



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Thursday, 28 April 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, 10 May 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

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There are none.	

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, 12 April 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 M Skinner, Councillor T Thompson, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs S Saddington (Committee Member), Councillor T Smith (Committee Member) and Councillor T Wildgust (Committee Member)

133 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Planning Committee Chairman on behalf of Members of the Planning Committee declared a collective Non-Registerable Interest regarding Planning Application Item No. 6 – Yorke Drive and Lincoln Road Playing Field, Lincoln Road, Newark On Trent (22/00426/S73M), the applicant being Newark & Sherwood District Council.

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.

134 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.

135 MINUTES OF THE MEETING HELD ON 15 MARCH 2022

AGREED that the Minutes of the meeting held on 15 March 2022 were approved as a correct record and signed by the Chairman.

136 CYGNET SHERWOOD LODGE, RUFFORD COLLIERY LANE, RAINWORTH - 21/02508/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a two storey, 44 bedroom hospital with landscaping.

The application was being presented to the Planning Committee in line with the Council's Scheme of Delegation as Rainworth Parish Council had objected to the application which differs to the professional officer recommendation and is a major development.

The proposal seeks to act as an expansion of the existing facilities adjacent to the site

namely Sherwood Lodge and Sherwood House. The proposed building would provide a purpose built 44 bed mental health unit arranged around a central courtyard (the scheme had increased from the originally submitted 42 beds but within the same building footprint).

AGREED (with 11 votes For and 1 vote Against) that planning permission be approved subject to the conditions and reasons shown in the report.

137 YORKE DRIVE AND LINCOLN ROAD PLAYING FIELD, LINCOLN ROAD, NEWARK ON TRENT - 22/00426/S73M

The Committee considered the report of the Business Manager – Planning Development, providing the proposed application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans.

This application was being presented to the Planning Committee in line with the Council's Scheme of Delegation due to Newark and Sherwood District Council being the Applicant.

The application sought permission for the variation of conditions 3 (phasing), 4 (planning obligation/contribution), 5 (parameter plans), 6 (quantum of dwelling), 7 (maximum heights), 12 (archaeology), 24 (Lincoln Road access) and 25 (Lincoln Road visibility splays) attached to 20/02484/S73M to amend to reflect proposed amendments to the illustrative masterplan and associated parameter plans for the Yorke Drive regeneration scheme.

A schedule of communication was circulated in the morning before the meeting which detailed correspondence received after the Agenda was published of 2 late representations which comprised correspondence from Newark Town Council and a neighbour although no new matters had been raised. The Business Manager – Planning Development advised the wording of condition 6 required amending to ensure that the development resulted in no more than 320 dwellings resulting on the application site.

AGREED (unanimously) that outline planning permission be granted subject to the conditions in the report and subject to amendment to the wording of condition 6 to be agreed by the Business Manager – Planning Development in consultation with the Chairman and Vice-Chairman of the Planning Committee.

138 LAND ADJACENT HAUGHTON WAY, WALESBY - 21/02607/FULM (SITE VISIT: 11.00AM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the construction of 19 dwellings.

A site visit had taken place before the Planning Committee meeting.

The application was being presented to the Planning Committee in line with the

Council's Scheme of Delegation as Walesby Parish Council had objected to the application which differs to the professional officer recommendation and that the proposal is a major development.

The application seeks full planning permission for a total of 19 dwellings split into the following mix:

- 11 two bed bungalows;
- 3 three bed houses;
- 5 two bed houses.

All of the properties are promoted as affordable with plots 1-14 inclusive as affordable rent and plots 15-19 inclusive as shared ownership.

A late representation schedule of communication was circulated in the morning before the meeting which detailed correspondence received after the Agenda was published which the Committee took into consideration.

Discussion regarding the number of parking spaces and amount of soft landscaping took place and Members resolved an additional condition removing permitted development rights for hard standing was appropriate enabling the Council to ensure an appropriate amount of parking spaces versus soft landscaping is provided.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons shown in the report with the additional condition removing permitted development rights for hardstanding and an associated legal agreement to secure the proposal delivers 100% affordable housing as a rural exception site.

139 LAND TO THE REAR OF ULLYATS COTTAGE, FISKERTON ROAD, ROLLESTON - 21/02435/OUT (SITE VISIT: 10.20AM)

The Committee considered the report of the Business Manager – Planning Development, to erect up to 3 no. detached dwellings and the re-alignment of Rolleston Public Footpath No. 5.

A site visit had taken place before the Planning Committee meeting.

The application was being presented to the Planning Committee in line with the Council's Scheme of Delegation as it had been called in by the Ward Member, Councillor Blaney. The reason for call in was summarized as: due to being over-intensive development (fewer number would have a more positive relationship on the NDHA); impact on Rolleston footpath 5 with the change in character in view of the removal of the hedge and provision of a hard-surfaced footway; and given the applicant is NCC, with the level of local representation, Planning Committee's consideration will ensure transparency.

The application sought outline planning consent for the construction of up to 3 dwellings on the existing garden to the rear of Ulllyats Cottage. The proposal is for all matters reserved (appearance, landscaping, layout and scale) apart from the access.

The proposal includes the realignment of Rolleston Public Footpath No.5 along Holly Court.

A late representation schedule of communication was circulated in the morning before the meeting which detailed correspondence from the Applicant's Agent which was received after the Agenda was published which the Committee took into consideration.

The Committee requested a deferral noting the applicant was Nottinghamshire County Council (NCC), to allow discussion with NCC regarding the diversion of the public right of way around a tree and the resulting narrower amount of highway for vehicular traffic and to clarify with them which plans are being considered for approval, as differences noted.

AGREED (unanimously) that the application be deferred until the next Planning Committee.

140 APPEALS LODGED

AGREED that the report be noted.

141 APPEALS DETERMINED

AGREED that the report be noted.

142 PLANNING COMMITTEE ANNUAL REPORT 2021-2022

The Committee considered a report presented by the Business Manager- Planning Development highlighting that Members are presented with reports of the performance of the Planning Department each quarter. However, this does not provide information of the performance of the Planning Committee. Following the initial report last year, an annual report of performance each municipal year will be presented to Members.

The report advised that the majority of Committee meetings had been held at Castle House on a Tuesday commencing at 1600 hours. The exceptions were the first meeting on the 27 April which was held virtually due to the Covid-19 pandemic, commencing at 14:00 hours and December's meeting held on a Monday due to the Halloughton Solar Farm Public Inquiry.

The Members were informed that Newark & Sherwood District Council's Planning Committee had sat on 11 occasions throughout the municipal year 2021- 2022, compared to 12 times in 2020-21.

The Committee undertook one official site visit on the 15 March, having cancelled for all previous months due to the Covid-19 pandemic restrictions.

Members were provided the opportunity to input suggestions for any improvements.

AGREED that the report be noted.

Meeting closed at 4.52 pm.

Chairman

PLANNING COMMITTEE – 10 MAY 2022

Application No:	21/02435/OUT		
Proposal:	Erection of up to 3 no. detached dwellings and the re-alignment of Rolleston Public Footpath No. 5.		
Location:	Land to the rear of Ulliyats Cottage, Fiskerton Road, Rolleston.		
Applicant:	Mrs Sara Williams		
Agent:	Aspbury Planning Ltd		
Registered:	17.11.2021	Target Date:	12.01.2022
	Extension of time agreed until: 30.06.2022		
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation and it has been called in by the Ward Member, Councillor Blaney. The reason for call in is summarized as: due to being over-intensive development (fewer number would have a more positive relationship on the NDHA); impact on Rolleston footpath 5 with the change in character in view of the removal of the hedge and provision of a hard-surfaced footway; and given the applicant is NCC, with the level of local representation, Planning Committee's consideration will ensure transparency.

Background

This report is provided as an update following the Planning Committee consideration of 12 April 2022 whereby Members resolved to defer the application due to clarity on the proposed footpath alignment to the site and its encroachment in to the highway. Members will also be aware that at April's Committee a late representation from the Applicant's Agent was provided detailing the application site was a small-holding and not residential curtilage as detailed in the report. The advice from Officers in relation to this clarification was that this clarification / information did not change the consideration of the application. The report has been updated, where applicable to reflect this information. The application has also received an update from the Council's Tree and Landscape Officer. The sections which have been updated in relation to Nottinghamshire County Council Highways response and the Council's Tree and Landscape Officer are stated at the headings.

The Site (updated)

The application site relates to land which was formally part of a Nottinghamshire County Council small holding to the rear of Ulliyats Cottage. Although it is not in operation now as a small holding and is verdant in character being laid to grass and contains no farm animals. Ulliyats Cottage is a 2-storey detached dwelling at 90 degrees to the road with outbuildings running parallel to the dwelling.

The site is currently accessed through Ulliyats Cottage from Fiskerton Road.

An unsurfaced public right of way is located to the south east of the site and runs alongside Holly Court. A large early mature beech hedge approximately 2.5m high is located parallel to Holly Court.

A provisional Tree Preservation Order (Area) has been served on the site number TPO N399.

Relevant Planning History

None

The Proposal

The application seeks outline planning consent for the construction of up to 3 dwellings on the existing garden to the rear of Ulliyats Cottage. The proposal is for all matters reserved (appearance, landscaping, layout and scale) apart from the access. The proposal includes the realignment of Rolleston Public Footpath No.5 along Holly Court.

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

DRWG no. 27793-ARC-XX-00-DR-A-0001 Rev P05 Application site plan;
DRWG no. 27793-ARC-XX-XX-DR-A-AB008 Rev P02 Illustrative masterplan;
DRWG no. (03)001 Rev A Illustrative landscape plan;
Arboricultural Survey July 2021;
Preliminary Ecological Appraisal (PEA) November 2021;
Spatial Planning Design and Access Statement (ref APA/ARCPA/21/1761);

Departure/Public Advertisement Procedure

Occupiers of 28 properties have been individually notified by letter and a notice has been displayed at the site and in the press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

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

Rolleston Parish Council – Object. The proposals were deemed to represent an over intensive development of the site which would also have a detrimental impact on the setting and viability of the adjoining property, Ulllyats Cottage, which has significant local historic and cultural importance. Wider concerns were also raised in respect of an inadequacy of safe car parking, loss of footpath amenity and the provision of adequate servicing.

Nottinghamshire County Council Highways – It is not envisaged that this proposal will severely compromise highway safety. We therefore do not wish to raise an objection subject to conditions being attached to any grant of consent.

Tree Officer – 22.03.2022 Amended site plan and illustrative landscape plan are acceptable subject to conditions, following original objection 19.11.2021.

Conservation – Kate Greenaway has clearly got links to Rolleston and is an important historic literary figure. Information has been provided by local interest groups, although details of the academic sources have not been given.

As set out in the NPPF, ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required giving regard to the scale of any harm or loss and the significance of the heritage asset’.

Without academic sources outlining the significance of Ulllyats Cottage and its association with Kate Greenaway it is difficult to give considerable weight on the significance of the heritage asset as a non-designated heritage asset. In addition, the cottage is much altered.

