwellings on plots of modest width, as shown on the indicative site layout plan, will be at odds with the prevailing character in the heart of the village which is that of generously spaced properties on wide frontages.

Thus, the proposed development divides the parcel of land into 2 plots of approximately 15 metres wide. Compare that plot width with its neighbours:

- Holly Bank - 28 metres
- Sueanda - 28 metres
- Lindrick House - 20 metres
- Barn Owl Lodge - 21 metres
- Demo Dale - 22 metres
- Manor House - 54 metres

It can clearly be seen that plots of only 15 metres wide are significantly narrower than all of their neighbours and, with the indicative layout, will result in a cramped form of development detrimental to the rural character and appearance of the village.

We therefore, consider that the application as submitted, fails to demonstrate the site can accommodate 2 dwellings without detriment to the rural character and appearance of the village.

The parcel of land is capable of sympathetically accommodating a single larger dwelling to maintain the generous separation between dwellings. Two dwellings will only respect the character of the village if they are small enough to achieve similar separation distances.

Whilst it is acknowledged that this is an outline application with all matters reserved, it is incumbent on the applicant to demonstrate that the site can accommodate 2 dwellings without detriment to the character and appearance of the village. The indicative site layout plan fails to demonstrate that this is achievable and should be addressed by the applicant.

The Parish Meeting does not wish future purchasers of the plots to have unrealistic expectations of what is achievable based on an unchallenged indicative site layout plan at the outline planning stage.

NCC Highways Authority – There are no highway objections to the proposal subject to the applicant being able to achieve safe accesses onto the highway in line with current highway design and provision of a 2m wide footway across the whole frontage of the site and considerations of an uncontrolled dropped pedestrian crossing to ensure a safe and practical access for pedestrians.

Suggested conditions.

Natural England – No comments to make.

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Lack of facilities in Wigsley;
- Have to telephone to request bus services;
- The road is inadequate for traffic which includes heavy farm machinery;
- Wigsley is not a sustainable village;
- Lack of facilities has been a reason to refuse previous planning applications;
- The sewer system doesn't have capacity;
- Wigsley has no mains gas;
- Placing two properties on the plot would not be in keeping with the prevailing character of the village;
- It is incumbent on the planners to ensure a future purchaser has more realistic expectations of what is possible on these plots other than relying on an unchallenged indicative site plan.

Comments of the Business Manager

Principle of Development

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

The Adopted Development Plan for the District is the Core Strategy DPD (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 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 within Spatial Policy 3. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

The site fronts Thorney Road with residential curtilages both to the north and south (and also on the opposite side of the road). It is therefore considered that the site would fall within the village of Wigsley and would fall to be assessed against the five criteria of Spatial Policy 3.

Location

As above, the site can reasonably be assessed as being in the village. However, I am not aware that Wigsley has any local services and it has a limited public transport offer. Notwithstanding this, Spatial Policy 3 does state:

Within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact and character criteria of this policy.

Collingham and its associated services are accessible within a 10 minute drive from the site and Harby is even closer with some services including a primary school. Therefore I consider that the development of the site for two residential dwellings would be appropriate as an infill development.

Scale

Two dwellings would be small scale in the context of the location.

Need

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. Wiglsey falls within the Collingham sub-area where the predominant need (46.8%) is for 3 bed houses followed by 4 or more bed houses (17.9%). A residential scheme for 2 units

could potentially support the housing needs for the Collingham sub area as well as supporting the local services in nearby settlements.

Impact

The impact criteria of SP3 relates to a number of matters including local infrastructure such as drainage and sewerage systems. There is nothing to suggest that two additional dwellings could not be accommodated in the existing network.

Character

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

It is inferred from the indicative plan that the dwellings would be two storey and broadly follow the building line of the adjacent two storey plot to the south. There appears to be scope to advance a layout of this nature particularly given that the plot to the south is already modern in nature. It is noted that the size of the plots would be smaller than the more spacious curtilages to the north (a point also raised by the Parish Meeting comments) but these are single storey in nature and therefore this is to be expected. The indicative plan shows that the plot size could conform with the two storey modern dwelling immediately to the south of the site. The width of the plot is more than double the width of the curtilage to Orchard House and therefore could in my view readily accommodate two dwellings without appearing cramped or over developed.

It would be expected at reserved matters stage that the exact design takes account of the surrounding area in terms of detailing and materials. Given the size of the site it would be expected that the dwellings would be for 3 bedrooms or less (noting the preferences of housing need above) to avoid appearing cramped in the plot.

As above, there are a number of non-designated heritage assets in the vicinity of the site. The NPPF requires a balanced approach to dealing with applications which indirectly affect non-designated assets (paragraph 203). Thus whilst impact on the setting of a non designated asset is material, it should only be given modest weight. Given that appearance is not being considered at this stage, it would be more appropriate to assess the impact on setting at reserved matters stage. There is no objection in principle from a heritage perspective (as confirmed informally with conservation colleagues).

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

In the absence of detailed plans and elevations it is difficult to reach a conclusive judgement on matters of amenity but it does appear that, through careful consideration of the positioning of

windows appropriate distances could be achieved both with existing neighbouring properties and within the development plots.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Access is not for consideration at this stage albeit it is inferred that the dwellings would have separate accesses from Thorney Road. NCC Highways have commented on the proposals raising no objections subject to conditions. One of the suggested conditions relates to specific measurement etc. which I consider is more reasonable to include as an informative. In the scenario that the exact measurements cannot be provided then this would need to be weighed in the balance at consideration of reserved matters stage rather than leading to an automatic breach of condition for the outline application.

Impact on Ecology

The application has been accompanied by an ecological appraisal. This confirms that the site comprises an improved grassland field surrounded by fencing and hedgerows with small areas of scattered scrub, ruderals and scattered broadleaved trees. The summary of the report states:

The site is considered to offer habitat of low suitability for foraging and commuting bats, however bats have been recorded within 15m of the site boundary, and in order to avoid impacts on nocturnal bat activity advice on bat-friendly lighting has been provided.

No evidence of badger activity was recorded during the survey; however, the site contains suitable foraging habitat for the species such that they may venture onto the site from adjacent habitats. Vigilance for the presence of badger is recommended, along with precautions to safeguard badger and other ground mammals throughout the works.

As a precautionary measure, it is recommended that any vegetation removal works are scheduled outside of the main bird nesting season (thereby avoiding March to August, inclusive) to prevent impacts to nesting birds. Alternatively, it is recommended that the site is subjected to a pre-works nesting bird survey by an experienced ecologist

In order to enhance biodiversity on the site, appropriate native landscaping has been advised and as a positive conservation measure the installation of integrated bat and bird boxes within the new dwellings and/or garages has been recommended.

No further survey works are recommended and subject to securing the mitigation measures outlined by condition, there is no objection to the development of the site from an ecological perspective.

Conclusion

Despite being within a rural settlement, the proposed dwellings could appropriately be considered as infill development which would be catered for by the facilities of nearby Collingham and Harby

to some extent. No other harm has been identified which would prevent the approval of outline permission leaving the exact detail of the scheme for agreement at reserved matters stage.

RECOMMENDATION

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

Conditions

01

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any 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.

02

Application for approval of the reserved matters shall be made to the local planning authority not 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

03

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

04

The formal written approval of the Local Planning Authority (LPA) is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. All details submitted to the LPA for approval shall comply with the Notts County Council current Highway Design Guide and shall be implemented as approved.

Reason: In the interests of highway safety.

05

The development shall be carried out in accordance with the mitigation measures of the document 'Preliminary Ecological Appraisal dated December 2021' specifically:

- The use of a sensitive lighting plan to avoid impacts on foraging and commuting bats;

- Vigilance and best practice regarding badger and other ground mammals;
- Appropriate timings with regards to nesting birds and/or pre-works nesting bird survey before vegetation clearance;
- Provision of bird and bat boxes within the new dwellings or garages.

The positioning and number of bat and bird boxes shall be submitted to and approved in writing by the local planning authority and installed in accordance with the approved details prior to the occupation of the dwelling to which they relate. They shall thereafter be retained for the lifetime of the development.

Reason: To protect the potential ecological value of the site.

Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Details submitted pursuant to the application for approval of reserved matters consent shall indicate:

- a) a minimum access width of 3.0m for each dwelling for the first 8.0 rear of the highway boundary.
- b) a 2m wide footway across the whole frontage of the site including an uncontrolled dropped pedestrian crossing across Thorney Road.
- c) vehicular and pedestrian visibility splays in accordance with the County Council's current Highway Design Guide.
- d) any gates at the access set back minimum of 5.0m from the highway boundary.
- e) any gates at the access opening away from the highway or an ungated access.

BACKGROUND PAPERS

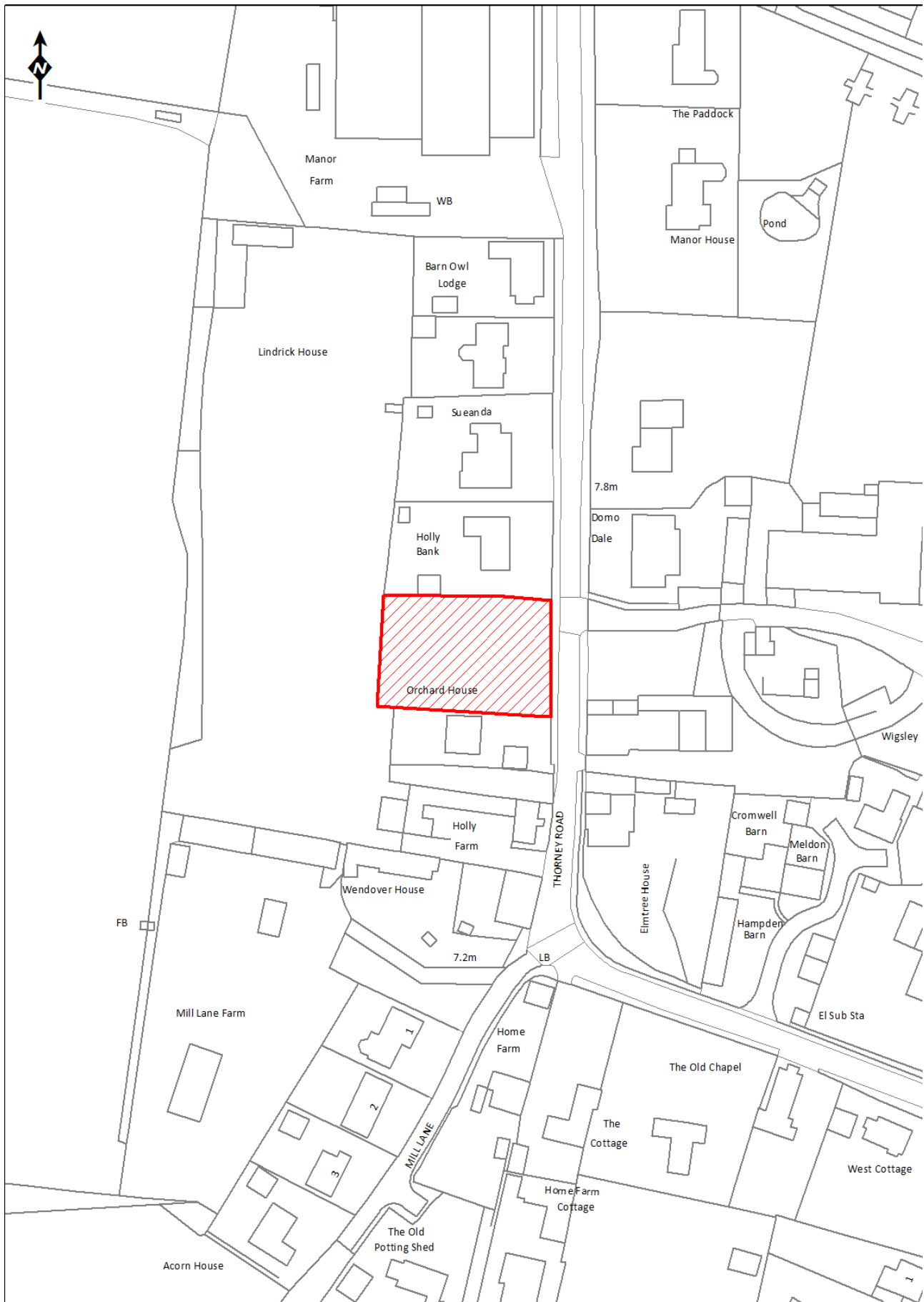
Application case file.

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



PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	20/02296/FUL		
Proposal:	Erection of 1 single storey fossil-fuel-free dwelling and detached car port		
Location:	Field Reference Number 8024, Wellow Road, Eakring		
Applicant:	Dr Chris Parsons		
Agent:	Mr Jeremy Harrall		
Registered:	04.12.2020	Target Date: 29.01.2021	
	Agreed extension of time: 18 February 2022		
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QK95O8LBKLA00		

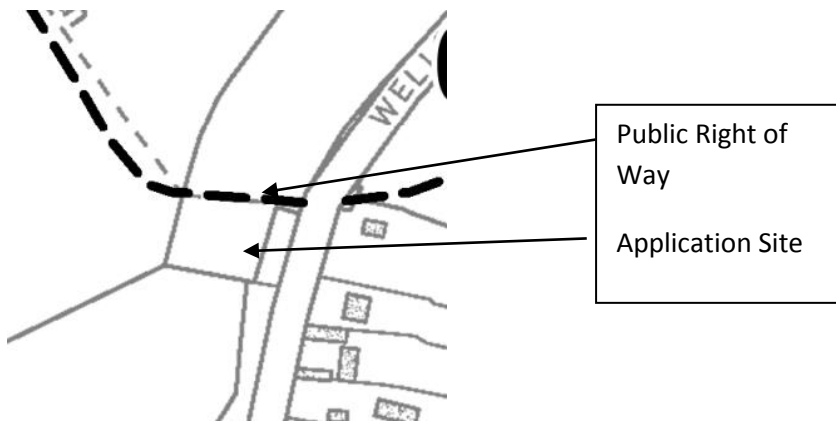
This application is being referred to the Planning Committee as it is a departure from the local plan and the recommendation is one of approval.