The application is for up to 3 dwellings within the garden of Ulllyats Cottage. As an outline application the precise number, layout and design do not form part of the application. The indicative layout submitted shows three dwellings that have very little relationship with the dwelling. However, if the development was for 1, maybe 2, dwellings giving more space around the cottage. A design that has a more positive relationship with the cottage, such as a design approach that gives the impression they are ancillary to the cottage could alleviate any impact on the setting of the cottage.

Nottinghamshire Building Preservation Trust (NBPT) – Object.

1. The connection with Kate Greenaway, a national figure, a well-known artist and illustrator of children’s books. Both the design and access statement, and, surprisingly, the Heritage

Advice, choose to ignore this connection. The application site is not only connected with, but also clearly recorded in illustrations by the artist. Development on the site would destroy important views, which are little altered since first illustrated by the artist.

2. The site is part of the curtilage of Ulliyats Cottage and the development of the land would clearly also have a detrimental effect on the amenity of the cottage. The significance of the cottage and the connection with Kate Greenaway is acknowledged by a blue plaque fixed to the cottage wall.

The loss of this open space and the effect on the existing public footpath, hedgerow and wildlife is unacceptable.

The Trust see this apparent change of ownership with the County Council wishing to dispose of the land (and apparently the adjoining cottage) to another, perhaps more sympathetic, owner as an opportunity to celebrate and strengthen the connection between Rolleston and Kate Greenaway. In a time when tourist opportunities are to be recognized, this is one to be encouraged, celebrated and not destroyed forever for short-term gain by an owner to the detriment of the local community.

Nottinghamshire County Council Right of Way- If the applicant plans for the new route to be part of the 'adopted highway' they will need to discuss this with 'Highways'. If the new path is not to be adopted highway, or this is not known, then the applicant will need to apply to legally divert the Public Footpath to the new route.

Where the design of any proposed development requires the legally recorded route of a Public Right of Way (PRoW) to be diverted because it cannot be accommodated on the legal line this can be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Local Planning Authority and is a separate application to the planning permission.

The applicant will also need to confirm who will be responsible for the ongoing maintenance of the route and new hedgerow- will maintenance of the new footway be incorporated into the general site maintenance contract?

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.

Ramblers - There is no reason for us to change our stance to the earlier application (20/00567).

It is not acceptable for Rolleston Footpath 5 (a pleasant green route from Holly Court to open country) to be replaced by a hard-surfaced footway which will be crossed by driveway entrances to the properties.

We emphasise once more that Rolleston Footpath 5 is also a feeder to the Trent Valley Way, an important tourist attraction.

Comments from neighbouring properties/groups have been received which can be summarised below:

- Area has been known to flood and increased risk to neighbouring houses;
- Existing character is low density, with dwellings of varying sizes, set within generous plots;
- Existing layout allows for growth of mature trees;
- Over-development of the site / density is too high;
- Ulliyats Cottage is of historical significance and if the garden destroyed it would result in loss of significance;
- Doesn't allow for additional tree planting;

- Removal of the hedge which supports wildlife;
- Increase in on street parking on to Holly Court;
- No housing need;
- Ensure sufficient parking for the number of bedrooms;
- Does not address water run-off;
- Public transport is not frequent;
- Poor visibility when emerging from Holly Court to Fiskerton Road;
- Potential loss of privacy due to the scale;
- Proposal is unsympathetic;
- Bungalows would be appropriate;
- No provision for visitor parking;
- Conflict with users of the footpath;
- The cottage would be unsaleable with less garden;
- Proposal will destroy the cultural legacy of the village.

Comments relating to Kate Greenaway

- Undermine the cottage where Kate Greenaway grew up;
- Alter the appearance and ambience of her (Kate) childhood home;
- The cottage has been the inspiration for her many illustrations and books;
- The link should be promoted through tourism;
- The land is referenced in her journals and forms part of the heritage of the village.

Comments of the Business Manager

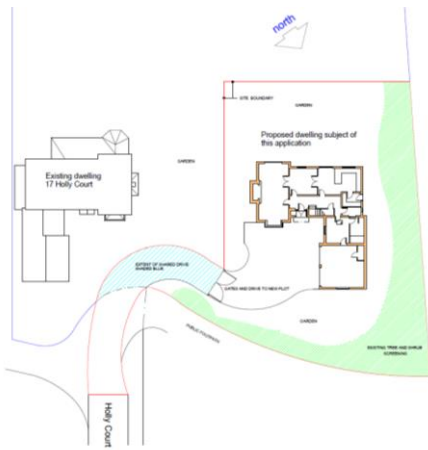
The Council can demonstrate in excess of a 5 year housing land supply and the development plan is up to date for decision making purposes. The starting point in decision making terms is with the development plan as set out in statute and reaffirmed by Policy DM12.

Principle of development (updated)

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The site is located within the extremities of the village settlement of Rolleston. The site forms part of a former NCC small holding where pigs were kept and later became a market garden. Consent has been granted for a dwelling to the south (and outside of the application site) of the site (20/00045/FUL) which extends in to its adjoining land to 17 Holly Court (see below)



Site plan for 20/00045/FUL showing the new dwelling to 17 Holly Court which lies to the south of the proposed application site

Spatial Policy 1 of the Amended Core Strategy (ACS) defines the settlement hierarchy for new development across the District. Rolleston is not defined within that hierarchy and is therefore a 'Rural Area' under Spatial Policy 3 (SP3). This policy states that new development will be considered against the following criteria. Location, Scale, Need, Impact and Character.

The supporting narrative with SP3 states that the locational criteria supports the development of sites in sustainable accessible villages. It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form. Due to the presence of the existing extant consent associated with no.17 Holly Court, whilst the site is verdant in character, the proposal would not extend beyond the extremities of the built up area of the village. Therefore it is officer opinion that developing this site would not result in additional encroachment in to the open countryside, and it can therefore be considered as being within village.

SP3 of the ACS states that in assessing the scale element that the '*development should be appropriate to the location and small scale in nature*'. 3 dwellings as can be seen on the illustrative masterplan, can comfortably be accommodated on the site and would be small scale in nature. Rolleston, although it does not feature within the settlement hierarchy, is a settlement of a reasonable scale and has seen much development in recent years and 3 dwellings would contribute to that mix and would be capable of contributing towards meeting the district housing need.

The NSDC Housing Need Survey 2020 states that within the Southwell area (to which Rolleston is located), the greatest housing need is for 3 bedroom dwellings (33.3%) with 4 bed roomed houses next (24%), followed by 3 or more bed roomed bungalows (15.2%) and then 2 bedroom bungalows (14.8%). Rolleston's own housing need survey (2016) also concluded that the greatest need within Rolleston itself is for:

- 1 x 3 Bed house – open market,
- 1 x 5 Bed house – open market,
- 1 x 2 Bed bungalow – open market,
- 1 x 3 Bed bungalow – open market

Therefore the greatest need within the settlement is for 3 bedroomed dwellings. However as the scheme is in outline only with all matters reserved, the number of bedrooms is a matter to which the detailed application would advance but it is considered that up to 3 dwellings could be accommodated on the site.

The principle to develop the site with dwellings is acceptable subject to further on site assessment which is outlined below. The matter of character is further explained in the 'design' section below.

Highways and parking impact (updated)

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

Holly Court is approximately 5.4m wide at the access, with some localized narrowing to 4.5m. The access road is existing with no reported accidents. There is a narrow tarmac service strip along the western side of the carriageway and a wide grass verge along the eastern side. NCC Highways have suggested that the eastern side grass verge could be utilized for the footway as it already forms part of the highway. The verge however has been incorporated by the residents as part of their gardens and has been planted over and even fenced off. The applicant however has decided not to utilise this area but to realign the public footpath instead. However as the land still remains 'highway' land those residents are at risk of that land being incorporated back in to highway land or action being taken against them requiring removal of unlawful structures. This is a matter to which the Council could review separately as to whether it is expedient to pursue.

The new 2m wide footway to be created runs along the western edge of Holly Court to realign the existing public right of way. This involves the removal of the existing beech hedgerow and the planting of a new more native rich instant hedgerow to the back edge of the new footway which is illustrated on the landscape plan (DRWG no. (03)001 Rev A). This would allow pedestrians and vehicles to enter the proposed house frontages and would safeguard a safe pedestrian access for the existing and future residents and users of the footway.

Members commented on the footpath route around the retained tree as shown on the landscape plan, as it is shown to encroach into the public highway. Having clarified this impact with Highway colleagues they state that they would accept this detailing providing the point at which it narrows is in line with current highway guidance. They have taken in to account the low traffic of the Holly Court and a fairly low impact of the proposed build out on to the highway. Therefore the detail they would accept would be a narrowing of the footway to no narrower than 1.2m and a maintenance of the carriageway to a minimum of 3.2m. From the illustrative masterplan submitted, the proposal would be able to meet such requirements.

Dropped kerb crossings are proposed over the footway to the new properties which have been designed in consultation with Highway colleagues and includes sufficient visibility splays whilst accommodating the new hedgerow.

Residents have raised issues of highway safety from Holly Court onto Fiskerton Road. Highways have reviewed the intensification of this access point and have concluded that the visibility to the right from Holly Court is a concern as the visibility splay with a 2.4m setback from the edge of the carriageway is limited due to the Holly Court junction design, overgrown planting from third party land, and a narrow footway along Fiskerton Road. However, when a 2m setback is applied, the visibility is greatly improved and acceptable. Manual for Streets advises that the 2m setback can be considered for some very-lightly trafficked and slow speed situations where the drivers and cyclist travelling along the main road would be able to see the overhanging vehicle at the minor arm and be able to manoeuvre around it without undue difficulty. It is considered that Fiskerton Road complies with this requirement due to the geometrical alignment of the road which allows

the north-westbound traffic to see and react to any vehicles waiting at Holly Court to join Fiskerton Road and react to any overhang accordingly. This road has low speeds of traffic due to the design of the road, i.e. 6.25m wide carriageway, existing frontages, narrow footways, streetlights, bends and low AADT (annual average daily traffic) of 1150 in 2019. There have also been no accidents recorded at the Holly Court and Fiskerton Road junction for over 20 years and any highway improvements to the junction would be seen unreasonable and disproportionate to the proposed scale of development.

It is not envisaged that this proposal will severely compromise highway safety and thus Highways have not objected subject to the imposition of suitable conditions.

The Council has adopted its Residential Cycle and Car Parking Standards & Design Guide SPD (2021), which provides a minimum standard expected for parking provision within sites. It also provides details of garage and parking space dimensions. As the proposal is in outline, and the number of bedrooms provided has not yet been defined it is difficult at this stage to ascertain the degree of parking provision required. However for 3 bedrooms or more, it is expected that 3 parking spaces are provided for each dwelling on site which could be achieved. Residents have raised concern about the lack of visitor parking within the site leading to parking on Holly Court. Holly Court is unrestricted in terms of parking provision and visitors would be able to park unrestricted on it regardless of this development coming forward. Notwithstanding this, due to the development being in outline and the indicative plans showing parking can be provided for each dwelling, this would not be a reason for refusal.

Right of Way

Rolleston footpath No.5 is located parallel to Holly Court, although separated from the highway by the existing beech hedge and is a feeder to the Trent Valley Way. The footpath is signed from Fiskerton Road and currently runs to the south east of Ulliyats Cottage and separated by an existing wire fence. The footpath currently comprises of a trodden muddy path approximately 1m in width. The proposal would keep the footpath on a similar alignment although the position would be altered to run alongside Holly Court approximately 700mm south east and it would largely be a 2m wide hard surfaced footpath to adoptable standard.

The proposal would enable safe passage of users of Holly Court, as at present occupiers walk on the carriageway, and it would enable a wider footway which is accessible to all.

The proposal has raised some local objection including from the Ramblers Association, whom state to replace a greenway by a hard-surfaced footway which is crossed by driveways is unacceptable. NCC Rights of Way colleagues have provided details on practicalities for stopping up and diverting the ROW.

Although comments relating to the ROW have been given due consideration, the relocation would not result in harm to the usability of the ROW and its realignment is not so dissimilar to its current position. NCC highways have suggested conditions to enable the legal extinguishing of the footway under a S.257 of the Town and Country Planning Act 1990, which is acceptable.

Design considerations (updated)

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires

development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site is not located within a conservation area and the area does not include any listed buildings. The main consideration is the siting within land which contains the property known as Ulllyats Cottage.

This cottage has been the subject of much interest from residents on the implications of the development upon the longevity of the cottage and its social history associated with Rolleston. Firstly it is pertinent to consider the condition of the cottage. The NPPF is clear on how to assess applications when Non-Designated Heritage Assets (NDHA) are in the vicinity. Paragraph 203 of the NPPF (2021) states 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing an application that directly or indirectly affects non-designated heritage assets, a balanced judgement will be required giving regard to the scale of any harm or loss and the significance of the heritage asset'.

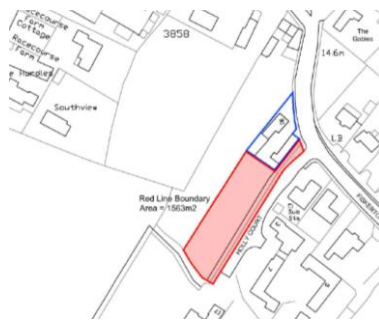
The cottage is late C18 or early C19, not listed and Officers do not consider it meets the qualifying criteria within the Council's adopted NDHA guidance, to define it as such due to its condition and degree of alterations. The original doors and windows have been replaced to uPVC, there are concrete tiles on the roof and very little remains of any stylistic detail. The brick outbuildings have been much altered too and are of no special interest. In this respect it is not considered to contain considerable significance that can be attributed weight in decision making.

The building does have a local connection with Kate Greenway, a Victorian illustrator whom from the mid C19 spent significant periods of time there. However this was not her home and she is commonly associated with London where she was born and subsequently died. Whilst this is an important connection to the village and indeed local residents have set up The Kate Greenaway Trail and a blue plaque has been awarded to Ulllyatts Cottage in her recognition, these are not overriding factors in ensuring the importance of the cottage or the surrounding land. Residents have submitted comments on the connection to Kate Greenaway, however these are not substantiated through academic sources but rely on websites for their weight. Given the alterations to the cottage and the weight already attributed to the connection with Kate Greenaway, it is not sufficient to include this building and the surrounding land as important enough to warrant it as a NDHA.

That said, the Conservation officer has stated that the three dwellings have very little relationship with the dwelling and a reduced number of 1 or 2 dwellings, to afford more space around the cottage would result in a more positive relationship with the cottage. A design whereby they are recessive in scale to the cottage and thus improve the setting would be considered in the detailed stage. Whilst these comments have been taken on board and having informed the agent of these they do not wish to reduce the number of units but instead have reduced the site area to increase the distance from the cottage from 7m to 12m (approximately) as shown below.



Original site plan



Amended site plan

Given the layout is only illustrative, it is considered that a layout could be designed which respects the scale and form of the existing cottage such as siting development to the south west of the site and limiting the height.

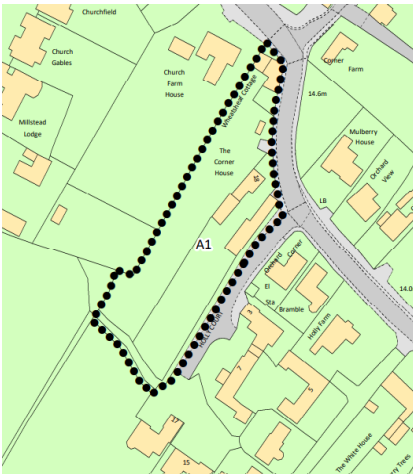
Therefore it is considered that the proposal in principle is acceptable and a design could be achieved which respects the original cottage. This however should be considered in conjunction with the subsequent section (Trees/hedgerows) which references the trees within the site, which would affect the layout of the development which is reasonably achievable on the site.

Trees/hedgerows (updated)

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multifunctional benefits.

Paragraph 131 of the NPPF (2021) states *‘Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.’*

Members should note that since it was presented to Members at April 2022 Committee, the Council’s Tree and Landscape Officer has reassessed the site and reviewed the application documents following Members’ debate. He has visited the site and found that the trees are worthy of retention and a provisional Tree Preservation Order has been served on the land owners preventing them from being removed. The area covered by the provisional Order is shown below.



Extract from TPO order N399

The amenity assessment of the trees was carried in line with current best practice. The scoring system follows four areas:

1. Condition of the trees – out of four possible category (good, fair, poor, dead/dying) these trees scored as fair
 - a. Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
2. Retention span/life expectancy the trees have in excess of 40 years life expectancy.
3. Public visibility – the trees are clearly visible from the adjacent public footpath.
4. Other factors – The location does include an old orchard which is currently considered by Natural England as a 'priority habitat'.

The proposal includes the loss of the existing beech hedgerow which bounds the carriageway of Holly Court. As well as a holly hedge, there are category B, C and U trees of varying siting within the site.

The Council has 6 months from the date the notice has been served in which to confirm the Order as drafted or to modify it. The provisional Order is now material to the application's consideration.

The Landscape and Tree Officer, upon reviewing the information, states that the development of up to 3 dwellings would make it unviable to retain any of the trees. A tree constraints plan showing the location of the trees now, and in the future, taking into account their growth potential, for all category A and B trees should be submitted to inform how the site can be developed, if at all. In addition although some mitigation has been put forward in the landscaping plan, this does not address the visual/biodiversity impact on the surrounding location, which should be in accordance with the Small Sites Metric (JP040) produced by Natural England. This should demonstrate:

- i. it will improve biodiversity (section 41 species),
- ii. be in keeping with the character assessment of the area
- iii. be of benefit to site usage / improving sustainability
- iv. reach an age to give a meaningful impact (40 years) without having a negative impact
- v. Demonstrate method for 40 year retention.
- vi. Include biodiversity enhancements – bat boxes (target to species), foraging strips, wildlife

migration corridors etc.

Given that trees grow, it is not considered sufficient to show on a drawing 'trees retained' without demonstrating how they can be retained through to full maturity. Looking at the proposed indicative layout it is clear that over time all trees on or adjacent to this development would require removal due to the conflict with the proposed built development.

On the basis of this new assessment and the location of the trees of significance, coupled with the indicative layout as put forward, the proposal would be too intensive to ensure the longevity of the trees covered by the provisional Order, and especially those which are categorised as A/B quality. Therefore it is concluded that the proposal would if granted, result in the loss of the trees in both the short and longer-term. The applicant has again been approached to reduce the number of units, but again they have declined to relent on this and therefore the proposal for the maximum number of units must be considered. There is of course a possibility that the provisional TPO will not be confirmed either in its entirety or in a modified form (which is allowed under the Regulations). Should this be the case, the trees would either have no protection or only some within the current Area Order would be protected. However given their category assessment and amenity value this is considered unlikely. The provisional TPO is in existence and it is necessary to consider this, alongside all matters at the time of decision.

Therefore the proposal is considered to be unacceptable for the reason of the proposal being too intensive due to the tree constraints which are present on the site and it resulting in a conflict with the proposed built development whereby the Council would be under pressure to grant their removal due to the proximity.

Ecology (updated)

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. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. 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. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2021) states when determining planning applications LPAs should apply the following principles as stated within paragraph 180 of the NPPF. This states that if *"significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

A Preliminary Ecological Appraisal (PEA) has been submitted with the application which concludes that none of the trees on site were noted to provide features with roost potential for bats and no nesting birds were found. The surrounding hedgerows and scattered trees/woodland provided potential foraging habitat and commuting routes for bats and breeding areas for birds. In addition the site provides a limited potential habitat for reptiles or amphibians and no evidence of badgers have been found.

Due to the use of the site for bats/birds suitable compensation should be provided for. The Tree and Landscape Officer has raised concern that there is clear potential for protected species to be impacted on by the development and that these measures are not adequately mitigated for. Some generic mitigation measures are proposed, which are outlined in Section 6 of the PEA, such as clearance outside of birds besting season (March – September), enhancement of the existing boundary to the north-west, replacement of the beech hedgerow with an instant native hedge, retention of the copper beech tree, bat friendly lighting, bat and bird boxes and hedgehog gaps within fencing etc. It is considered by Officers that these mitigation measures do not adequately quantify the loss of habitat when considered through to the maturity. Whilst it is acknowledged that this conclusion differs from that made to Members previously, upon reflection of Members' comments and resident's concerns, the Council's Tree Officer has carried out a further more detailed assessment of the site with a view to applying the TPO criteria. As part of that assessment special historic features (which form part of the assessment) have come to light, such as the bramley apple seedlings, which contribute to the historical biodiversity of the Southwell area. As such the information submitted does not provide a justifiable reasoning for the loss of habitat. The loss of habitat would effectively be replaced with bricks and mortar as opposed to providing an adequate mitigation of a habitat, which directly contradicts paragraph 180 of the NPPF (2021).

The proposal would therefore fail to meet the aims of the DPD and the NPPF (2021) and would result in harm to the ecology and biodiversity of the site which has not been adequately mitigated for.

Neighbour amenity

Policy DM5 of the ADMDPD states development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate. The layout of development within site and separation distances from neighbouring development should be sufficient to ensure that neither existing nor future occupiers suffer from an unacceptable reduction in amenity including overbearing impacts, loss of light or privacy.

The dwellings are expected to be two storey although the detail would come from the Reserved Matters application. The position within the site compared to other surrounding dwellings, is not likely to result in harm to amenity from overbearing, loss of privacy or light impacts. Comments received during the consultation have alluded to a favourable use of bungalows or 1.5 storey dwellings which again would be appropriate here and would be more in keeping than two storey. Should Members resolve to support the proposal a condition to ensure the height of the dwellings which come through the reserved matters application are no greater than 1.5 storey could be imposed. All of the concerns raised by residents have been given due consideration however it is not Officer's opinion that the proposal would result in harm to neighbour amenity and that dwellings could be sited and designed to not cause undue harm.

Flooding/surface water impact

The site is located within Flood Zone 1 as defined by the Environment Agency data maps, it is therefore at lowest risk from flooding. Nonetheless careful consideration will need to be given to the impact of surface water from the development and the use of appropriate materials and other ground materials to improve the permeability of the site to ensure the risk is not increased to the locale.