The Site

The application site relates to a broadly rectangular plot of land approximately 0.20 hectares in size to the west of Wellow Road on the northern fringe of Eakring village.

The site comprises an area of mown grass and is separated from the northern part of the field by a farm track. Land levels slope downwards from the south to north of the site. There are existing residential properties approximately 60m south of the site and immediately to the east on the opposite side of Wellow Road. Land to the south is currently in use as a paddock; whilst land immediately to the north and the west is open in nature with mature trees forming a small woodland providing screening along the boundary adjacent to Wellow Road to the east.

Eakring footpath 6 also known as The Robin Hood Way walking route forms part of the application site. This runs along the northern boundary before turning north-westwards and connecting to a track off Bilsthorpe Road. The Robin Hood Way runs for approximately 172km through central Nottinghamshire between Nottingham Castle and Edwinstowe. Further north of the site, the land opens to agricultural fields.



The site is located within the Open Countryside. A section of the proposed site, including the access is within Eakring Conservation area. Within close proximity to the site are a number of heritage assets, both designated and non-designated. Nearby is Eakring Windmill (LEN 1370133), which is grade II listed. Additionally, the site lies within the Mid Nottinghamshire Farmlands Landscape Character Area as identified in the Newark and Sherwood Landscape Character Assessment. According to the Environment Agency Flood maps the site is situated within Flood Zone 1.

Relevant Planning History

20/00729/FUL – Proposed single storey two bedroom Agricultural Workers Dwelling. Application was withdrawn.

PREAPP/00301/19 – Proposed a new single storey 2 bed dwelling – Advice given on 01.08.2019

The Proposal

The proposal seeks full-planning permission for the erection of a fossil fuel free single storey two bedroom dwelling with an associated carport with solar panels flat on its roof.

The dwelling would be positioned towards the southwest corner of the plot. Access would be provided along the public right of way and then entering at the south-western corner, approximately 62m from where it joins Wellow Road as shown on the diagrams below:



The dwelling would measure 12m in width and 9.75m in depth, standing at a maximum height of 3.5m. It would have a green roof, timber walls and is proposed to have grey-framed windows and doors. An open sided carport of timber construction would be positioned southwest of the dwelling,

measuring 5.2m in depth and 7.0m in width, standing at maximum height of 2.4m including solar panels above.



North (Front) Elevation



West (Side) Elevation



South (Rear) Elevation



East (Side) Elevation

Stock fencing at 1.2m in height is proposed to enclose the proposed site from the adjacent grazing areas. The gate across the driveway, along the public right of way, within the site would be replaced with a five bar field gate.

A proposed Landscape Strategy would see additional planting of different species of hedgerow within the site and adjacent to both sides of Eakring footpath 6. The Strategy includes the planting methodology, hedgerow mix and details of aftercare.

The application has been submitted on the basis of it being innovative due to matters including its energy efficiency, operating beyond zero carbon and SAP rating of 153A. These need to be fully detailed in the report to ensure Members have full information in order to make a sound decision. As these form the discussion of the proposal, the information is provided under 'Dwellings Credentials'.

This application has been assessed against the following plans and documentation:

- Location Plan 1:2500, received on 23 November 2020
- Propose layout, received on 23 November 2020
- Proposed north and south (front and rear) elevations, received on 23 November 2020
- Proposed east and west (sides) elevations, received on 23 November 2020
- Proposed floor Plan, received on 23 November 2020
- Proposed Cross Section, received on 23 November 2020
- Landscape proposal, ref: EAK001A REV A, received on 02 December 2020
- CGI's – various views, received on 23 November 2020
- Topographical Survey, received on 23 November 2020
- Heritage Statement, received on 23 November 2020
- Landscape Report and Scheme, received on 23 November 2020
- Design SAP Calculation, received on 23 November 2020
- Paper: Residual Heat Reservoir received on 23 November 2020
- Planning and design statement, received on 23 November 2020
- Copy of Collated Data, received on 1st March 2021
- Public benefits, received on 07 October 2021
- Planning precedents, received on 12 October 2021

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice was placed near the proposed site on 17 December 2020. A newspaper advert was published on 10 December 2020.

An additional site notice was also posted on 12 November 2021 due to the application being a potential departure.

Planning Policy Framework

Newark and Sherwood District Council 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 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character (Mid-Nottinghamshire Farmlands)

Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document

DM3 – Developer Contributions and Planning Obligations

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

DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework (2021)

National Planning Policy Guidance (on line resource)

Landscape Character Assessment SPD 2013

Eakring Conservation Area Appraisal

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

NSDC Residential cycle and car parking standards & design guide

Climate Change Act 2008, Part 1.

Consultations

Eakring Parish Council – No comment received

NCC Rights of Way team – provide advice and state that the Eakring FP6 and FP6A would be affected by the proposal. Seek clarification that the footpath will not be obstructed in any way and that there is sufficient width to allow for vehicles into the property and not impinge on the width of the footpath or the safety of the footpath users.

NCC Highways – consider the development is acceptable subject to a number of conditions. Visibility splays are acceptable. The gate adjoining Wellow Road requires repositioning to be 12 metres back from the highway and hard surfacing of this area.

Ramblers Association – no objection to the proposal.

Robin Hood Way Association –holding objection.

East Midland Building Control Lead Officer – commented that the design energy rating is very high at 129 well above the current minimum standard required in the current building regulations. The building regarding thermal efficiency will be exceptional on the design data received.

NSDC Conservation – Broadly agree with the conclusions of the submitted heritage statement, consider the design of the new dwelling is markedly different from traditional vernacular house types locally, the modest nature of the dwelling, the green sculpted roof and discreet position against a copse of trees ensures that impact on the conservation area (CA) is now very limited. The use of landscaping and new hedges further helps integrate the design into the site. Agree with the materials to be used on the proposed development, consider the design is capable of causing no harm to the setting of the CA or any other heritage asset.

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

Comments of the Business Manager

Principle of development

The starting point for all development-management-decision making is S.38 (6) of the ‘Planning and Compulsory Purchase Act 2004,’ which states the following: *“The determination of planning applications must be made in accordance with the ‘Development Plan,’ unless other material considerations indicate otherwise.”*

The Amended Core Strategy (ACS) details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy, in accordance with Spatial Policy 1, 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. Eakring is not defined as a Principal Village and therefore, in accordance with Spatial Policy 1, the development needs to be considered against Spatial Policy 3 (Rural Areas).

Spatial Policy 3 states that development, which is neither located within villages nor settlements - but is found within the ‘Open Countryside’ - will both be *“strictly controlled and restricted to uses that require a rural setting. Policies to deal with such applications are set out in the ‘Allocations & Development Management DPD...”* The Policy then goes on to direct the decision maker to an Open Countryside policy within the ‘Allocations and Development Management DPD’ (ADMDPD), being Policy DM8.

Policy DM8 of the ADMDPD reiterates the intentions of SP3. However, Policy DM8 also lists a number of exceptions, including ‘New Dwellings.’ This states that *“Planning permission will only be granted for new dwellings where they are of **exceptional quality** or **innovative nature of design**, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”* [Author’s emphasis].

The National Planning Policy Framework (NPPF), paragraph 134, reflects the aim of Policy DM8:

*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, **significant weight** should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.** [Author's emphasis]*

Therefore if the development promotes high levels of sustainability, significant weight should be attached. The credentials of the building are detailed and discussed below. However, it is also important to note that the Council has a 5-year housing land supply and therefore paragraph 14 of the NPPF is not triggered.

Dwelling's Credentials

In terms of the construction, this is where the environmental value of the dwelling is delivered. Starting from the ground upwards:

Foundations: there would be no traditional foundations. The base would comprise a ground bearing slab of 200mm consolidated hardcore, 300mm extruded polystyrene, 300mm in-situ concrete slab (cement free concrete) and stone tile, avoiding deep trench and strip foundations.

Walls: there would be no cavity walls. The walls would comprise 140mm 7N dense (cement free) concrete blocks and an internal, sponge float finish render. Externally, different to traditionally designed dwellings, the insulation, 300mm of PIR would be mounted externally. The walls would then be clad with vertical timber cladding. This would most likely be Western Red Cedar (subject to availability) 43mm x 43mm vertical slats on battens with breathable building paper. The timber would be treated to maintain the timber hue to avoid silver-grey weathering and for longevity. The treatment would be environmentally friendly, as all finishes to the building are proposed to be, and the timber FSC and PEFC Certified. The structure creates a building with a high thermal mass.

Windows: would be triple-glazed, proposed to be finished in a grey colour with a U-Value of 0.1W/m²K (to comply with building regulations, it must meet 1.6W/m²K although triple-glazed are reported to go as low as 0.7/Wm²K). These would be mounted to the outside of the external wall structure of the block walls with the insulation butting out to the frames. This ensures there is no cold air bridging through the frames. The majority of glazing is designed to face south to benefit from passive solar gain, whilst other elevations have reduced windows in numbers and size in order to minimize heat loss.

Roof: There would be no roof voids. Externally, the roof would be curved and comprise an extensive green roof system with primarily sedums, some mosses and a few grasses. Initial watering would be necessary to help establish the cover and thereafter, the cover is self-maintaining. The dwelling would be passively ventilated i.e. no mechanical ventilation would be required. Passive stack vents

of 150mm diameter, with insulated ducting through the roof space exiting the building and topped with vent pieces, would be provided to the kitchen, utility and bathroom.

Fascias, barges, soffits etc.: would also in a grey colour. The drain pipes would comprise stainless steel chains hanging from the gutter outlets, discharging to a French drain.

The estimated thermal mass of the dwelling and SAP predictions are shown in the table below. This table provides comparison with another building designed by the architect with the proposal (Tork Lane Cottage (TLC)) and thus provides detail of its credentials:

COMPARISON OF 43 RESERVOIR ROAD (2021/22) & TORK LANE COTTAGE PERFORMANCE							
PROJECTS	Average U-Value	Thermal Mass	CO ₂ t/yr	SAP Predicted Energy Consumption KWhrs/yr	SAP Predicted Energy Costs £/yr	SAP	Photovoltaics KWpeak
(43RR)	0.3W/m ² K	0.2MJ/K	+1.53	3,178	124	86(B)	0
Tork Lane Cottage (TLC)	0.1W/m ² K	1.29MJ/K	-5.08	-1,973	-1,372	153(A)	14
<p>SUMMARY</p> <p>43RR's rate of heat loss (0.3W/m²K) is three times that of TLC (0.1W/m²K)</p> <p>43RR's capacity to store heat energy (0.2MJ/K) is 20% of TLC's (1.29MJ/K)</p> <p>43RR's predicted annual energy consumption (3,178KWhrs) is five times that predicted by SAP for TLC. (-1,372KWhrs/yr)</p> <p>43RR's SAP predicted running costs (£124) are twelve times that of TLC (-£1,372)</p> <p>According to SAP, TLC (153A) is 44% more energy efficient than 43RR (86B) atypical 2022 dwelling</p>							

The thermal mass of the dwelling is created by providing the insulation on the outside of the building fabric, which enables the block walls to have direct contact with the internal air. The thermal mass of the building absorbs heat from within the building – people, electronic goods as well as warmth from the sun touching the wall surfaces. The dwelling has been designed so that principal rooms have a southerly view which optimises solar gain for heating the dwelling. The design provides for a transfer of heat ebbing and flowing between the environment (air) within the dwelling and the fabric (walls and ceiling). This warmth is then sustained throughout the year at an average of 23°C, with a fluctuation shown within studies reported of 4.5 °C (refer endnotes). This means that whilst underfloor space heating is proposed for the dwelling, it will be a back-up system when required and is dependent upon the amount of insulation used and the junctions of the walls, floors and roofs. No radiators are proposed and thus no boiler further minimising the amount of materials within the building, noting all materials have a cradle to grave (life cycle) impact upon the environment.

This requirement for an alternative heating source (i.e. the ground floor heating) is most likely to be during the first 1 or 2 years of occupation, if it is required. The applicant proposes to install battery storage, thus enabling energy sourced from the solar panels on the car port roof to be utilised in the evenings and longer nights during winter-time, particularly during December. There is a public access tool to understand how much energy a specified PV array will generate at a specific post-code across a 12-month period. This tool shows the proposed solar panels (14KW array) will generate the least amount of energy in December (300KW). The proposal is to install a solid state battery which is able to store ten times the amount of energy compared to current Lithium-ion batteries. One example of such a battery is Tesla's 3rd generation Powerwall which has a 28KW rating. The date for release of the Tesla battery (as well as other solid state batteries) is uncertain, having been delayed for a number of reasons including 'chip' availability. It is anticipated they will come on the market later this year/early 2023 which would enable the dwelling to be completely off-grid whilst also being a provider of renewable energy for those times when a surplus is

generated. The applicant advances that this will result in this dwelling being one of the first truly off-grid, fossil-fuel dwellings in the country. Other dwellings which claim to be off-grid, for example, may be supplemented by a domestic gas cylinder supply. Compared to other properties, including eco-dwellings, it will be fossil-fuel-free with exceptional energy efficiency which is not achieved by other dwellings demonstrated by its SAP rating of 153A (in the top 0.001% certificates in the UK). The SAP calculation has been referred to East Midlands Building Control who confirm it is very high and “...building regarding thermal efficiency will be exceptional on the design data received...”.

SAP ratings are not normally considered as part of planning applications. However, they demonstrate the ‘green’ credentials of a dwelling, the higher the number the more positive (or neutral effect) a building has upon the environment. As well as the SAP rating of 153A meaning the dwelling would achieve the highest energy standards (a carbon neutral dwelling has a SAP rating of 100), it also has an environmental rating of 141A meaning the dwelling, as designed, would in SAP assessment terms mitigate carbon (also at an exceptional rate) of (minus) -5.08 tonnes/year of CO₂ emissions. It would therefore significantly exceed the Government’s 2050 Zero Carbon standard. It would also meet Code for Sustainable Homes highest level - 6.

The applicant has reviewed and compared past case studies to evaluate the energy requirements for TLC based upon the innovative construction methods proposed with this application. This evaluation is detailed within their supporting information (refer Copy of Collated Data). In summary, the dwelling’s heating load will be zero and with the provision of a battery for storage, no energy from the grid would be required.

Water: There would be very limited hot water storage provided for within the dwelling, thus preventing wasted energy heating water that is not used. Showers and sinks would have a point source below each device to provide hot water ‘on tap’, also limiting heat loss. Other measures such as no mixer taps, temperature restrictors and a secondary water meter display within the dwelling would all assist in encouraging positive behavioural patterns.

A 5,000 litre subterranean rain-water harvesting tank is proposed collecting water from the roof which will be used in the utility, sink, washing machine and WC cisterns. In addition, if planning permission is granted, it is proposed a British Geological Society Borehole Prognosis report will be commissioned which, if it is proven to be viable, would enable the applicant to consider a borehole for domestic water supply, furthering the off-grid agenda.

Information has also been provided detailing the dwelling has been designed to Lifetime Homes Standard (16 point checklist). Full information is provided but in summary, there would be level access to and within the dwelling. Doorways are wide enough for wheelchair users and there is space within bedrooms and bathrooms to provide hoists and turning areas.

Beyond the dwelling, a carport/ pergola of open sided timber construction would be positioned southwest of the dwelling. The applicant’s agent has confirmed an EV Charge Point would be provided.



North (Front) Elevation



West (Side) Elevation



South (Rear) Elevation



East (Side) Elevation

Sewage: Within the curtilage a reed bed is proposed. This is not shown on the plans but would be situated at the outfall of the sewage treatment plant pipe as part of a pond. The reeds would remove nitrogen from the water discharge, resulting in increased biodiversity.

Assessment of Innovative Design Promoting High Levels of Sustainability

As well as the comments from East Midlands Building Control referred to earlier, an independent assessment of the environmental credentials has been sought from Ecospheric Limited. In addition to their comments, the case officer's Environmental Management knowledge has been used to appraise this scheme.

Ecospheric raise some concerns regarding the design which the applicant's agent has responded to. These relate to ventilation, overheating potential, massive embodied energy and little biodiversity enhancement. Biodiversity is discussed in detail under the landscaping section.

The proposed method of ventilation for this dwelling would be different to that provided within the homes Ecospheric design in that it would be natural as opposed to mechanically ventilated. Ecospheric raise concerns regarding its operation and effectiveness in terms of keeping the environment cool, preventing overheating. The agent cites he has designed other dwellings that are naturally ventilated and has monitored nine of these. In summary, he asserts the use of natural ventilation is not harmful to occupants. A review of studies to support this assertion has been undertaken in the context of high thermal mass buildings and natural ventilation, which support the agent's case:

*"Thermal mass..., is essential to stabilize indoor temperatures, however its potential is maximized when coupled with natural ventilation strategies, as alone it is not sufficient to keep the indoor environment within comfort thresholds defined by the norm"*ⁱ

*"While the use of high thermal mass solutions coupled with night ventilation almost completely eliminated exceedances of the absolute maximum temperature, in the lightweight rooms, with night ventilation on, hours with a temperature higher than its absolute maximum value occurred every day of the study."*ⁱⁱ

In relation to its high thermal mass and overloading potential (i.e. too much heat), this is partly addressed within the above discussion. However, there are other studies also supporting the case:

“... thermal insulation of roof-structure played a significant role as a risk-reduction factor [of overheating]” (p.19),

whilst another study referenced within this journal found a combined approach –high thermal mass, night cooling with natural ventilation, solar shading and a reduction in the internal gainsⁱⁱⁱ, and

“Thermal mass, a material's capacity to absorb, store and release heat, has been identified as one of the most effective passive measures to help regulate internal temperature, reduce temperature variations and mitigate overheating...concrete has the ability to store more heat which can be absorbed and released easier... the maximum temperature observed in each zone was reduced when the levels of thermal mass were increased. Concrete, ... appears to be more effective ... in reducing the peak temperature”.^{iv}

Notwithstanding Ecospheric's criticism, they conclude the current design for the proposed new dwelling would result in a very low energy building. Their analysis states that the design is well considered for passive principles and conservation of energy in all ways bar the ventilation selection. However, they advise that if the dwelling is to be considered as innovative, in accordance with the NPPF (and Policy DM8), then the *“...off grid element needs to be designed in ...then coupled with a high thermal mass building and post occupancy monitoring of air quality and thermal comfort, we believe this building may be considered innovative. On the matter of whether this building will consume little energy there is no doubt.”*

The agent has detailed within the application that it is their intention to monitor the dwelling as part of a 4-year research project as the combination of elements of the construction are innovative with much that can be learnt from the usage and experience of future occupiers. This will include in-use building performance data which can be placed on a public access website. Sharing the information will enable dissemination of knowledge of low-tech building solutions to all. However, it is also critical to the consideration of this application to ensure that the details submitted as part of this application – materials, methodology of construction etc. are implemented. Detailed conditions would therefore be required to secure the measures proposed including the provision, in relation to Ecosphere's response the provision of battery storage, which the applicant's agent is supportive of. They identify that Tesla's Powerwall 3 (their preferred storage) is likely to be available in 2023 which, if this is the case, would be likely to have further benefits.

In conclusion, the proposed new dwelling would be able to provide a very low energy building, consuming no energy from the grid, as agreed by the independent assessment, subject to the provision of battery storage. Furthermore, the East Midland Building Control Lead Officer confirmed that the design energy rating is very high at 153A SAP rating. In conclusion, it is considered the dwelling would be of innovative design promoting high levels of sustainability complying with the NPPF and Policy DM8 in this regard.

Both of these policies also require new dwellings to also 'fit in with the overall form and layout of their surroundings'. Additionally, with reference to paragraph 80 of the NPPF (dealing with isolated homes in the countryside) and exemptions for new homes, the proposal would also need to comply with (e):

*“the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

These aspects are addressed below.

Impact upon Character of Area and Design

Policy CP9 requires development proposals to demonstrate a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 expands upon this, requiring local distinctiveness to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals, together with requirements under Policy DM8.

Part 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states it is *“proper to seek to promote or reinforce local distinctiveness”* and, paragraph 134, permission should be *“refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. Additionally, paragraph 80 also applies.

The proposed site lies beyond the existing settlement of Eakring. Immediately to the east on the opposite side of Wellow Road is the first dwelling to the entrance to the village from a northerly direction. On the western side of Wellow Road this site is somewhat isolated, surrounded by fields. The site is in a relatively discreet position against the existing copse of trees, not readily visible from the vehicular highway, immediately to its east. However, due to the topography of the land it would be glimpsed travelling southwards towards Eakring along Wellow Road as well as more visible from the public footpath.

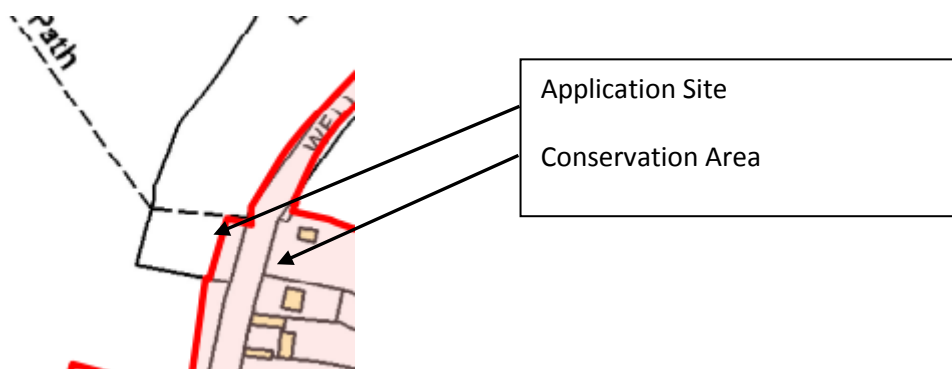
The Landscape Character Assessment SPD which underpins Policy CP13 identifies this area as being within Policy Zone Mid-Nottinghamshire Farmlands. The Landscape Action recommendation for this area is to conserve, due to the very good condition of the landscape (comprising a coherent pattern of elements, with few detracting features, good cultural integrity and visually unified) and its moderate sensitivity to change. Although the recommendations support use of vernacular styles, scale and materials for development, this is prefaced by the recommendation to *‘limit any development in this area due to the likelihood of a high impact on the character of the Policy Zone’*.

The proposal scale, due to its single storey nature, would minimize its overall impact to views. This would be further assisted by virtue of the green roof to the dwelling. However, with reference to the public footpath and views from beyond the access track to the north and west of the site, the landscape opens up to expansive views across open countryside as well as into the site. All new development, however will have some impact, even if the development comprises an underground dwelling and policy, at both a national and local level, clearly allows new development subject to complying with a number of criteria. By virtue of the sloping green roof curving towards the northern elevation resulting in the walls to the northern elevation having only 1.9 metres visible, its impact is reduced assisting in the dwelling being able to assimilate into its countryside context. The dwelling is considered to be sensitive to its location, fitting in with the overall form and layout of its surroundings and enhance its setting.

In relation to the carport, this is of a simple design similar to an open cart shed and therefore comparable with many buildings that might be provided within fields by farmers to assist their agricultural operations. It is therefore considered the proposed development would preserve the character and appearance of the LCA as well as comply with national and local planning policies in relation to new dwellings in the open countryside.

Heritage

Only a small element of the site is designated as being within the Eakring Conservation Area (CA) – the first few metres of the access road and the tree'd area alongside Wellow Road as can be seen below. Although a limited area, the designation is important to consider.



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). This 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 setting of heritage assets is defined in the Glossary of the NPPF which advises that 'setting' is the surroundings in which an asset is experienced. Paragraph 013 (Reference ID: 18a-013-20190723) of the Historic Environment section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, '*Historic England Advice Note 2: making changes to heritage assets*' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

The applicant as part of their submission has provided a Heritage Impact Assessment. This assessment is broadly agreed with by the Conservation team. They advise that whilst the design of the new dwelling is markedly different from traditional vernacular house types locally, the modest nature of the dwelling, the green sculpted roof and discreet position against a copse of trees ensures

that impact on the CA is now very limited. The use of landscaping and new hedges further helps integrate the design into the site. A query was initially raised regarding the materials proposed recommending a timber finish, as opposed to render that had originally been proposed, which has been integrated into the proposal.

In heritage terms, they conclude the proposed design is capable of causing no harm to the setting of the CA or any other heritage asset. The landscaping strategy is an important aspect of the proposal, and potentially ensures that the important rural setting to the CA is not impeded by the new dwelling. Consideration and special attention has been given to the desirability of preserving the distinctive character and appearance of the CA and setting of nearby listed buildings, including the mill tower and has been found to be complied with and thus the proposal complies with national and local plan policies as well as national guidance.

Housing Need and Mix

The site area is approximately 0.2 hectares meaning the density of development is 5 dwellings per hectare falling below the aspirations of Core Policy 3 which seek for densities of no lower than 30 dwellings per hectare. However, as Eakring is not a village identified for development, a low density is considered appropriate and if granted, would provide a development that would fit in with the character of the area.

In terms of the Council's housing needs assessment, the 2020 Housing Needs Study shows that, for the Sherwood Sub-Area, the main overall size requirement is for 3 bedroom houses (45.2%) followed by 4 or more bedroom houses (27.9%). However, in relation to bungalows which this is, the greatest demand (15.3%) is for 2-bedroom bungalows. Whilst the proposal does not strictly accord with wider Housing Needs Assessment, Members will be aware from recent planning decisions that there has been a strong skew towards 2-storey dwellings as opposed to bungalows. This proposal would therefore go a small way to meeting overall demand and has the potential of meeting demand for housing for older persons in particular, but disabled persons as well.