Planning balance and conclusion (updated)

The site is a windfall site located within the built up area of Rolleston which although it has limited facilities, it is closely connected to other more sustainable areas and is serviced by public transport. Therefore the principle of development is acceptable. A restriction of the height of the buildings to 1.5 storey would ensure the buildings are not dominating to the nearby bungalows and are unlikely to result in harm to local character. The proposal would make a positive contribution to housing stock and need within the area.

The proposal would result in an alteration to the existing Rolleston no.5 footpath which is aligned adjacent to Holly Court carriageway and its condition will be upgraded to improve usability and there will be no reduction in provision as a result.

The proposal includes the loss of trees and hedgerows within the site. The Council's Tree and Landscape Officer has reassessed the information and concluded that the existing trees do have amenity value and their loss is unjustified. A provisional TPO has been imposed on the site, which is material to the planning considerations and due to the location of the trees, this has reduced the developable area within the site without causing conflict. Therefore it is considered that the principle of 3 dwellings as put forward, would be too intensive to ensure the longevity of the trees covered by the Order, and especially those which are categorised as A/B quality. Whilst the TPO on the site is provisional, there is a small risk it will not be confirmed in its current form or modified. However given the trees' category assessment and amenity value this is considered unlikely. The provisional TPO is in existence and it is necessary to consider all matters at the time of decision.

The site has been identified as providing potential for occupation by protected species. The Preliminary Ecology Appraisal has provided generic mitigation measures, however it is considered by Officers that these mitigation measures do not adequately quantify the loss of habitat when considered through to maturity. The loss of habitat would effectively be replaced by built development as opposed to providing an adequate mitigation of a habitat, which directly contradicts paragraph 180 of the NPPF (2021).

A well designed scheme, taking in to account the height and the position of neighbouring properties would avoid any negative impacts upon residential amenity.

Matters of highway safety have been carefully considered and it is concluded that the proposal would result in no adverse harm.

As such, due to matters relating to the impact of trees and ecology and thus biodiversity, the proposal is considered to fail to accord with the Core Policy 12 of the Amended Core Strategy, Policy DM5 and DM7 of the Allocations and Development Management DPD and the NPPF (2021).

RECOMMENDATION (updated)

That planning permission be refused for the reasons stated below.

Reasons

01

In the opinion of the Local Planning Authority, the existing trees on the site provide for amenity value and as such a provisional Tree Preservation Order (ref. TPO N399) has been served. It is therefore considered that the trees within the site are worthy of retention and contribute to the overall biodiversity of the area. The development of up to 3 dwellings would be too intensive for the site, given this constraint, and thus would result in a conflict with the existing green infrastructure and effect their longevity.

As such the proposal is considered to fail to accord with policy DM5 of the Allocations and Development Management DPD and the NPPF (2021) which is a material planning consideration.

02

The site has potential for protected species to be impacted on by the development and whilst a Preliminary Ecological Assessment has been submitted, generic mitigation measures are proposed which fail to quantify the loss of habitat when considered through to maturity. The loss of habitat would effectively be replaced with built development as opposed to providing an adequate mitigation of a habitat, which directly contradicts paragraph 180 of the National Planning Policy Framework (NPPF) (2021).

The proposal would therefore fail to meet the aims of Core Policy 12 of the Amended Core Strategy and Policy DM5 and DM7 of the Allocations and Development Management DPD and the NPPF (2021) and would result in harm to the ecology and biodiversity of the site which has not been adequately mitigated for.

Note to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

03

The plans considered are:

DRWG no. 27793-ARC-XX-00-DR-A-0001 Rev P05 Application site plan;

BACKGROUND PAPERS

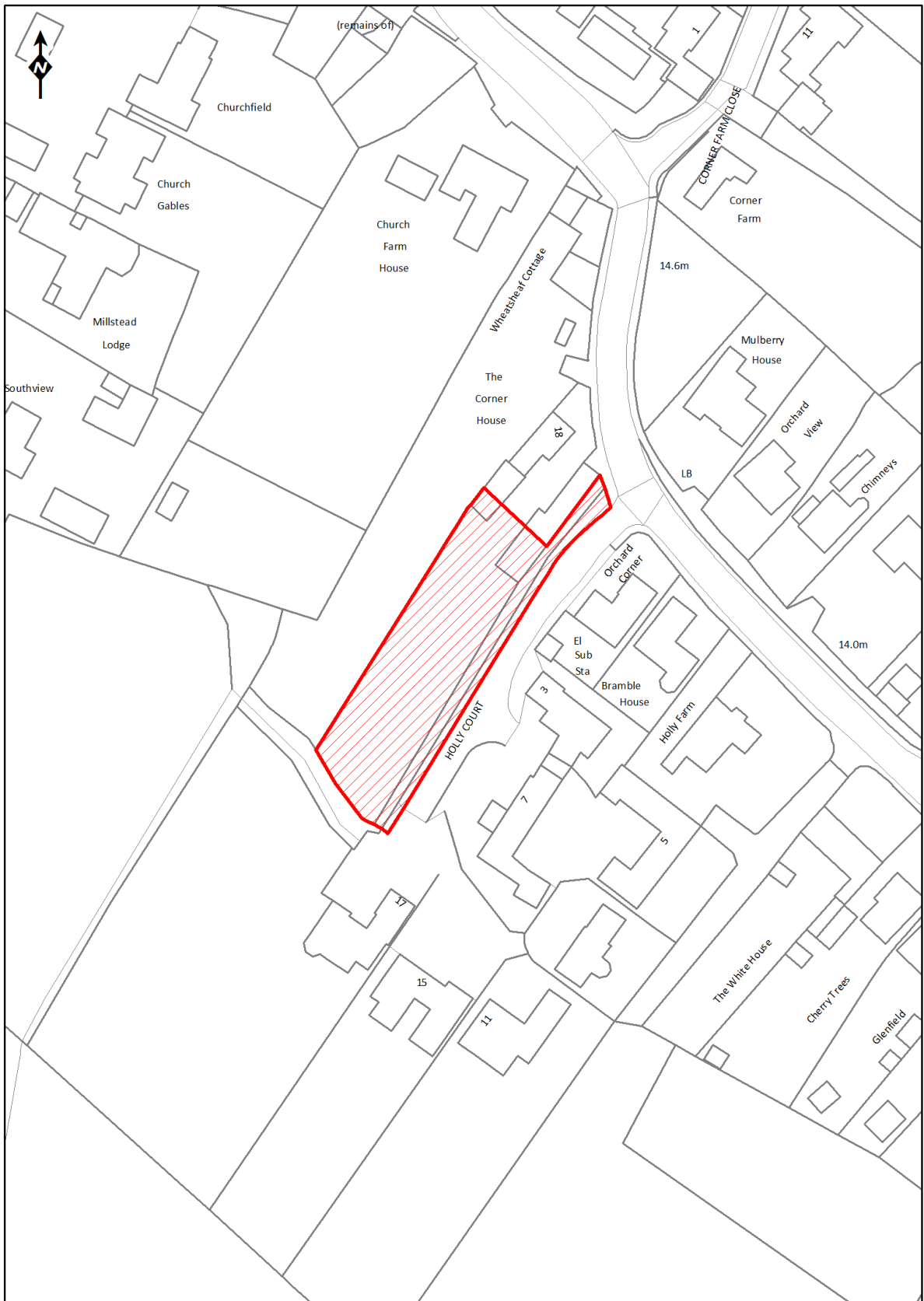
Application case file.

For further information, please contact Lynsey Preston on extension 5329.

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 - 21/02435/OUT



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PLANNING COMMITTEE – 10 MAY 2022

Application No:	22/00261/S73M
Proposal:	Variation of conditions 2 and 3 attached to planning permission 17/01693/FULM to re-position previously approved skate park and 3no. 5-a-side pitches (switch position), Remove tennis courts, Reduce car park spaces from previous approval of 157 to 155 (loss of 2 spaces) to increase accessibility to new 5-a-side pitch positions. Change cycling facility from 750lm training circuit to mixed programme offering a community trail, learn to ride and a pump track facility, Lighting and landscaping, Substitution of some information in approval notice condition 02 and 03 and additional information for cycle facility designs
Location:	Community And Activity Village, Lord Hawke Way, Newark On Trent, NG24 4FH
Applicant:	Newark And Sherwood YMCA - Mr Todd Cauthorn
Agent:	Rayner Davies Architects LLP - Mr Matthew Vicary
Registered:	10.02.2022 Target Date: 12.05.2022
Website Link:	22/00261/S73M Variation of conditions 2 and 3 attached to planning permission 17/01693/FULM to re-position previously approved skate park and 3no. 5-a-side pitches (switch position), Remove tennis courts, Reduce car park spaces from previous approval of 157 to 155 (loss of 2 spaces) to increase accessibility to new 5-a-side pitch positions. Change cycling facility from 750lm training circuit to mixed programme offering a community trail, learn to ride and a pump track facility, Lighting and landscaping, Substitution of some information in approval notice condition 02 and 03 and additional information for cycle facility designs Community And Activity Village Lord Hawke Way Newark On Trent Nottinghamshire NG24 4FH (newark-sherwooddc.gov.uk)

This application is being referred to the Planning Committee as part of the application site forms land under the control of the District Council.

The Site

The application site forms a large plot of land approximately 9.8 hectares immediately to the east of the Newark Leisure Centre. The site is within the urban area of Newark and defined as a public open space protected by SP8 policy. A rectangular portion to the east of the site is recognized as a site of interest in nature conservation being identified as a notable grassland with neutral and acid areas as defined by the Newark South Proposals Map in the Allocations and Development Management DPD.

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as

well as some of the approved sporting facilities including the Athletics track and football pitches. The main building was also well underway being constructed.

Land uses in the immediate vicinity include the aforementioned Leisure Centre as well as Gladstone House. Land to the west of the Leisure Centre car park is being developed for residential development which is being promoted by Arkwood. The eastern boundary of the site is defined by the Sustrans National Cycle Network which is set at a lower level to the site itself. There is a public bridleway dissecting the site which links Elm Avenue to Balderton Lakes. The rear gardens of residential properties along Bancroft Road abut the northern boundary of the site. Also abutting part of the northern boundary of the site is the designated conservation area but the site itself is outside of the CA. This element of the conservation area features Newark Cemetery.

Relevant Planning History

22/00716/NMA - Application for a non-material amendment to 17/01693/FULM to remove reference to 'Tennis Courts' within description of proposal.

Application approved 12th April 2022.

21/00275/S73M - Application for the variation of condition 03 including revised parking scheme, alterations to external gym adjoining main building and associated landscaping and change to main entrance to revolving doors, attached to planning permission 17/01693/FULM.

Application approved by Planning Committee at the meeting on 27th April 2021 (decision issued 28th April 2021).

20/00339/S73M - Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design.

Application approved by Planning Committee at the meeting on 31st March 2020 (decision issued 3rd April 2020).

17/01693/FULM - Existing playing fields and sports facilities to be altered, and supplemented by new sports playing pitches, cycle track, skate park, tennis courts, multi-purpose pitches and provision of alternative route for existing bridleway.

Extension of playing pitch areas into vacant land to the East of current facilities.