Impact on Residential Amenity

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of both land and buildings. Policy DM5 of the ADMDPD states that the layout of development within sites, along with each of their respective-separation distances from neighbouring development should be sufficient, to ensure that neither suffers from an unacceptable reduction in their overall-respective-private amenities (including, overbearing impacts, loss of light and privacy).

In terms of the relationship with the neighbouring properties, the proposed property would be positioned relatively centrally within the site, with Rhodwyn and Jesmond Dene situated approximately 45m to the east across the other side of Wellow Road. The mature hedges and trees at the boundary adjacent to Wellow Road would provide screening from any potential views into the garden space of the proposed dwelling.

Clover Close, sited south of the proposed site would have a separation distance of 75m approximately.

In terms of amenity for future occupiers of the proposed dwelling, there would be ample private amenity space within the site. There is no concern about the likelihood of adverse residential

amenity impacts arising and it is considered that the proposal is in conformity with the relevant policies in this regard and thus the proposal complies with both Policy DM5 and the NPPF.

Impacts on Highway Safety, Rights of Way and Parking Provision

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all, which is echoed within Policy DM5. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Right of Way:

Vehicular access to the proposed property would be achieved off Wellow Road via an existing track, which, in part, forms a public Right of Way (RoW) (Eakring footpath 6). Nottinghamshire County Council ROW Section have responded with a number of requirements including ensuring vehicles/materials/landscaping do not restrict the RoW. During construction, temporary closure of the footpath may be granted. No disturbance of the surface is permitted without the authorisation of NCC ROW. An informative can be attached to any permission which would make the developer aware of their responsibilities in this regard.

Highways:

While the new development would have some impact on local infrastructure and is likely to increase car-borne traffic to some degree, this would likely be minimal. NCC Highways are satisfied the development can provide the required 2.4m x 65m visibility splays. A number of conditions are recommended relating to the position of the access gate, hardsurfacing and surface water discharge, all of which are reasonable and meet the tests for imposing conditions.

Parking Provision

The proposal would provide for 2 parking spaces within the open cart building as well as hard surfacing to the front of this building which could easily accommodate a further 3 vehicles. The number meets adopted standards. The applicant's agent has agreed to a condition requiring provision for electric vehicles in compliance with the parking and cycle parking SPD.

Impact upon Trees, Hedgerows and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the ACS seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 states that natural features of importance, which are either within or adjacent to development sites should, wherever possible, be both protected and enhanced.

The site comprises an area of grass, separated from surrounding fields by fencing. A Landscape Strategy (LS) has been submitted with the application; this detail includes planting methodology, types of species, aftercare and long-term hedgerow maintenance, as well as driveway grassed cellular paving and grassland management. The LS, responding to Ecospheric's comments regarding biodiversity as well as Conservation's observations regarding the importance of landscaping includes, for example, details for the hedge which would comprise the following trees - crab Apple, Field Maple and Common Oak. Shrubs shown would comprise Blackthorn, Guelder Rose, Hawthorn, Hazel and Holly. Other information is provided in relation to grass verges and the access road. However, the landscaping of the residential garden itself is not provided, nor the details of the reed bed. It is therefore considered reasonable to require the LS to be implemented but also for additional information in relation to these other matters.

There would also be a requirement for the building to be cut into the ground due to the topographical differences between the north and south of the site. Limited information has been provided to inform the impact the development would have upon the landscape but detailed information is required prior to the development commencing via condition, which has been agreed with the applicant's agent. Additionally, whilst works would not appear to be within the root protection areas of any of the existing trees, a condition to control this would be required.

Given the siting of the proposal and its relationship with the existing built form and natural environment, with the use of landscaping and new hedges to integrate the design into the site, it is considered the proposal would have a positive impact upon the existing biodiversity and green infrastructure of the site. The proposal therefore complies with the NPPF, Core Policy 12 as well as Policy DM7.

Other Considerations

The Robin Hood Way Association has submitted a holding objection to the proposal. The Town and Country Act 1990 specifies that only responses to consultations that **must** be undertaken need to be taken into account. There is no statutory requirement for the Association to be consulted and therefore no power for them to issue such a response as they are not a statutory consultee as defined within the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Association have been contacted to advise of this and to ask if they wish to make representation on the application. No response has been received.

Planning Balance and Conclusion

The site is located within the 'Open Countryside,' where the principle of a new dwelling at the site would be considered acceptable subject to compliance with the criteria as set out within Policy DM8 and in particular, the National Planning Policy Framework paragraph 80 (being more up-to-date than Policy DM8) as well as meeting the criteria of paragraph 134 – that the new dwelling is of exceptional quality (is truly outstanding reflecting the highest standards in architecture and help to raise standards of design more generally) or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

The proposed dwelling by virtue of all of the detailed elements to be provided as part of its construction would provide a dwelling of innovative design (confirmed by an independent assessor, subject to battery storage being provided), one that would be carbon neutral, completely off-grid and accordingly an incredibly high SAP rating for both energy and the environment. The design of the dwelling by virtue of its scale, proposed materials and landscaping will respond positively and sensitively to its immediate rural setting and also cause no harm to the setting of the Conservation Area or any other heritage asset. The proposed landscape strategy including the planting of new hedges together with additional landscaping details of the reed bed will increase the biodiversity of the site.

Subject to conditions, the development would not have harm upon the highway or public right of way.

Subject to conditions requiring the development to be constructed as detailed within the application form, supporting documents and information provided during the course of the application's

consideration, the proposal would comply with national and local plan policies as well as comply with the Government's strategy to dealing with climate change.

Recommendation

That planning permission is approved subject to the completion of a planning obligation securing the following measures and conditions shown below

- Research project - At the end of each of years 1, 2 and 3, a research paper shall be submitted to the Local Planning Authority detailing the in use building performance data including but not limited to the energy efficiency, usage and output; water usage; internal conditions e.g. temperature relative to outside temperatures; use of any additional heating including the underfloor heating. This paper shall also be made publically available.
- Research project – all information shall be made publically available. The dwelling, until the end of the 4th year of occupation shall be made available for viewing by public, students and academics on 2 occasions each year. Dates to be agreed with the Local Planning Authority.
- Construction materials –
 - a) foundations - ground bearing slab of 200mm consolidated hardcore, 300mm extruded polystyrene, 300mm in-situ concrete slab (cement free concrete)
 - b) walls - 140mm 7N dense (cement free) concrete blocks and an internal, sponge float finish render with, 300mm of PIR insulation mounted externally
 - c) windows - triple-glazed with a maximum U-Value of 0.1W/m²K
- Minimum SAP rating achievement of 153A energy and 141A environmental.
- A British Geological Society Borehole Prognosis report shall be commissioned to establish whether potable water for the development can be provided. In the event it can, this shall be implemented within a timescale to be agreed
- Provision and retention of for the development's lifetime:
 - a) a battery for the storage of renewable energy provided by the solar panels
 - b) a minimum of 5000 litre subterranean rainwater harvesting tank
 - c) solar panels minimum 14KW array.

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 except in complete accordance with the following approved plans and documents, reference:

- Location Plan 1:2500, received on 26 November 2020

- North and South Elevations, received on 23 November 2020
- West and East Elevations, received on 23 November 2020
- Proposed Floor Plan, received on 23 November 2020
- Topographical Survey (2005-EFL-WELLOWRD, EAKRING) received on 23 November 2020
- Landscape Proposals EAK001a Rev A (with the exception of the location of the gate adjoining Wellow Road), received on 23 November 2020
- Landscape Strategy (DB Landscape Consultancy), received on 23 November 2020

Reason: So as to define this permission

03

The development hereby permitted shall be externally constructed and retained for the lifetime of the development with timber walls (treated Red Cedar), sedum/green roof which shall be maintained to ensure its retention, aluminum powder coated triple glazed windows and doors and stainless steel chains as drain pipes.

Reason: In the interests of visual amenity and the sustainability of the development permitted.

04

No part of the development hereby permitted shall be brought into use until the drive is surfaced in a hard-bound material (not loose gravel) from behind the highway boundary to the gate. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.

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

05

No part of the development hereby permitted shall be brought into use until the visibility splays are agreed in writing with the Local Planning Authority and the approved splays provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections.

Reason: In the interest of general highway safety. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

06

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

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

07

Any gate to be provided as part of this development shall be a field gate as detailed within the Landscape Strategy by DB Landscaping Consultancy, November 2020. No gate shall exceed the height specified within this Strategy. The field gate at the access point adjoining Wellow Road shall open inwards only, be set back 12 metres from the edge of the carriageway and be constructed in accordance with the approved details. The approved gates shall then be retained for the life of the development.

Reason: In the interests of highway safety and landscape and historic character of the area.

08

Soft landscape works shall be carried out in accordance with the approved Landscape Strategy by DB Landscape Consultancy, November 2020. The planting shall be carried out in accordance with the programme where details are provided, or where they are not before any part of the development is occupied.

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

09

In addition to the landscaping proposals detailed within the approved Landscape Strategy (LS), prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details to be submitted as part of this condition do not need to duplicate the details provided within the LS. These details shall include:

- a) 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;
- b) car parking and driveway materials which shall be of a permeable material;
- c) any other hard surfacing materials;
- d) minor artefacts and structures for example, furniture, play equipment, refuse or other storage units etc.

Reason: In the interests of visual amenity and biodiversity.

10

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

11

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

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

12

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 C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc. on a dwellinghouse.

Or Schedule 2, Part 2:

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

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 addition, in order to ensure that any proposed further alterations, extensions or new buildings are sympathetic to the original design, layout and considerations accounted for in the consideration of this proposal in this sensitive location.

13

Prior to the occupation of the dwelling hereby permitted, a minimum of one Electric Vehicle Charging Point shall be provided and operational on site. The EVC Point or any replacement shall be retained and in operation for the lifetime of the development.

Reason: In order to provide for more sustainable methods of transportation in accordance with local and national policies.

14

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

Reason: In the interests of residential and visual amenity.

Informative Notes:

01

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

02

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

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

03

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. If you wish to purchase wheeled bins or discuss this matter further please contact the 01636 650000 or email: waste.management@nsdc.info.

04

The Nottinghamshire County Council Right of Ways team advise the following in regards to Eakring Footpath 6:

- The footpath shall remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Right of Way or materials unloaded or stored on the Right of Way so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation by 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. At least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- 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.
- If a skip is required and is sited on a highway, which includes a Right of Way then the company supplying the skip must apply for a permit.
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the Right of Way can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic “

BACKGROUND PAPERS

Application case file.

For further information, please contact Lisa Hughes on ext 5565

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

Lisa Hughes

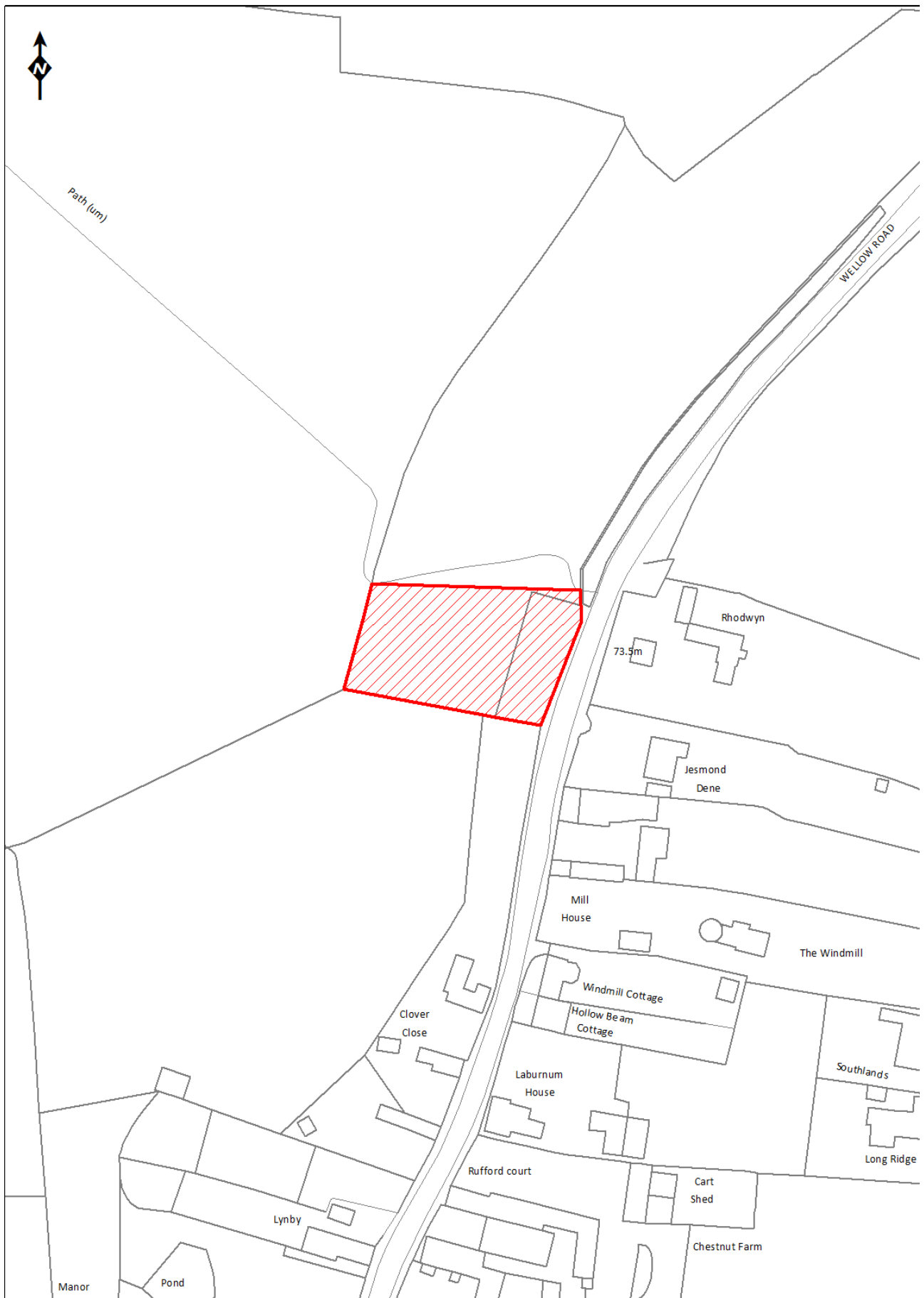
Business Manager – Planning Development

ⁱ Brambilla, A.; Bonvin, J.; Flourentzou, F. and Jusselme, T (2018) On the Influence of Thermal Mass and Natural Ventilation on Overheating Risk in Offices, Buildings Vol. 8 (4)