Proposed building including crèche and pre-school facility, training, offices, music, dance and art studios, sports facilities, changing areas to serve both the internal and external sports, function rooms, cafe and kitchen.

Application approved by Planning Committee in December 2017 and as referenced above has been implemented on site.

16/00947/FULM - Use of former Tarmac land and part of existing sports ground for construction of a closed road cycle circuit. Erection of lighting columns, fencing, extension of existing car-park, and associated works including construction of a temporary haul road. *Application withdrawn.*

The Proposal

The application has been submitted as a Section 73 application to vary the plan condition on the original approval in order to allow a number of changes to be made to the extant permission.

The premise of the application is to amend the approved plans to show the following changes:

- Swap the position of the previously approved skate park and three 5-a-side pitches;
- Remove the tennis courts;
- Reduce the car parking spaces from 157 to 155 (to increase accessibility to the 5-a-side pitches);
- Change cycling facility from a training circuit to a mixed programme offering a community trail, learn to ride and a pump track facility;
- Associated amendments to landscaping and lighting.

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

- Covering Letter dated 4th April 2022 – 2242/2.0/MJV;
- Location Plan – 2242(08)001 Rev. A;
- 2242(08)S01 Rev M Site Masterplan;
- 1701693FULM S73 Amendment EcoApp Rev B FinalMar22;
- 6737 Arb Addendum Rev C;
- 22-001 (07)002 D8 Site & Drainage Plan;
- 22-001 (08)001 D8 Pump Track Plan;
- 22-001 (08)002 D8 LTR Area Plan;
- 22-001 (09)001 D8 Trail Sections;
- 22-001 (09)002 D8 Trail Sections;
- 22-001 (09)003 D8 Pump Track Sections;
- 10976-WMS-ZZ-XX-DR-C-39009-S8-P04-ACCESS_PATH_LEVELS;
- 10976-WMS-ZZ-XX-DR-C-39221-S8-P04-ACCESS_PATH_DRAINAGE_LAYOUT;
- 10976-WMS-ZZ-XX-DR-C-39507-S8-P04-ACCESS_PATH_SURFACING;
- 10976-WMS-ZZ-XX-DR-C-39007-S2-P05-ROAD_TRACKING.

Departure/Public Advertisement Procedure

Occupiers of 57 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area
NAP3 – Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places
September 2019

Consultations

Newark Town Council – No objection.

Balderton Parish Council – No comments received.

NCC Highways Authority – The proposal will have negligible impact on the public highway. Therefore, no objections are raised.

Sport England – Original comments formed a holding information on the basis of a lack of information but following re-consultation on the additional justification, no objections raised.

Nottinghamshire Wildlife Trust – Confirm that the survey methodologies employed are to a satisfactory standard and agree with the resulting conclusions and recommendations.

Consider that creating new areas of habitat, selective scrub removal and the provision of a long-term management plan for this habitat to be a satisfactory approach.

NSDC Tree Officer – No objections.

Comments have been received against this application relating to Balderton Lake. For the avoidance of doubt the current application is not related to Balderton Lake and therefore these comments are not material to the current determination.

Another comment has been received stating that the application is inaccurate and should be withdrawn as it includes neighbouring land not within the applicant's ownership. The application form confirms that the correct notices have been served and therefore there is nothing to prevent the application being determined procedurally.

The comments received which are considered material and relevant to the current application are summarized as follows:

- Wildlife has already been displaced by the current build;
- The plans show tree and hedgerow removal;
- There are already problems with light pollution – any further building will increase this pollution and extend this further along the lake;
- The amended plans are causing confusion;
- The application appears to be rushed making it difficult to keep pace with the changes;
- Part of the site is within Balderton Parish but they have not been notified in the past;
- The turning area on the tarmac land is inadequate size for a maintenance or emergency vehicle;
- As there is another turning area near the Learn to Ride is a second one really needed when the land could be better used for tennis courts or not even acquired from Tarmac and left for the wildlife;
- The changes are beyond minor and the application should not be considered as a section 73;
- Question whether a community trail is needed on this site;
- The reason for the changes in the cycle provision should be evidenced;
- The revised plans still show facilities off the applicants land – it is clear there are intentions to form a link with Balderton Lake;
- Large parts of the ecology report are blocked out and there is concern over a protected animal and if these plans are having an effect on its habitat;
- If it does become a regional and national facility then the concerns on local wildlife with extra lighting and noise are worse;

Comments of the Business Manager

Preliminary Matters

Comments received during consultation have referenced revisions to plans made throughout the application. This has arisen partially through requests of Officers to clarify certain matters and is not uncommon for developments of this scale.

Officers disagree that the revisions go beyond the scope of a section 73 application and consider that procedurally a section 73 application is the appropriate process.

Reference has also been made to a lack of consultation with Balderton Parish Council on the original plans given that two minor parts of the site along the eastern boundary fall within Balderton Parish. This appears to be a historic administrative error on the plotting of the parish boundaries which has since been resolved. For the avoidance of doubt, Balderton Parish Council have been consulted on the current application.

As above in the consultation section, the current application does not propose any works to Balderton Lake and therefore comments received in relation to the Lake are not relevant.

Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that a permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The National Planning Policy Framework (NPPF) is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning permission.

Impact on Sporting Facilities

The original application was wholly supported against the intentions of Spatial Policy 8 to enhance community and leisure facilities. Since that time, there have been amendments to the original scheme which have further enhanced the overall facilities offered within the site (including the incorporation of an external cross fit gym area and improvements to the proposed climbing wall).

The covering letter details why it is proposed to move the originally approved skate park - essentially relocating it to a larger area of the site allows for the capacity to build a 'world-class' skate park with the aim of attracting visitors from further afield.

It is noted that the current application seeks to remove the approved tennis courts in favour of the re-configuration of the cycle facilities. The agent has been asked to comment on the rationale behind the loss of the proposed tennis courts and the following comments offered:

The multi-use courts at the YMCA Community & Activity Village have been open to the general public for around a year. This facility has equipment to provide netball, basketball, and tennis.

During this time, we have promoted the courts (extensively for use during school holidays) with the option to participate in those sports. Tennis has proven to be the least popular of the activities accounting to just 7% of the bookings and usage.

Further to low uptake, there are a number of established tennis clubs in the local area that have established membership bases and on-site coaching facilities. There are also open courts available to book in the town centre. Providing tennis courts (in addition to our multi-use courts) could directly compete with these established clubs in the wider Newark area.

Further information has also been provided for the rationale for the alterations to the cycling facilities which in summary relates to support from British Cycling for a wide range of participation to many aspects of cycling for the whole community. It is stated that two other closed cycle loops (the type of cycle provision shown on the original scheme) within reasonable travelling distance to Newark have been funded and are proving to be underused. The current designs proposed would offer both a flat and technical learn to ride area with progression to a pump track. Reference is also made to the proximity of the site to the nearby Sustrans cycle route offering lakeside trails.

It is worthy of note that the original application would have held enough benefits against Spatial Policy 8 to be approved even without tennis court provision. The loss of tennis facilities at this stage is regrettable but not fatal to the scheme moving forwards. Sport England have been consulted on the current proposals. Their original response formed a holding objection based on a lack of supporting justification but they have been re-consulted on the additional information received. On the basis of this information, no objections are raised. It is noted that it would not be sensible to include tennis courts on this site given that they would compete with existing facilities. It is also acknowledged that the currently proposed cycle facilities are a more informal and community focused approach which would support the development of cycling skills (which British Cycling have identified as a greater need than a closed road facility). The comments go on to suggest a condition in relation to the design, layout and specification of the 5-a-side pitches. It has been queried why this condition is necessary given that it wasn't imposed on the original permission and it has been confirmed that the surface finish of the pitches is less clear than it was originally. The agent has been asked to clarify the finish to avoid the need for a condition and any response received will be reported to Members as a late item. Given the matter is outstanding at the time of agenda print, the condition is included in the recommendation below to ensure that the local planning authority can ensure that the pitches are fit for purpose (and therefore their benefits can be attached positive weight in the planning balance in the context of Spatial Policy 8).

The proposed mixed end use has already been established by the extant permission. The slightly alternative offer presented through the latest site masterplan would still hold significant benefits to the local community and should be afforded positive weight in line with the aim of NAP 3 and the Council's Community Plan objectives.

Impact on Character

As a comprehensive development, there are large elements of the proposed revisions which will have a minimal impact on the character of the area when taken in the context of the whole site (i.e. swapping the position of the skate park and 5-a-side pitches).

The original application was sparse in terms of the details for the new 'learn to ride area' and 'pump track area' but additional details have been provided showing cross sections and detailed annotations of the facilities. These show that the new tracks would have some areas of undulation but even at maximum peak these elements would be no more than 2m high. The positioning of the cycle facilities is at the eastern edge of the site close to the link with the Sustrans route with the associated vegetated boundary. The cycle facilities therefore have a discrete positioning within the wider site and the amendments proposed would not have notable character or landscape impacts when read within the site as a whole.

Overall, the revised plans would maintain an acceptable impact on the character of the area such that it would not be reasonable to resist the changes in this respect.

Impact on Highways including Parking Provision

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

The original application was approved on the basis of providing 108 car parking spaces (excluding staff parking). The plans currently presented demonstrate a total of 155 spaces with two coach car parking spaces. This is a reduction in 2 spaces in comparison to the most recent section 73 application. These have been removed in order to better facilitate access to the 5-a-side pitches.

NCC as the Highways Authority have assessed the current application and do not raise any objections. The loss of two spaces would be marginal in the context of the overall scheme.

Overall the impacts to the highways network would not be significant as a consequence of the revised plans and in the context of the car parking demonstrated the use of the building would be fully catered for without leading to parking issues elsewhere. The scheme is therefore compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Trees and Ecology

The discussion around ecology from the original application report is worthy of note in the context of this application:

As is identified through the site description, part of the site has been designated as being of local interest in nature conservation (SINC). SINC's are local level designations identified for the valuable contribution they provide to the District in terms of ecological asset. These sites are in receipt of planning policy protection both at a national and local level. Specifically in regard to the latter Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD (ADMDPD) outline the importance of the protection and enhancement of the area's biodiversity and open spaces. The protection of individual sites is vital as part of the preservation of the overall 'Green Infrastructure' network of green spaces, landscapes and natural elements that intersperse and connect the District's settlements and surrounding areas. Policy DM7 explicitly states that on sites of local importance such as this one, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.

The application has been accompanied by an Ecological Appraisal undertaken by fpcr and dated September 2017. The report acknowledged the local designation within the site but goes on to state that this represents a sub-optimal and deteriorating example of the type of grassland that the site is designated for. 4 other local interest sites are identified within 500m of the site. Surveys were also undertaken for protected species such as bats and birds.

In respect of the targeted botanical survey of the LWS grassland which was undertaken in August 2017, it is stated that only three of the Nottinghamshire's SINC characteristic species for acid grassland and 12 neutral grassland indicator species were identified. Two other species were recorded from earlier surveys in 2015 but these were no longer present. On this basis, the survey concludes that the characteristic species recorded falls short of the 6 species required for acid

grassland and 14 species for neutral grassland. Ultimately it is stated that, 'if left unmanaged this habitat would in time be lost from the site.'