ⁱⁱ Kuczynski, T.; Staszczuk, A.; Gortych, M. and Stryjski, R. (2021) Effect of thermal mass, night ventilation and window shading on summer thermal comfort of buildings in a temperate climate, Building and Environment Vol. 204

ⁱⁱⁱ Ridrigues, L.; Sougkakis, V. and Gillot, M (2016) Investigating the potential of adding thermal mass to mitigate overheating in a super-insulated low-energy timber house International Journal of Low-Carbon Technologies Vol. 11, Issue 3, September

^{iv} Kuczynski, T. and Staszczuk, A (2020) Experimental study of the influence of the thermal mass on thermal comfort and cooling energy demand in residential buildings Energy Vol. 195



PLANNING COMMITTEE – 15 FEBRUARY 2022

Appeals Lodged

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

2.0 Recommendation

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes

Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 6 January 2022 – 31 January 2022)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/C/21/328989 4	20/00045/ENF	Old Hall Farm Greaves Lane Edingley NG22 8BJ	Without planning permission, development consisting of an engineering operation, that being the excavation of a lake/ reservoir (previously the subject of planning application ref 21/0114/FUL)	Written Representation	Service of Enforcement Notice
APP/B3030/D/21/329000 0	21/01888/HOUSE	67 Mansfield Road Edwinstowe NG21 9NW	First floor side extension over garage including roof and window alterations	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/22/329030 0	21/02188/HOUSE	22 Bescar Lane Ollerton NG22 9BS	Single storey extension to front and two storey and single storey extensions to rear	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/22/329041 2	21/01978/HOUSE	The Old Police House Great North Road South Muskham NG23 6EA	Proposed extensions, front entrance porch and new boundary wall	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/22/329090 7	21/02238/HOUSE	2 Gainsborough Road Winthorpe NG24 2NN	Two storey side extension to dwelling	Fast Track Appeal	Refusal of a planning application

PLANNING COMMITTEE – 15 FEBRUARY 2022

Appendix B: Appeals Determined (between 6 January 2022 and 31 January 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/00369/HOUSE	5 Oaktree Drive Bilthorpe NG22 8SL	Two storey side and front extension, addition of first floor over existing bungalow and change of materials.	Delegated Officer	Not applicable	Appeal Allowed	10th January 2022
21/00197/FUL	Land Associated With 30 Mill Lane Edwinstowe	Erection of 1no. dwelling	Delegated Officer	Not applicable	Appeal Withdrawn	17th January 2022
20/00342/ENFB	Ultimate Nails And Beauty Unit 15A Waterloo Yard King Street Southwell NG25 0EH	Appeal against alleged cladding of Beauty Salon		Not applicable	Appeal Dismissed	14th January 2022
21/01329/HOUSE	The Gables Toad Lane Epperstone NG14 6AJ	Single storey side extension and formation of first floor over garage with roof lights (Re-submission)	Delegated Officer	Not applicable	Appeal Dismissed	13th January 2022

Recommendation

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes

Business Manager – Planning Development



Appeal Decision

Site visit made on 19 October 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/B3030/D/21/3277279

5 Oaktree Drive, Bilsthorpe, NG22 8SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mr Todd against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00369/HOUSE, dated 12 February 2021, was refused by notice dated 28 May 2021.
 - The development proposed is a two storey side and front extension, addition of first floor over existing bungalow and change of materials.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and front extension, addition of first floor over existing bungalow and change of materials at 5 Oaktree Drive, Bilsthorpe, NG22 8SL in accordance with the terms of the application 21/00369/HOUSE, dated 12 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing OS Plan & Block Survey Plan drawing no. 210; Proposed Site Plan drawing no. 200 revision A; Proposed Ground Floor Plan drawing no. 201 revision A; Proposed First Floor Plan drawing no. 202 revision A; and Proposed Elevations drawing no. 203 revision C.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Proposed Elevations drawing no. 203 revision C and on the planning application form.

Appeal Procedure

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

Procedural Matter

3. Amended drawings were submitted to the Council during the original application. For the avoidance of doubt, I have based my assessment on these amended drawings: Proposed Site Plan drawing no. 200 revision A; Proposed Ground Floor Plan drawing no. 201 revision A; Proposed First Floor Plan

drawing no. 202 revision A; and Proposed Elevations drawing no. 203 revision C.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site consists of a detached bungalow situated on Oaktree Drive. The street is characterised predominantly by bungalows. The appeal property and the bungalows opposite, Nos 7-21, are all built to a uniform design. However, the appeal property is separated from this group of bungalows on the opposite side of the cul-de-sac, sits in a wider plot and has an existing side extension. Outside of this group, the other bungalows in the street have varying designs, with a couple having dormer windows and the property at No 23 having been extended to provide habitable space in the roof. In addition, when viewed from within the cul-de-sac, No. 5 is seen against the backdrop of slightly taller chalet style dwellings which front onto Kirklington Road.
6. The scale of the extended dwelling would be in keeping the adjacent dwellings at 104 Kirklington Road and Moorside, which have habitable space in the roof. While the design and exterior materials would not match the majority of the properties in the surrounding area, they would provide a modern and attractive appearance to the property. The hipped roof would lessen the visual impact of the increased roof height, and the proposed dormer windows are of a modest scale that would not dominate the roof and would be in keeping with other dormer windows visible from the street. Given the separation of the appeal property from the group of bungalows opposite and the variety in design of the other bungalows in the street, the proposed design and materials would not detract from the street scene despite the prominent position of the property. Moreover, the scale of the extended dwelling would not be disproportionate to the width of the plot which is of sufficient size to accommodate the proposal without appearing cramped.
7. I acknowledge that the proposal does not fully comply with the specific guidance set out in Householder Development Supplementary Planning Document (November 2014) (SPD), which states that side extensions should be set back from the front elevation of the property. However, I note that this advice applies more when there is the risk of a terracing effect, which is not the case in the proposal before me. Nevertheless, the proposal would accord with the overarching aims of the SPD, which include ensuring that additions to dwellings successfully integrate with the host dwelling and its surrounding area, and not restricting contemporary design.
8. Therefore, although the appearance would be different to the bungalows immediately opposite that, of itself, is not an indication of harm. The proposal would be well designed and would not detract from the character and appearance of the area, for the reasons set out above. As such, the proposal would accord with Core Policy 9 of the Amended Core Strategy (March 2019) (ACS), policies DM5 and DM6 of the Development Plan Document (July 2013), and the aims of the SPD. These policies all seek, amongst other things, to ensure that development does not have a detrimental impact on the character and appearance of the area. The proposal would also satisfy the aims of section

12 of the National Planning Policy Framework, and in particular paragraphs 130(b) and (c) which require development to be visually attractive and sympathetic to local character.

Other Matters

9. I acknowledge the concerns regarding potential overshadowing and loss of privacy to neighbouring properties. However, the modest increase in roof height together with the hipped roof design is unlikely to result in any significant additional overshadowing to neighbouring properties, given the separation distances involved. The front dormer window would not provide any direct views of Moorside, and the majority of the rooflights would be at a high level that would preclude direct overlooking into neighbouring properties. Two rooflights would serve a dressing room which would be unlikely to be used for prolonged periods, thereby avoiding any significant overlooking. Having regard to those matters, and the separation distances to neighbouring properties, a condition to require obscured glazing and/or non-opening rooflights is not necessary.

Conditions

10. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
11. A condition requiring the exterior materials to match the details shown on the submitted drawings and application form is necessary to ensure the development does not cause harm to the appearance of the area.

Conclusion

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR

PLANNING COMMITTEE – 15 FEBRUARY 2022

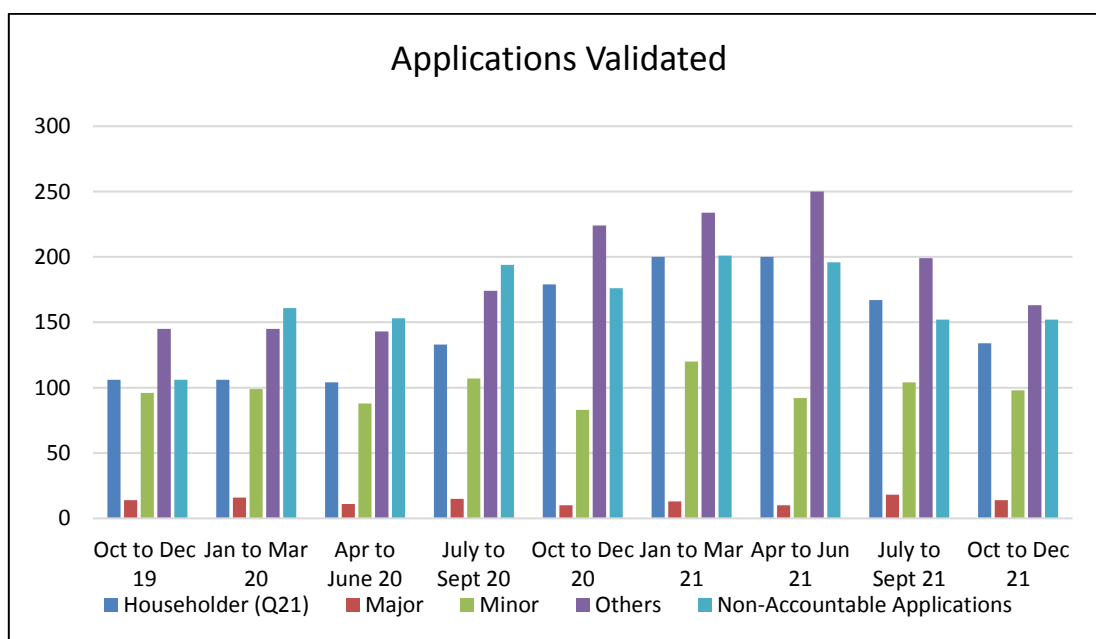
DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

1.0 Purpose of Report

- 1.1 This report relates to the performance of the Planning Development Business Unit over the three month period October to December 2021. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to October 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 October 2019 up until December 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 third quarter of 2021/22, a total of 763 applications were received. This, compared to the same quarter in 2020/21 shows quite a large decrease from 873 or a 12.6% decrease in workload. The major difference in numbers relates to Householder and Other Applications which saw a drop of 45 and 61 applications respectively compared to the year before. All application types had a reduction in numbers with the exception of Major and Minor applications and Pre-application requests. However, compared to the preceding quarter, all application types had reduced numbers with the exception of Pre-applications. 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. This may be settling compared to pre-pandemic numbers, but it appears a little too early to indicate if this is the case at this stage.



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.

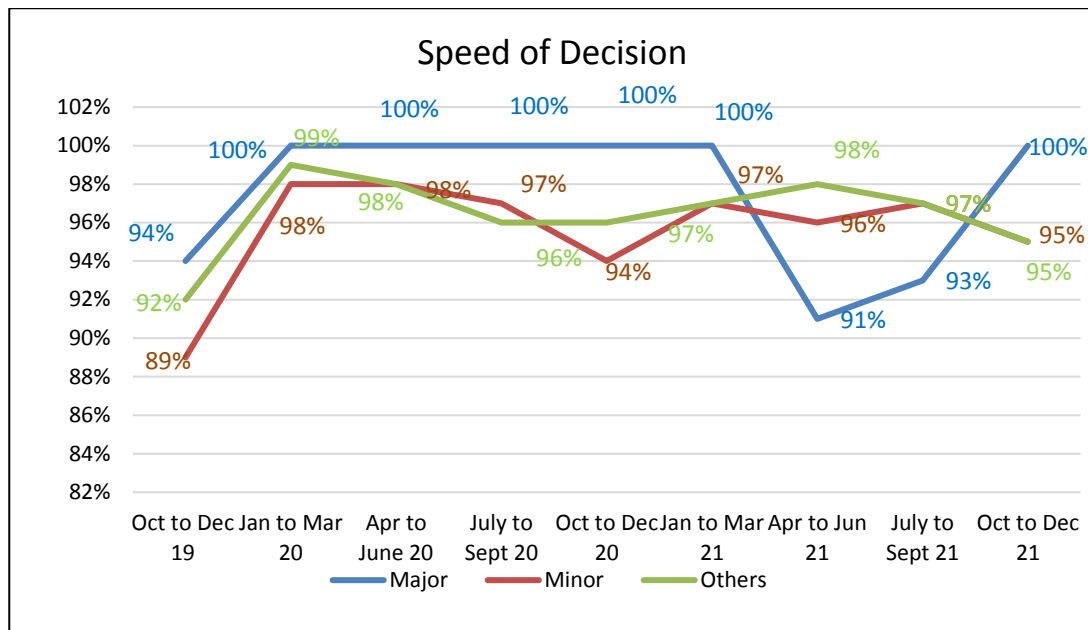
Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

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.

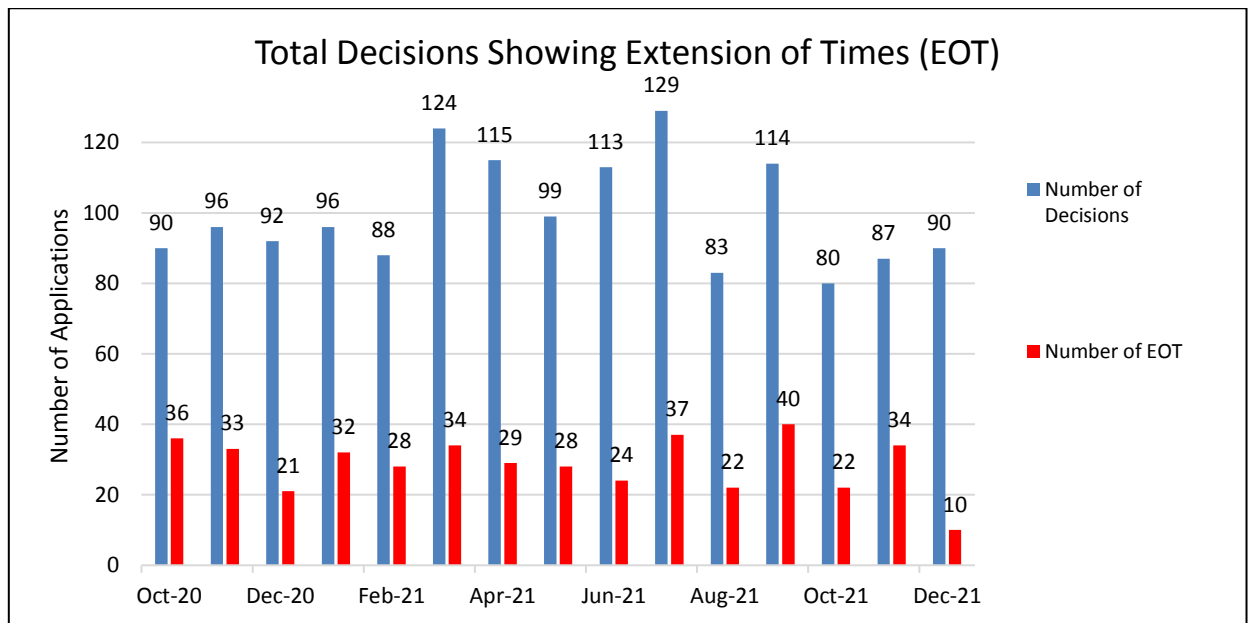
The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

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 3 2019 to quarter 2 2021, 97.1% of major applications have been determined within these timescales (an increase of nearly 1% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 3 2019 to quarter 1 2021, 96.4% of non-major applications have been determined within these timescales (an increase of approximately 0.5% compared to the previous report). These targets are challenging when taking account, in accordance with the National Planning Policy Framework, of being required 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.

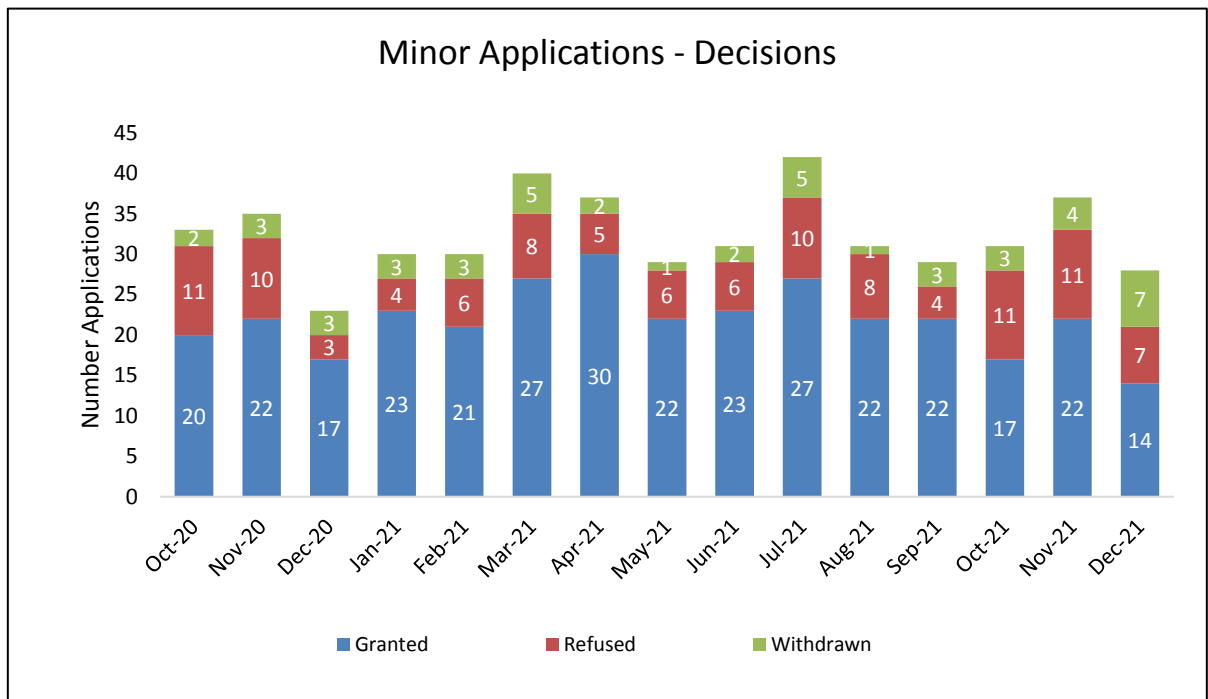
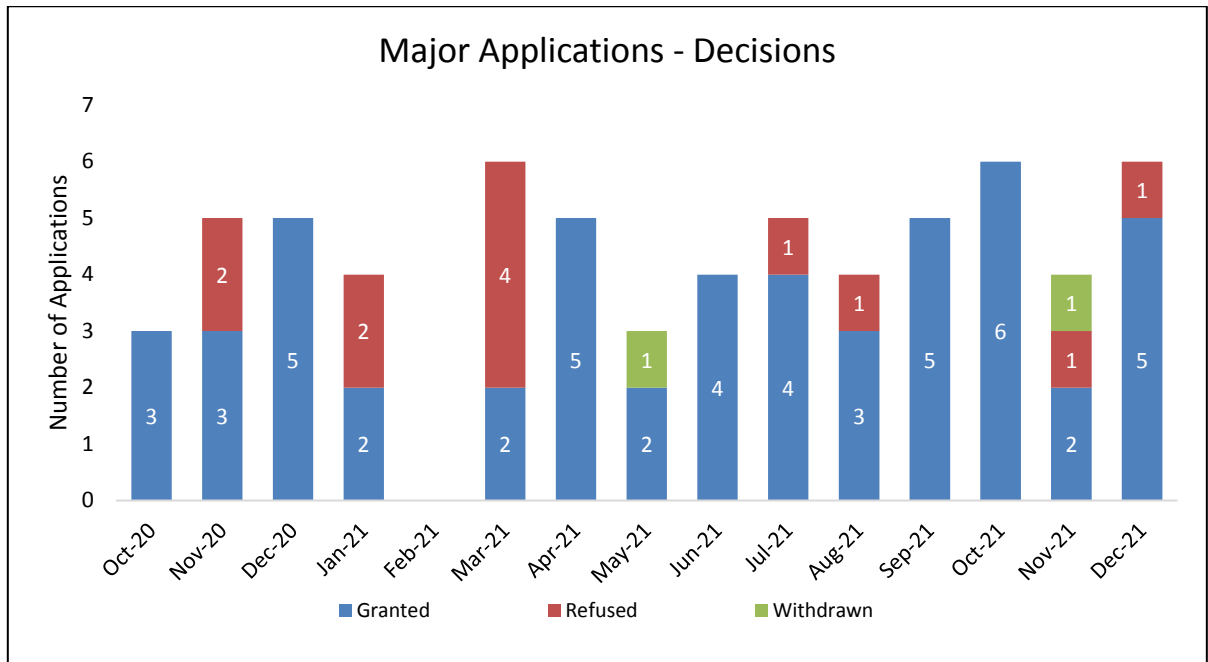


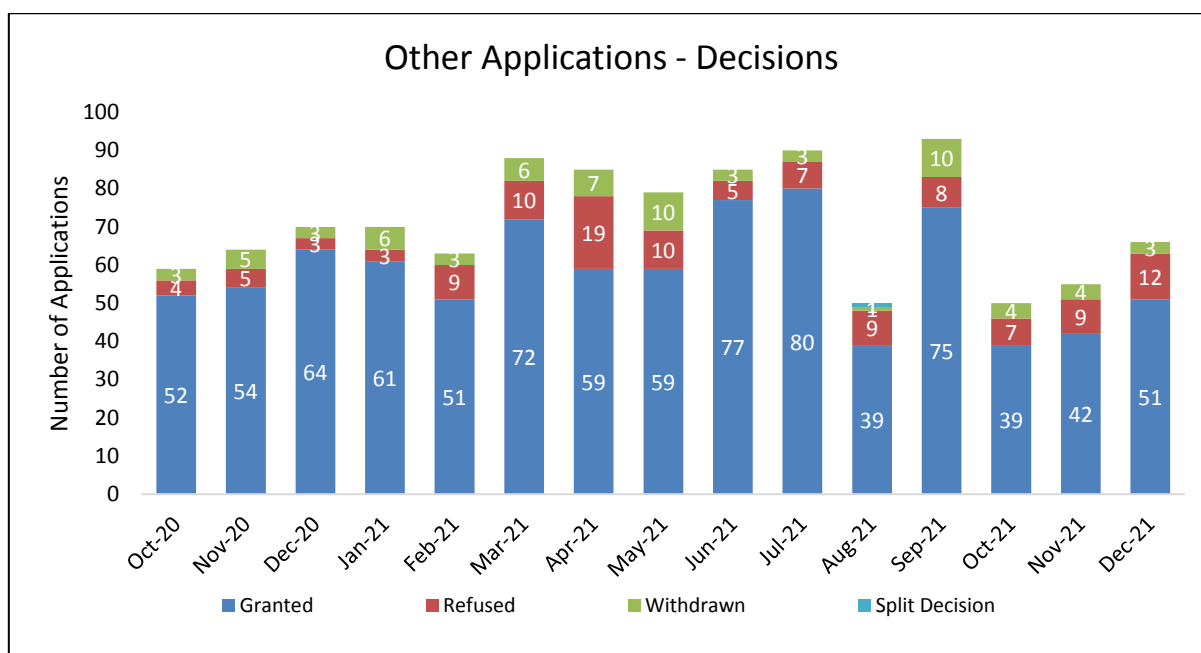
- 3.4 The previous quarter has seen an increase in performance for majors to 100% from 93%. A total of 15 major applications were determined being the highest number determined since Q2 of 2020 (1 July 2020 to 30th Sept 2020). Minors and Others have both decreased slightly from 97% to 95% compared to 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 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. Since October 2019, 30% of all applications determined have been subject to a time extension. In the previous quarter, the average was 26% which is positive, notwithstanding extensions can often be instigated by the applicant/agent.