It is acknowledged by the survey that the original proposal would lead to an overall loss of approximately 0.4ha of notable grassland. It is contended that the grassland areas to be created will be of greater value than those currently present and that appropriate management will ensure the long term presence and value of the retained (0.5ha) and created (1.1ha) habitat. Whilst the benefits of creating enhanced habitats is recognized, officers shared the concerns of NWT (listed in full above) in respect to the level of mitigation offered given that there would be an overall loss in habitat. This was raised as a concern with the applicant during the life of the application and has been addressed through meetings and the submission of a further ecological statement which has been subject to further consultation.

The revised statement provides a summary of the key aspects of the ecological strategy confirming that alterations to the cycle track and associated run off area, skate park and athletics position have allowed greater retention of existing notable grassland, as well as further opportunities for the creation of new areas of acidic grassland. These alterations now allow for the provision of 2.138ha of acid / notable grassland. This represents a slight gain over the existing of 0.138ha. Further ecological enhancements such as bat boxes and the creation of log piles are incorporated into the revised proposals design.

The current application has been accompanied by an ecology and arboricultural addendum.

The submitted ecological survey is based on an additional survey undertaken in December 2021. The majority of the impacts of the development would be the same as the extant scheme and therefore the original levels of mitigation secured by condition would remain relevant. Throughout surveys, consideration was given to the actual or potential presence of protected species, such as, although not limited to those protected under the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, and the Conservation of Habitat and Species Regulations 2017 (as amended).

As expected the report notes the on-site notable grassland albeit acknowledges that a detailed update could not be undertaken in December 2021 as it is outside of the optimal botanical survey period. Nevertheless, the grassland is taken to support a similar species assemblage and ecological value as recorded previously.

In total through this amendment there will be approximately 2.2 hectares of acid grassland created/retained and enhanced to be of a greater value than that currently present. The proposed amendments therefore show a marginal increase (less than 0.1 hectares) in comparison to the extant scheme but this can still be regarded as a marginal benefit to the scheme. It is noted that Nottinghamshire Wildlife Trust have commented on the proposals and accepted the methodologies used raising no objections.

In addition to the above, the latest survey works identified the presence of a protected species which was not originally recorded in 2017. Clearly there is an extant permission on the site which has approved a similar form of development to that proposed. However, a section 73 is a new application and therefore the presence of a protected species is a material planning consideration.

The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated,

or, as a last resort, compensated for, then planning permission should be refused. Paragraph 99 of Government Circular 06/2005 states that:

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

The latest plan has been designed to create an appropriate buffer around the identified protected species and means of mitigation during construction which can be secured by condition. However there would still be some disturbance to the identified species and therefore the applicant will need to apply for a derogation licence from Natural England.

Local Planning Authorities are required to consider the likelihood of a license granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

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

In respect to the second test, clearly an alternative would be to do nothing but if that were to be the case then the significant community benefits of developing the site would not be realised. These benefits are considered sufficient to class as being of overriding public interest as required by the first test. On the basis of the mitigation outlined and the latest design which specifically creates the largest buffer possible to development, the population of the species would not be significantly affected. There is therefore considered to be adequate potential for a licence to be granted by Natural England and thus no justifiable reason to withhold permission on the basis of protected species impacts.

The arboricultural addendum relates solely to the trees impacts by the proposed amendments in comparison to the extant approval albeit is based on an updated tree survey undertaken in December 2021. The addendum states that the proposed amendments will be a betterment for trees now allowing for the retention of all moderate quality (Category B) specimens that were previously shown to be removed. The new layout would allow for the retention of 10 additional trees within the site. Where tree removal is proposed, it is now restricted to Category C and U specimens which would be mitigated through new tree planting across the site. No objections have been raised by the Council’s appointed Tree/Landscape Officer.

Other Matters

The revised plans are not considered to have a perceivable impact to neighbouring residential receptors in comparison to the extant scheme.

The covering letter sets out that the applicant seeks to illuminate the revised learn to ride area to the same lux level as the original design and therefore the light spill and hours of operation would

be equivalent to the current approval if not less (noting that the overall land take of the learn to ride area is much smaller). It has been confirmed that there is no lighting proposed for the community trail and pump track facilities. The exact details for the lighting would need to revert to being required by condition as per the original approval, given that they would now differ from the details which had previously been agreed by a discharge of condition application.

Conclusion

The amendments sought through the current application are marginal in the context of the whole scheme. The changes to the sporting offer (namely the loss of the tennis facilities and the revisions to the cycle provision) have been justified through the application submission and would still allow the overall scheme to make a significant contribution to the sporting and community offer to the District.

The minor change to the overall parking provision would not be notable in the overall scale of the scheme and there would be neutral impacts to the character of the area and neighbouring amenity. The revisions would have an overall neutral impact on ecology noting that there would be a marginal increase in the level of acidic grassland to be created and additional tree retention but on the other hand there will be impacts to protected species requiring a license from Natural England.

The proposal is therefore considered acceptable and the conditions amended accordingly. These have been set out as they would appear on the decision notice for clarity albeit do incorporate any changes made since the original approval, for example, matters agreed through non-material amendment / discharge of condition applications.

RECOMMENDATION

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

01

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

- 2242(08)S01 Rev M Site Masterplan;
- 1701693FULM S73 Amendment EcoApp Rev B FinalMar22;
- 6737 Arb Addendum Rev C;
- 22-001 (07)002 D8 Site & Drainage Plan;
- 22-001 (08)001 D8 Pump Track Plan;
- 22-001 (08)002 D8 LTR Area Plan;
- 22-001 (09)001 D8 Trail Sections;
- 22-001 (09)002 D8 Trail Sections;
- 22-001 (09)003 D8 Pump Track Sections;
- 10976-WMS-ZZ-XX-DR-C-39009-S8-P04-ACCESS_PATH_LEVELS;
- 10976-WMS-ZZ-XX-DR-C-39221-S8-P04-ACCESS_PATH_DRAINAGE_LAYOUT;
- 10976-WMS-ZZ-XX-DR-C-39507-S8-P04-ACCESS_PATH_SURFACING;
- 10976-WMS-ZZ-XX-DR-C-39007-S2-P05-ROAD_TRACKING;
- 2242(08)005 RevF Ground Floor Plan;

- 2242(08)006 RevD First Floor Plan;
- 2242(08)007 RevC Roof Plan;
- 2242(08)008 RevC Sections;
- 2242(08)009 RevD Elevations;
- 2242(08)012 RevB Second Floor Plan;
- 2242(08)013 RevB First Floor Mezzanine Plan;
- External Cross-fit Gym Proposed Plan – 2242(08)014 dated 18/02/21;

Reason: So as to define this permission.

02

The building hereby approved shall be built in accordance with the materials shown on the plan reference 2242(08)009 RevD Elevations.

Reason: In the interests of visual amenity.

03

Within three months of the date of the decision hereby issued, updated boundary details to reflect the latest approved site plan 2242(08)S01 Rev M Site Masterplan shall be submitted to and approved in writing by the Local Planning Authority.

The details shall reflect the principles established through plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX –DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16th April 2018) and there shall be no deviations from the approved plan prior to the agreement of the revised details.

The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

04

The approved soft landscaping shown on plan reference 2242(08)S01 Rev M Site Masterplan shall be completed during the next planting season or as per a timetable of implementation as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

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

05

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.26 of 1701693FULM S73 Amendment EcoApp Rev B FinalMar22 and Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

06

The development shall be carried out in accordance with the requirements and recommendations of the Written Scheme of Investigation dated 27th January 2018 and the 'Archaeological Watching Brief' dated February 2018 and 'Geophysical Survey' dated February 2018 as agreed through the discharge of condition letter dated 16th April 2018.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

07

Prior to the building hereby approved being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4th July 2018 shall be submitted to the Local Planning Authority.

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

08

The development shall be carried out in accordance with the following drainage details as agreed by discharge of condition letter dated 4th July 2018:

- Micro Drainage Calculations – 11189 dated 22/06/2018
- NCAV Phase 1 – Drainage Strategy – Rev. A
- SUDs Maintenance Schedules
- Maintenance 2006 Guide
- Pitch Drainage Layout – 11189(9)01
- Car Park Drainage Layout – 11189(9)02A
- Athletics Track layout – 11189(9)03

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

09

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.19 of the Noise Impact Assessment undertaken by Hepworth Acoustics dated September 2017. For the avoidance of doubt this requires that the combined rating level of noise from any plant is controlled to be at least 3 dB below the existing background level at the nearest dwellings during the times of operation. As functions may run until 00:00 the combined rating level for all plant outside the nearest dwellings should be controlled to 32 dB, which is 3 dB below the lowest background level (LA90) measured until 00:00.

Reason: In the interests of residential amenity.

10

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

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

11

The staff car park served off Elm Avenue shall be controlled in accordance with the details enclosed within the letter dated 10th March 2020 – 2242/2.0/CJG. For the avoidance of doubt the car park should be controlled by a security gate during the daytime to which staff members have a key.

Reason: To prevent uncontrolled use that may lead to on-street parking to the detriment of the safety and amenity of local residents.

12

The coach parking as shown on plan reference 2242(08)S01 Rev M Site Masterplan shall be available for the parking of coaches and for no other purpose.

Reason: To ensure that adequate off-street provision is made to reduce the possibilities of the proposed development leading to coaches parking on-street.

13

The diverted footpath shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05 shall remain available for public use during the operational life of the development.

Reason: To retain a safe and sustainable public right of way.

14

The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-

0001-P04_Travel_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan which shall be submitted to and approved in writing by the Local Planning. Any approved amendments resulting from the monitoring and review shall be implemented.

Reason: To promote sustainable travel.

15

The Management and Maintenance of the 3G Football Pitch and Community Sports Pitch shall be carried out in accordance with the details received 26th September in line with the discharge of condition letter dated 18th January 2019.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy SP8 and the NPPF.

16

Within three months of the date of the decision hereby issued, updated lighting details to reflect the latest approved site plan 2242(08)S01 Rev M Site Masterplan shall be submitted to and approved in writing by the Local Planning Authority.

The details shall reflect the principles established through the following as agreed through the discharge of condition letter dated 4th July 2018:

- Details of survey of surrounding night sky contained within the ecological report forming part of the main application 17/01693/FULM
- AX1718-E-3001 B General amenity lighting scheme
- AX1718-E-3002 B Athletics track lighting
- USK11521-9 Site wide horizontal illuminance levels
- USK11521-11A 3G pitch horizontal illuminance levels

There shall be no deviations from the approved plans prior to the agreement of the revised details.

The development 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 residential and visual amenity.

17

No development shall commence on the three, 5-a-side pitches until details of the design and layout and specification of the pitches has been submitted in writing to the Local Planning Authority for approval in writing. The three, 5-a-side pitches shall not be constructed other than in accordance with the details as approved.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Spatial Policy 8 of the Newark and Sherwood Amended Core Strategy (2019).