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, possible increase in appeals against refusal 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 – Majors 78%, Minors 55% and Others 83%. The Minors category appears to have been affected this quarter by a larger number of both refusals being issued as well as withdrawals. Withdrawals, a total of 26 compared to 13 for the previous quarter, 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

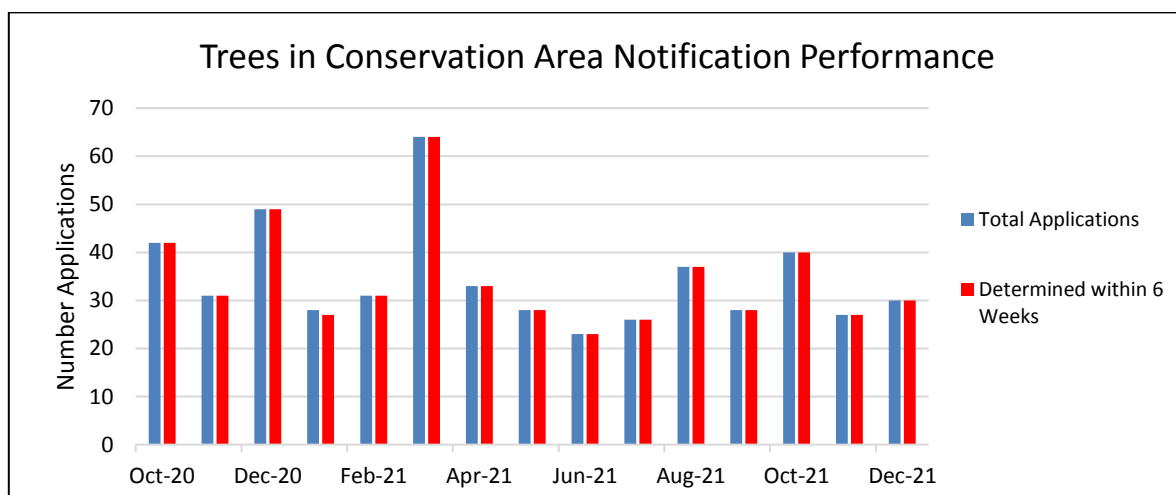
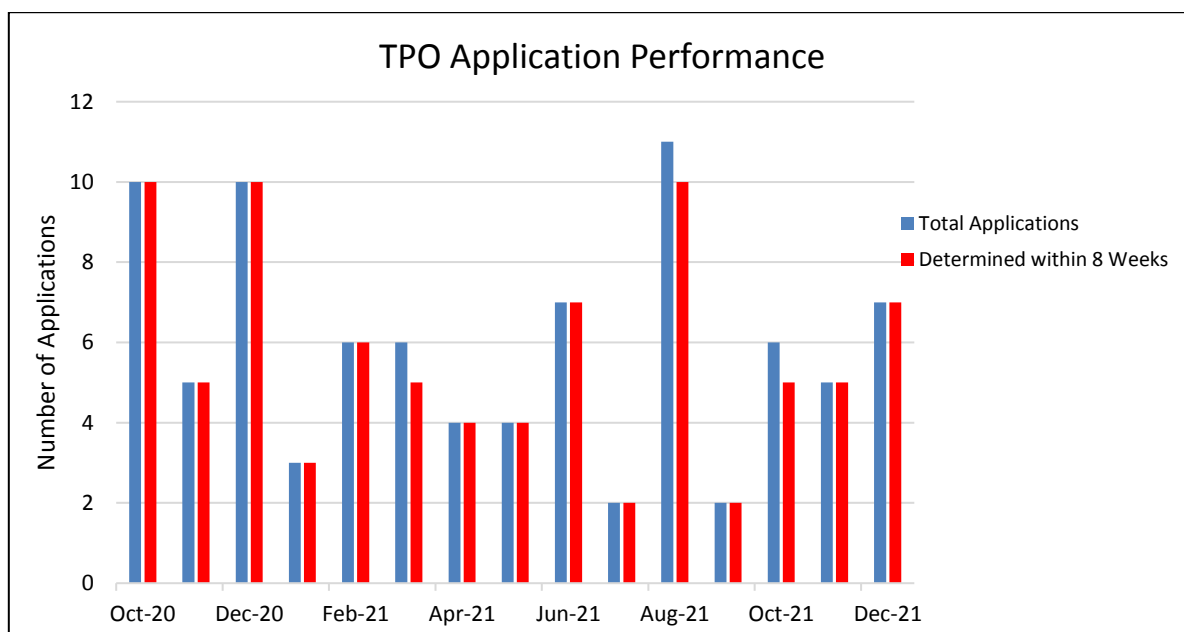
4.1 Trees make a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent (TWCA) from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the 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 or the case officer will negotiate appropriate works in line with current industry best practice. 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.

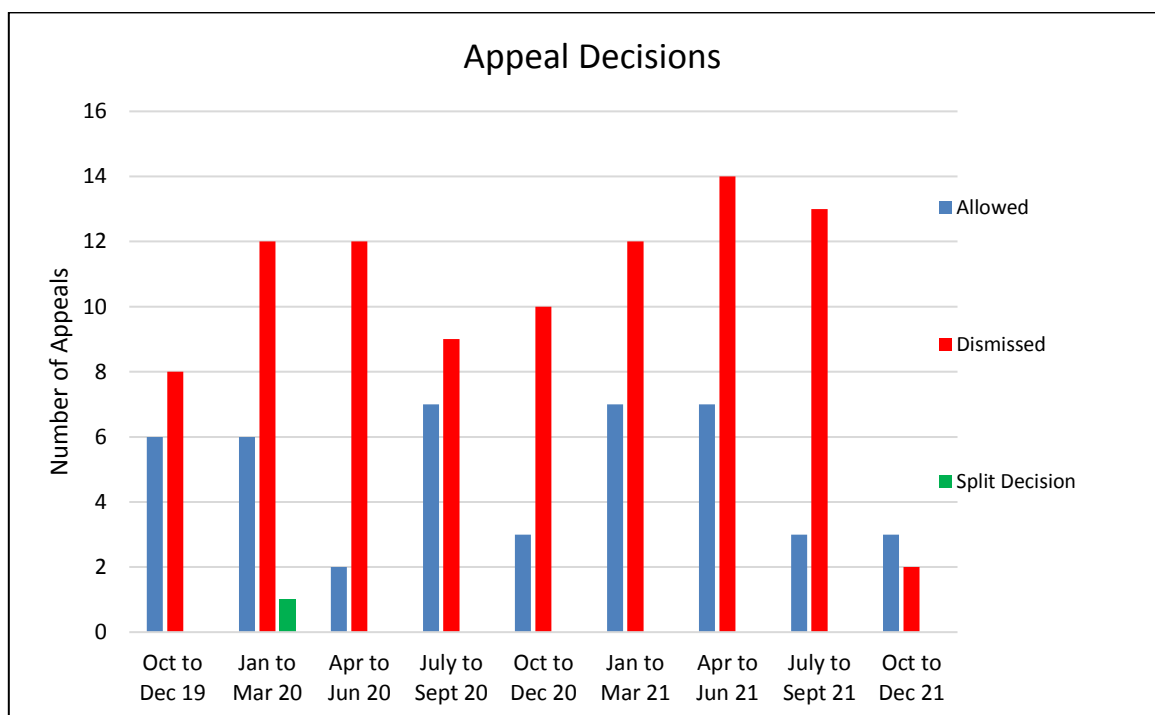
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. Data confirms, the number of applications validated each month have no consistency making resourcing difficult, albeit the service would expect an increase in numbers during the period prior to the preferred season for undertaking tree works (early winter when most trees are dormant or when in full leaf). However, seasonal trends continue to fluctuate. It is hoped that with the authority recruiting a tree/landscape officer that work can be completed taking account of these peaks and troughs. For example, July and September 2021 were both quiet months for TPO and TWCA applications and the officer might be able to review existing orders. However, this is subject to successful appointment. 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 (and must be) 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 significant decrease in the number of decisions compared to the previous quarter, from 16 to 5 by the Planning Inspectorate. The number of appeals that have been allowed exceeds the number dismissed (40% dismissed) which fails to meet 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. Notwithstanding this quarter’s statistics, overall the number of dismissed appeals far outweighs the number allowed.



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.

6.0 Updates

6.1 Staffing – At the end of March, Christine Howard, Technical Support Officer, Land Charges will be retiring. Sophie Cleaver, Technical Support Officer, Planning will be seconded to this post for 13 months. This has enabled an extension to the temporary contract for Sarah Kingston who was employed to cover Sophie's maternity cover, to be extended further.

6.2 Charlotte Hetherington, Heritage Action Zone officer will be leaving in February. Recruitment is underway to try and fill this post. Additionally, recruitment is underway to appoint a Tree/Landscape Officer.

- 6.3 As reported last month, permitted development rights have been made permanent for moveable structures. In addition, the Environment Act 2021 was published which will have impacts upon many Business Units across the Council including Planning Development. For planning, the impact will primarily be in relation to Biodiversity Net Gain (BNG). There will be a requirement for applicable developments to provide 10% net gain in biodiversity. This gain will need to be maintained for 30 years following the completion of development.
- 6.4 This has not yet come into force and will do so via secondary legislation. Consultation is currently underway by the Department of Food and Rural Affairs. This consultation suggests the net gain requirement will come into effect late 2023. Consideration to the impact this legislation will have upon the Council is being undertaken.
- 6.5 The Conservation team has also been actively progressing a number of Conservation Area reviews for Laxton, Southwell and Newark with public meetings and consultation taking place in January and February.
- 6.6 In addition, progress has been made in relation to providing records of all confirmed and provisional Tree Preservation Orders on line. It is anticipated that it will be possible to report in the annual report to Planning Committee in May that this has been completed.

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. Having had a short time of hybrid working following the Council's review of its Safe System of Work, we have in the main returned to home working. As always, ongoing changes are being made to our systems to improve the service and experience of our customers. Any suggestions that Members might have are always welcomed.

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 – Growth and Regeneration

PLANNING COMMITTEE – 15 FEBRUARY 2022

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the third quarter from the 1st October to the 31st December 2021 and provides an update on enforcement activity during this period, including 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, and Notices that have been complied with.

Schedule A outlines the enforcement activity for Q3 in terms of the numbers of cases that have been received and closed (Chart 1) and also provides a breakdown of the reason that cases have been closed (Chart 2).

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control, however in certain cases formal action is necessary and Table 1 provides a more detailed position statement on formal action (such as enforcement notices served) since the previous performance report was brought before Members, with Chart 4 showing the breakdown of all notices issued during Q3. However, Members will note from Chart 2 that in the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation.

Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Schedule D provides examples of Notices that have previously been served and now complied with; resolving the breach of planning control, or reducing the harm and impact caused by unauthorised development to an acceptable degree.

SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy, and have also noticed an increase in more serious breaches of planning control occurring which require ongoing attention, with some being referred to the Council's Legal Department for prosecution.

Chart 2 goes on to expand upon the reason for cases having been closed during Q3. Again, Members will note the positive trend of cases being closed where the breach has been resolved which ultimately is a high priority. As will inevitably be the case, there is a significant proportion of cases closed that are not a breach and this therefore demonstrates the need for staff and local members, where appropriate, to continue to educate the public where possible on planning legislation.

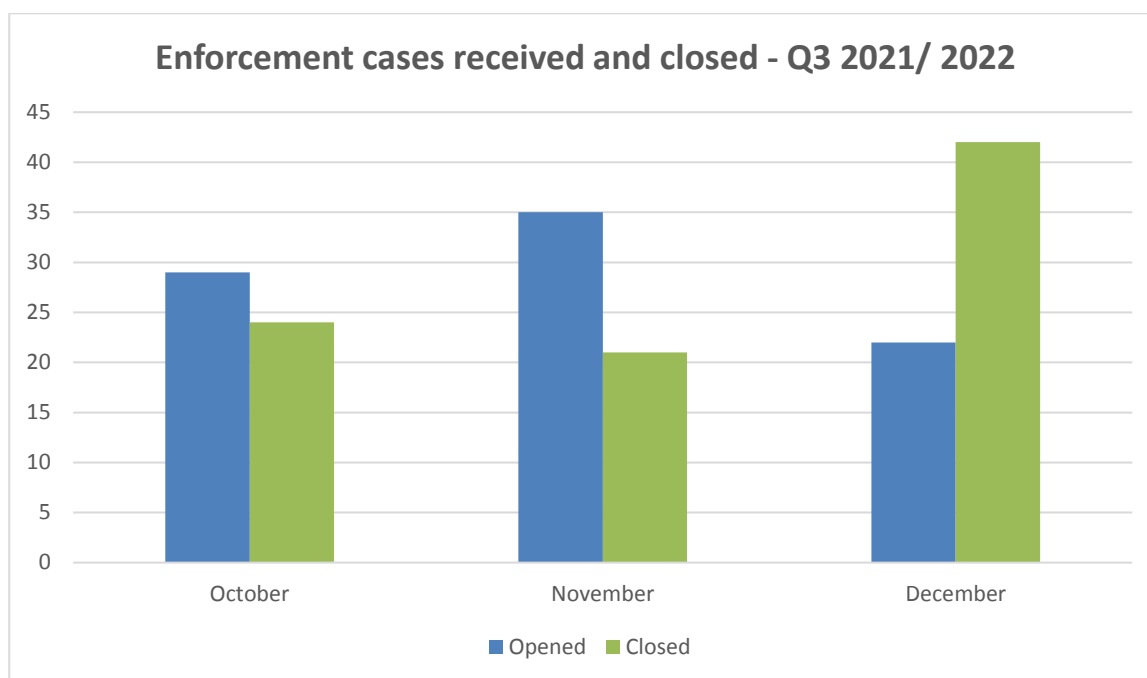


Chart 1 – Number of enforcement cases received and closed during Q3 of the 2021/2022 period.

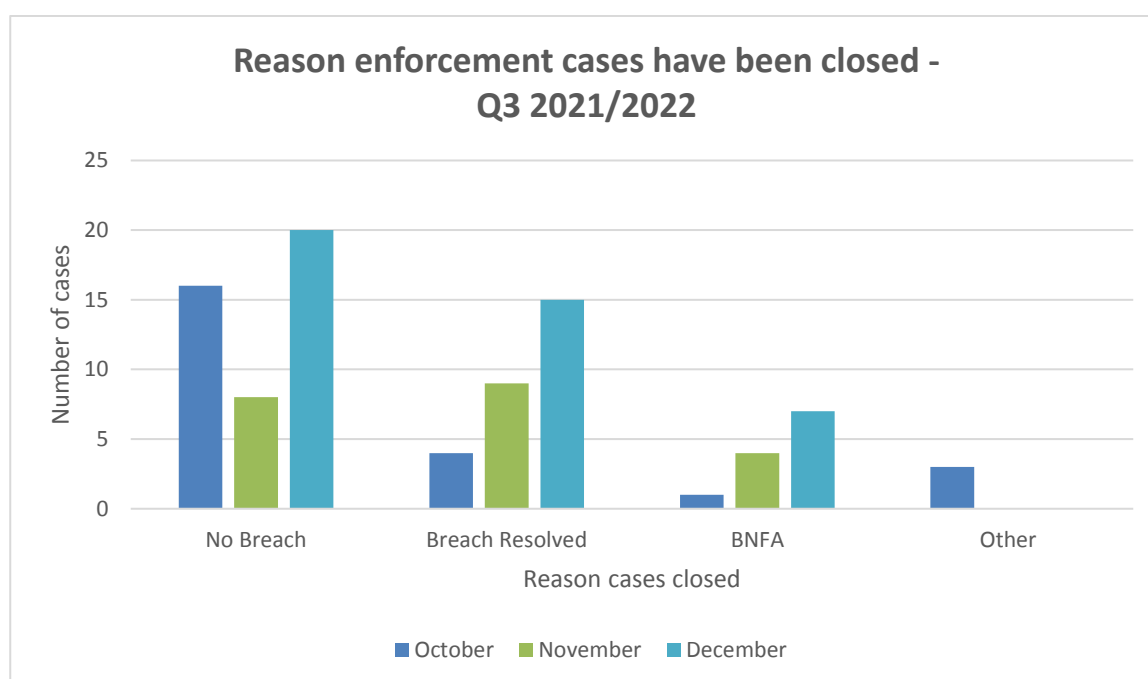


Chart 2 – Reason that enforcement cases have been closed during Q3 of 2021/2022

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 from Chart 3 that despite the consistently high number of enforcement cases being dealt with, the team has continued to operate at an extremely high level of compliance with the targets set within the PEP (98.8%). The team is committed to reaching 100% compliance in future periods.

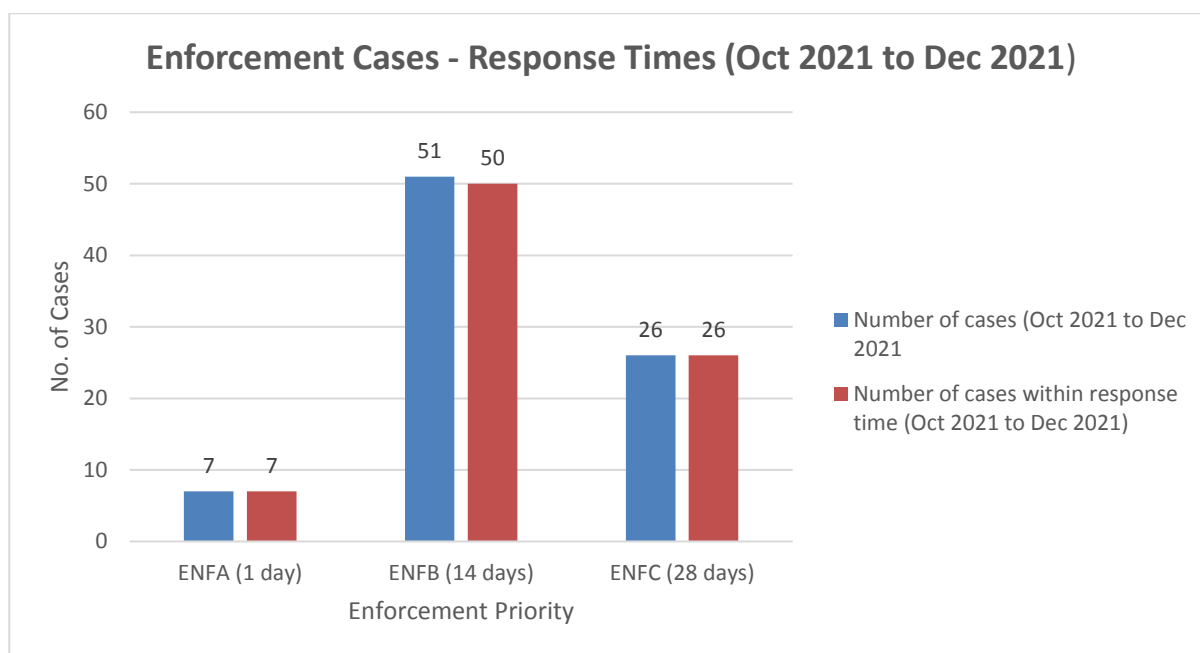


Chart 3 – Response to enforcement cases opened during Q3 of 2021/2022

Outcomes in Quarter 3

	October	November	December	Total
Notices Issued	0	1 20/00045/ENF	1 21/00404/ENFB	2
Notices Complied With	0	1 21/00008/ENFB	4 20/00393/ENFB 17/00437/ENF 20/00367/ENFB 20/00393/ENFB	5
Appeal Lodged	1 21/00145/ENFB	0	0	1
Appeal Determined	0	0	1 20/00411/ENFC	1

Table 1 – Details of planning enforcement notices issued and complied with during Q3 of 2021/2022. Also included are details of appeals relating to enforcement notices.

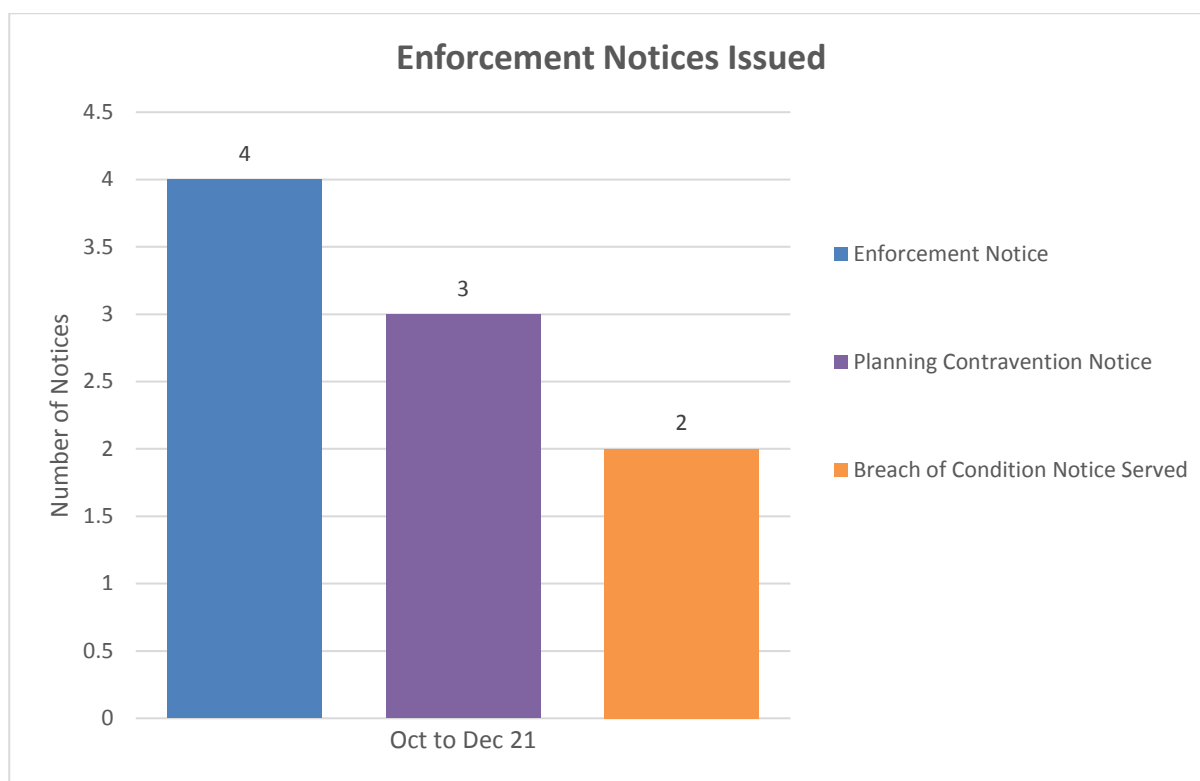


Chart 4 - Breakdown of all notices issued during Q3 of 2021/2022

SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 20/00045/ENF

Site Address: Old Hall Farm, Greaves Lane, Edingley

Alleged Breach: Excavation of a Reservoir

Date Received: February 2020

Action To Date: Enforcement Notice issued November 2021

Background:

As part of a wider investigation and enforcement action into a number of issues at this site, Officers were made aware that a large irrigation reservoir had been excavated without planning permission. A retrospective application was submitted (21/01114/FUL) but refused on account of the applicant having failed to demonstrate or justify its need, scale or structural stability. The Enforcement Notice was issued in conjunction with the refusal and requires the reversal of the works to return the land to its former condition.



Enforcement Ref: 21/00404/ENFB

Site Address: Greater Fernwood, Fernwood

Date Received: November 2021

Action To Date: Breach of Condition Notice Served December 2021

Background: The Local Planning Authority has received numerous complaints regarding the untidy condition of roads surrounding the large expansion of Fernwood, approved under application reference 14/00465/OUTM. As part of the planning permission, conditions were imposed which requires the proper maintenance of the construction site and surrounding roads through wheel washing and road sweeping, particularly during the winter season.

Site inspections have repeatedly found the surrounding roads to be in an unacceptable condition and that wheel washing facilities were either not in place or insufficiently used.

A Breach of Condition Notice has been issued which requires the situation to be satisfactorily remedied.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 18/00218/ENF

Site Address: 20 Appleton Gate, Newark On Trent

Alleged Breach: Unauthorised Window Alterations on a historic building

Date received: July 2018

Background: Planning permission was sought for the installation of UPVC windows on a historic building within the Newark Conservation Area, located in Newark town centre. Despite the application being refused the works had nevertheless taken place. An appeal against the refusal was also dismissed. Officers engaged with the occupier of the premises to agree an alternative design and a period of time in which to remedy the situation. This has now been achieved and windows more appropriate in terms of design and materials are now in place.



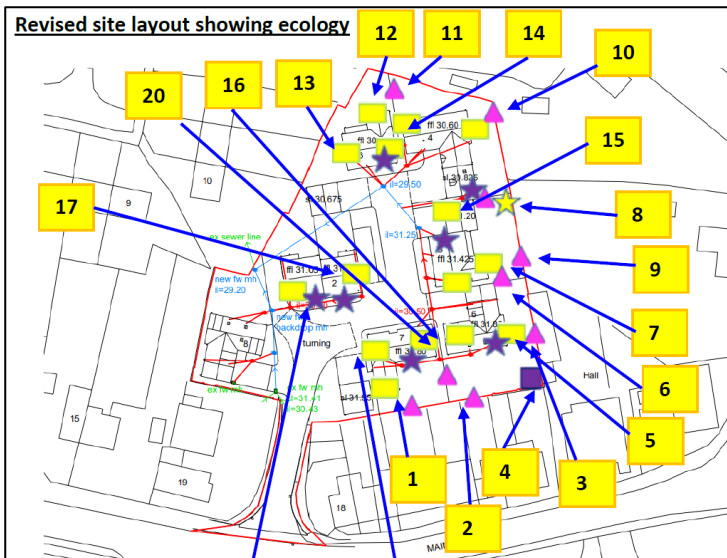
Enforcement Ref: 21/00164/ENFB

Site Address: Land Off Main Street, Coddington

Alleged Breach: Non-compliance with ecological requirements

Date received: April 2021

Background: Planning permission was granted for 7 new dwellings under reference 18/00799/FUL, on condition that an array of ecological provisions were implemented as part of the scheme. The Local Planning Authority was notified that these had not been provided. Officers corresponded with the developer who promptly secured these provisions promptly and in accordance with the approved ecological reports. These included hedgehog 'highways', bird boxes, bat boxes and other shelters for wildlife; each provision is symbolised on the below drawing, showing the considerable extent and variety of ecological measures that have been secured.



SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 17/00437/ENF

Site Address: Post Office Row, Coddington

Date Received: October 2017

Action To Date: Enforcement Notice Issued

Background: An unauthorised side extension was erected on the end-property of a row of historic properties within the Coddington Conservation Area. The property has since been subject of a prolonged application and enforcement process which has now been satisfactorily concluded. A retrospective application was refused in 2018 (18/00267/FUL) and a planning Enforcement Notice requiring the extension to be demolished issued. This Notice was upheld at appeal. The extension has since been subject of a number of planning applications (19/01134/FUL, 21/00767/S73) seeking to secure an alternative design, and an extension to the compliance period due to Covid-19. Further warning letters have been issued and the unauthorised extension has now been removed and a later approved design implemented.



Before



After

Enforcement Ref: 20/00393/ENFB

Site Address: Great North Road, Weston

Date Received: October 2020

Action To Date: Breach of Condition Notice Issued

Background: Planning permission was granted via application reference 19/01729/S73 to vary the plan's condition of planning permission 13/00519/FUL to allow a tractor and implement store and workshop to be built in red brick with a tiled roof. One set of timber windows were approved to be installed on the rear elevation. Officers were notified that domestic roof tiles and UPVC windows had been installed in breach of the conditions attached to the 2019 permission. A retrospective application was refused on account of the domestic design (reference 21/00567/FUL) and a Breach of Condition Notice issued requiring full compliance with the approved plans. An appeal against the refusal was dismissed and later site visits confirmed that the situation has been remedied.



Before



After

RECOMMENDATION

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

Background Papers

None

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

Lisa Hughes

Business Manager – Planning Development