Notes to Applicant

01

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

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

02

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

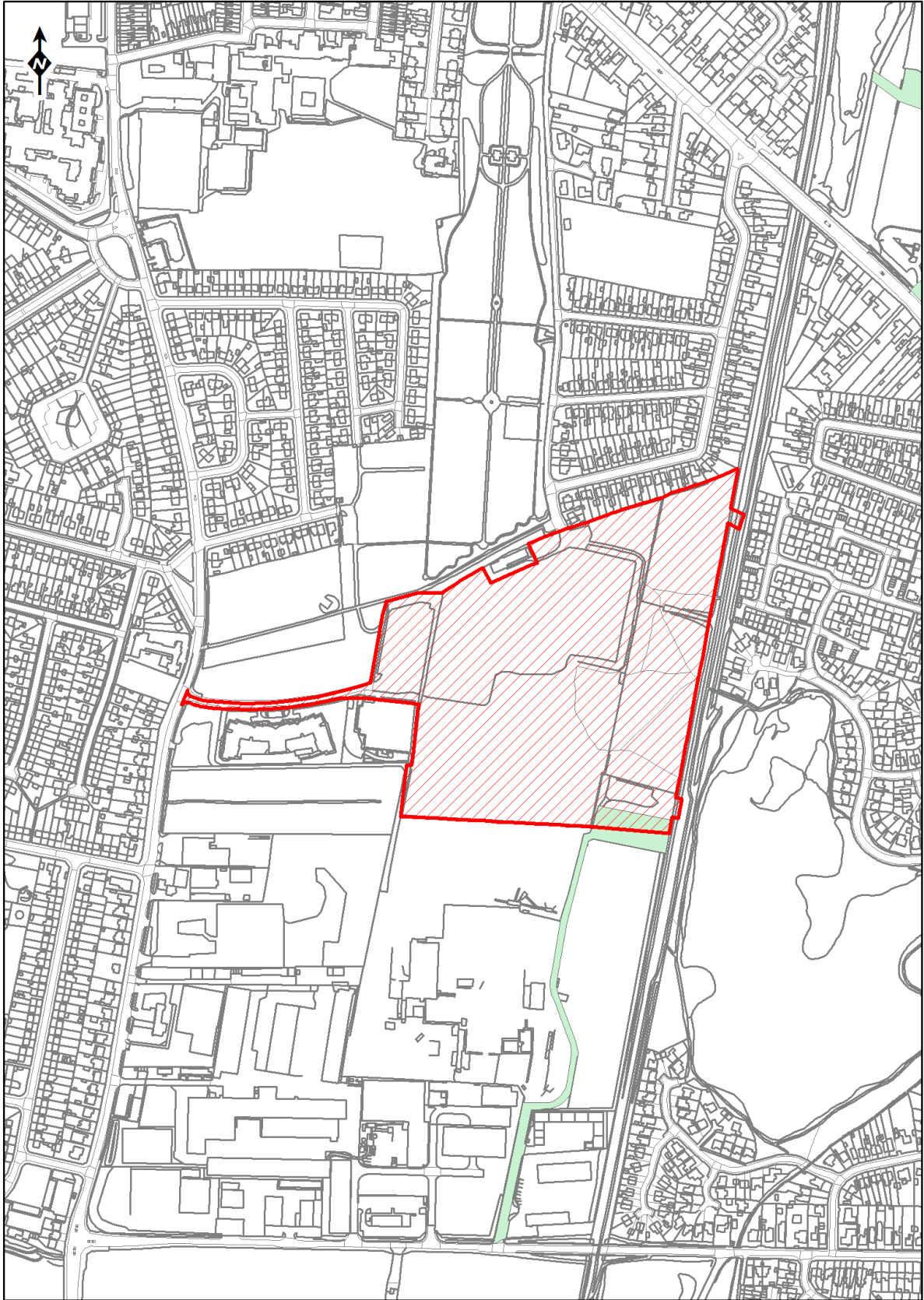
BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 10 MAY 2022

Application No:	22/00615/HOUSE		
Proposal:	Construction of first floor extension and replacement of a conservatory with a two storey addition		
Location:	Old Post House, Main Street, Gonalston, NG14 7JA		
Applicant:	Mr Simon Bingham		
Agent	Mr Martin Tucker – Martin Tucker Ltd		
Registered:	24 March 2022	Target Date:	19 May 2022
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R975FXLBK5900		

Councillor Roger Jackson has called in this Planning Application to the Planning Committee for following reasons:

“Having spoken to the applicant and to local residents who have no objection to this application, I would like it to go to committee for consideration, as it is felt that this extension will make the original house more symmetrical and will have a better look as people enter the village,

I know this property has had many extensions over the years but It is a very large plot and the property does not look out of place, I feel this extension would finish it off and have a more pleasing view for people looking at it, you could probably you could Say that this is the last extension permitted on this site.”

The Site

The application relates to a detached dwelling located on the south-west side of Gonalston Lane, on the edge of the village of Gonalston. The dwelling is set back from the highway with vehicular access to the site coming via a gated entrance on the eastern boundary of the site. The dwelling has been extended substantially over time and is set within a large plot that also contains a number of outbuildings. The closest neighbouring properties are a row of terraced properties known as ‘The Almshouses’ to the north of the site and Lime Tree Cottage, a detached dwelling to the west.

The property is identified on the County Historic Environment Record as a Local Interest building (ref M14177) and is located within the Nottingham-Derby Green Belt. Parts of the site are located within Flood Zones 2 and 3 where there is a medium to high probability of flooding.

Relevant Planning History

21/00211/HOUSE – Construction of a first floor addition and replacement of the conservatory with a two storey extension. Refused under delegated authority 29.03.2021.

Reason for refusal:

In the opinion of the Local Planning Authority, the proposed extensions would, by virtue of their scale, form, mass and layout, result in disproportionate additions over and above the size of the original dwelling and be harmful to the openness of the Green Belt. The proposal is therefore considered to constitute inappropriate development within the Green Belt and there are no 'very special circumstances' that would outweigh the harm identified. Furthermore, the proposed additions would further erode the character of the original dwelling, having a harmful impact on the local distinctiveness and rural character of the surrounding area.

The proposal is therefore contrary to Spatial Policy 4B 'Green Belt Development' and Core Policy 9 'Sustainable Design' of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019), Policy DM6 'Householder Development' and Policy DM5 'Design' of the Allocations & Development Management DPD, the provisions of Paragraphs 143 - 145 of the National Planning Policy Framework (2019) and Chapter 10 of the Householder Development SPD (2014), which are material planning considerations.

20/01142/LDC - Application for Lawful Development Certificate for proposed development comprising a new 7 bay garage and workshop on existing hardstanding enclosed by garden wall to rear of dwelling. Certificate issued 05.08.2020

This has not been implemented to date

09/01129/FUL - Householder application for conservatory – Approved 08.10.2009

Implemented and comprised of a timber-framed conservatory now proposed to be demolished and replaced by a two-storey side extension

08/00676/FUL - Erection of 2 storey extension & increase of existing roof height – Approved 24.07.2008.

Implemented and comprised of a gabled extension to the east to form a new ground floor entrance and first floor study also roof heights of existing two storey elements located either side of the proposed extension (including the original building) were increased by 20cm

03/01559/FUL - Proposed extension and new detached garage and new glazed rooflight to the existing house – Approved 19.08.2003

Implemented and comprised of a garage extension with studio over, separate double detached garage and glazed roof link between swimming pool, converted outbuildings and extended dwelling

03/00574/FUL - Proposed two storey extension with new detached garage building. Together with addition of glazed rooflight to existing house – Refused 07.05.2003

98/50796/FUL – Replacement Garage – Approved 15.03.1999

Lapsed and superseded by 03/01559/FUL

88890769 – Alterations and First Floor Extension – Approved 01.08.1989

Implemented and comprised of the third larger two-storey gabled addition to link the extended original dwelling to the now converted outbuildings and former swimming pool now gym

88871054 – Change of use of outbuildings into Granny Flat – Approved 03.12.1987

Implemented and comprised of a single storey link to the then extended dwelling, which was later

built over under planning permission 88890769

8879957 – Build over existing swimming pool – Approved 05.10.1979

Implemented and comprised of the erection of a pitched roof building over a former swimming pool now gym, which is now linked to the dwelling and converted outbuildings/granny annexe by the glazed link approved under planning permission 03/01559/FUL.

8877366 - Carry out extension at front study and bathroom – Approved 27.06.1977

Implemented and comprised of a further two-storey extension to the east facing side elevation of the original dwelling including a parapeted gable later replicated in other extensions

8875329 – Carry out alterations and extensions – Approved 06.05.1975

Implemented and comprised of a two-storey rear in-fill extension to the original dwelling, two single storey rear extensions and relocation of front door to a central position on the original principal north facing elevation

The Proposal

The application proposes the demolition of an existing conservatory and erection of a two-storey storey extension. The two-storey extension would measure approximately 3.98 metres wide by 2.46 metres in length and would enlarge an existing two-storey element. The proposed extension would provide additional living space to the ground floor and enlarge one of the bedrooms to the first floor.

The application also proposes a first floor rear extension, measuring approximately 5.3 metres by 2.6 metres, above an existing single-storey lean-to projection to the rear to provide space for a larger bathroom on the first floor. This proposed extension would enlarge an existing two-storey element that would subsequently finish flush with the rear elevation of the extended dwelling.

The application has been accompanied by a Heritage Statement.

The application is a resubmission of refused planning application 21/00211/HOUSE with the dimensions of the proposed two-storey side extension reduced to set the extension back from the east elevation by 0.2 metre (rather than projecting forward from it).

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 Development Plan Document (adopted March 2019)

- Spatial Policy 4B – Green Belt Development
- Core Policy 9 – Sustainable Design
- Core Policy 14 – Historic Environment

Allocations and Development Management DPD (adopted 2013)

- Policy DM5 – Design
- Policy DM6 – Householder Development
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

Householder Development Supplementary Planning Document 2014

Non-designated Heritage Assets Criteria Final Draft Criteria January 2022

Consultations

Gonalston Parish Meeting - No comments received.

Conservation - The Old Post House is identified on the County Council HER (M14177). The building has historic interest (elements of interest) due to being identified on the 1875 OS map. However due to the building being significantly extended and altered it is considered that the building does not meet the District's Non-designated Heritage Asset criteria. The building does not retain its integrity as a modest cottage or any other of the elements of significance.

No representations received from local residents or interested third parties.

Comments of the Business Manager

Principle of development

Policy DM6 'Householder Development' of the Allocations & Development Management DPD sets out the criteria against which applications for householder development are assessed.

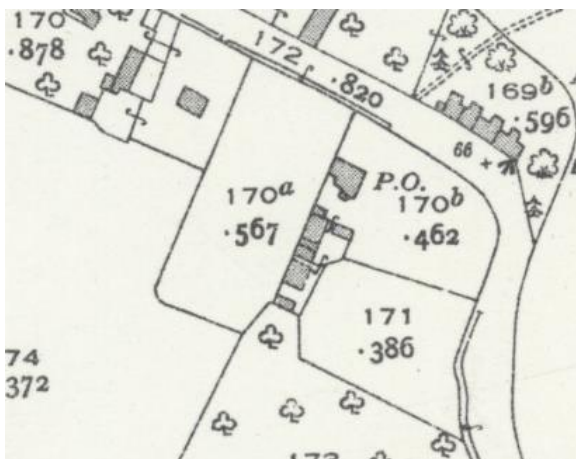
The application property is located within the Nottingham-Derby Green Belt where new development is strictly controlled through Spatial Policy 4B of the Amended Core Strategy DPD which states that development should be determined in line with the National Planning Policy Framework (NPPF). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 allows for some development such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is under this stipulation that the appropriateness of the proposal has been assessed.

The Old Post House is a historic building dating back to at least the OS first series of 1875-85 (historic map extract enclosed below).

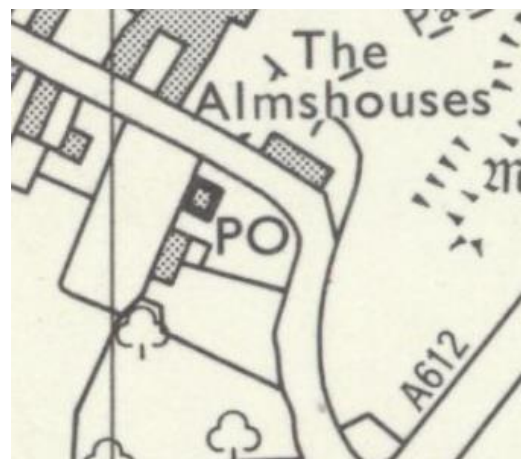


1875-85

In planning terms, **original**¹ is considered to mean “a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date”. The following historic map extracts are dated 1941 and 1970 respectively and illustrate that the footprint of the original dwelling was largely unchanged from the OS first series of 1875-85. This aligns with ‘Relevant Planning History’ as listed above, which indicates the original dwelling was first extended in 1975.



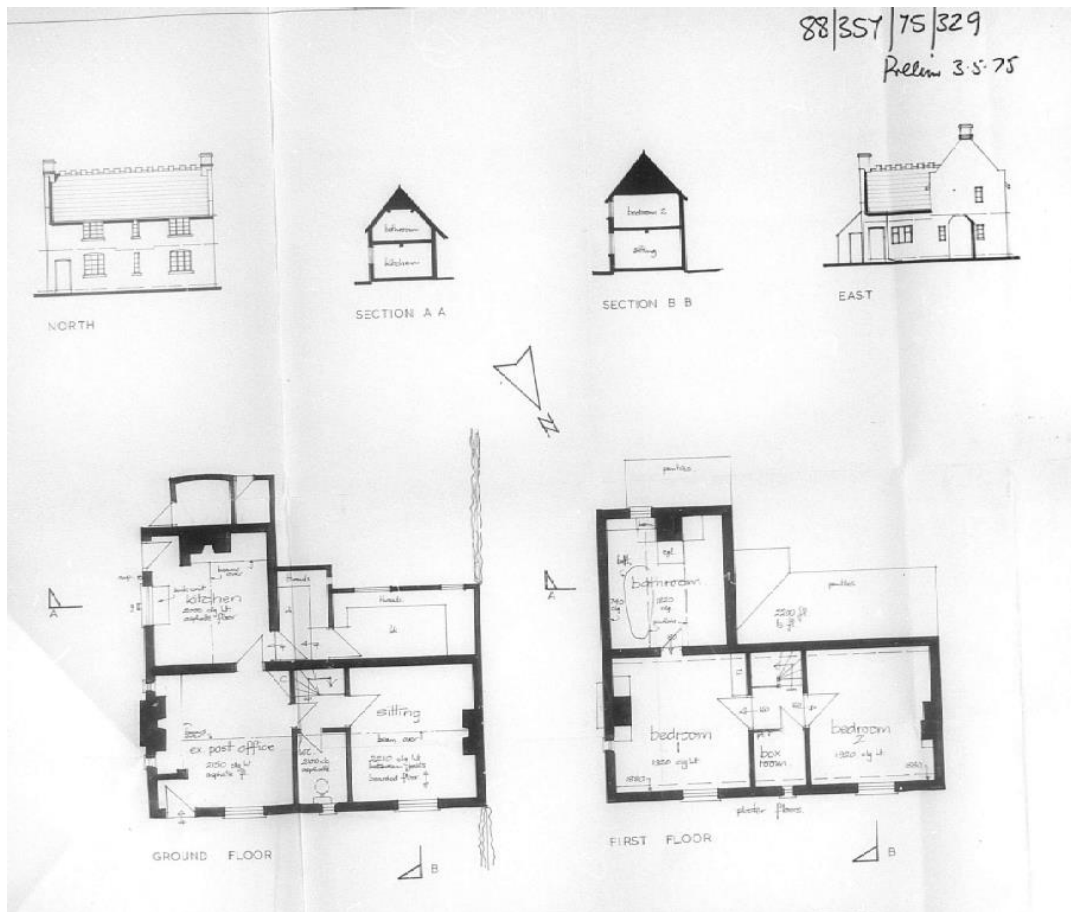
1941



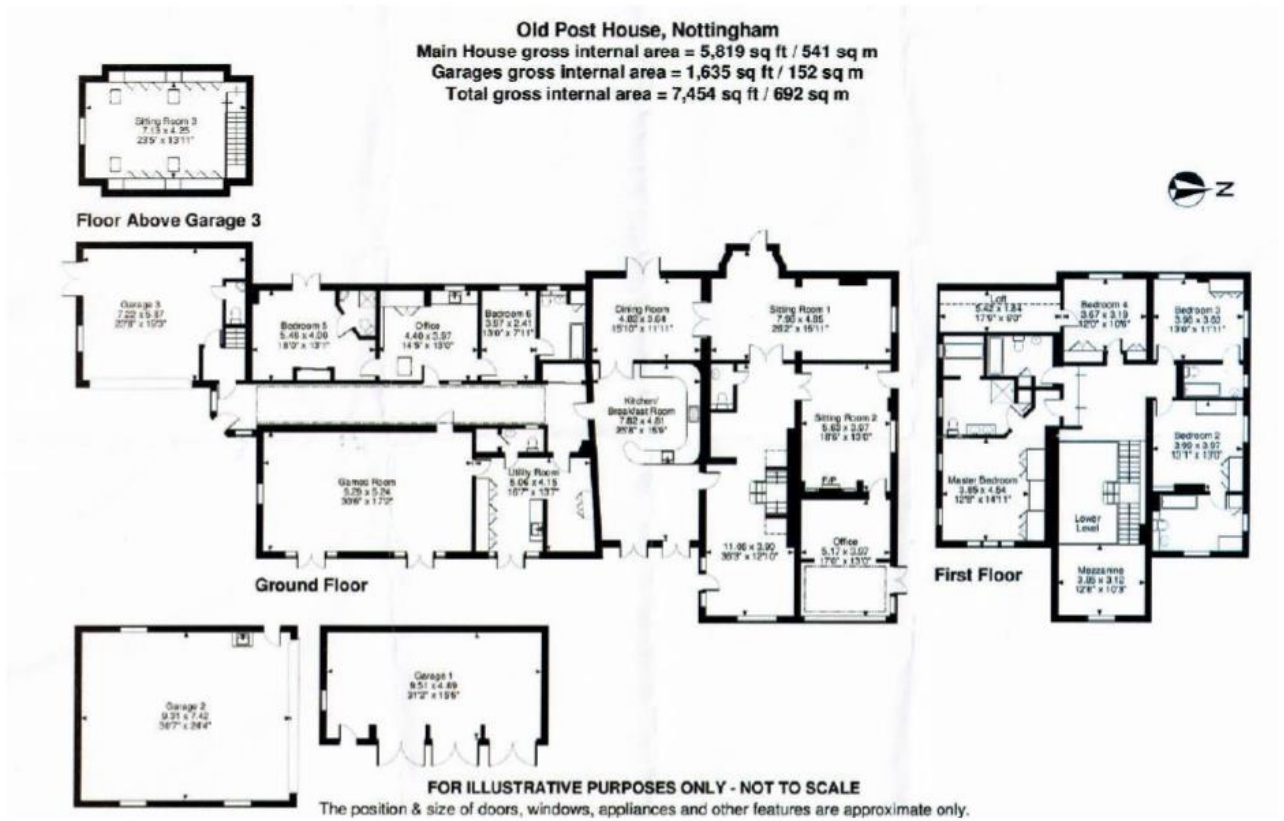
1970

The plan/image enclosed below is the survey drawing of the original existing dwelling at the time the 1975 planning application was submitted. It illustrates a modest 2-bedroomed brick and tile cottage with subservient two-storey rear wing and further single-storey rear lean-to resulting in a broadly L-shaped plan form.

¹ Town and Country Planning (General Permitted Development) Order 2015 as amended.



The plans approved on 06 May 1975 included a two-storey rear infill extension (to square off the dwelling) plus two single storey rear projections for a store (to the rear of the kitchen) and a strong room (to the rear of the lounge). Two years later, on 27 June 1977, plans were approved for a two-storey extension to the east facing side elevation of the original dwelling to provide a study at ground floor and an additional bedroom at first floor. These extensions alone more than doubled the size of the original dwelling, which was now a 4-bedroomed property. Ten years later, on 03 December 1987, plans were approved to convert existing outbuildings to the south of the extended dwelling to form a granny annexe linked to the main dwelling. Later extensions and alterations would result in this annexe becoming part of the main dwelling, as confirmed by the sales plan provided on page 3 of the Design and Access Statement submitted in support of the current application and copied below.



Planning applications for previous extensions and alterations to the original dwelling determined post 1999, as listed under 'Relevant Planning History', were done so under a different planning policy framework that comprised of Planning Practice Guidance 2: Green Belts (PPG 2, January 1995, Amended March 2001) at national level and Policies FS8 'Extent of the Green Belt' and FS9 'Appropriate Development in the Green Belt' of the Local Plan Adopted March 1999 at local level. Whilst the premise of both national and local Green Belt policy has changed very little since the abovementioned planning decisions were made, the way in which proposals are assessed by the Council has evolved, most notably since the publication of the National Planning Policy Framework, which was first published in March 2012 and most recently replaced by the revised National Planning Policy Framework published in July 2021. Consequently, previous assessments do not quantify, in numerical terms, proposed additions in order to determine whether they are disproportionate over and above the size of the **original** dwelling, this is simply expressed as a matter of judgement based on the size of the plot and scale of the proposal. Equally, previous assessments include no meaningful assessment of cumulative impact, which the policy wording details is required to be considered through use of the plural 'additions' as opposed to the singular 'addition'. However, it has always been the case that proposals to extend or alter existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the **original** dwelling.

Impact on the Green Belt

The NPPF states that substantial weight is given to any harm to the Green Belt. Under current policy, there is no definitive percentage of floor space increase considered to represent appropriate development within the Green Belt and, as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies, these typically range between 30 to 50% (volume, footprint and/or floor space increase) in determining whether householder extensions

are disproportionate to the original dwelling.

Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being disproportionate to the original building), it is useful to understand the size of the proposed extensions compared to the original dwelling and, in this case, the existing extended dwelling. Having had regard to the planning history at the site, the dwelling has been extended substantially over a period of time and to an extent that far exceeds the maximum indicative 50% threshold set out above. Indeed, floor space alone increased from approximately 100m² (original dwelling) to 541m² when purchased in 1999, which is a 400%+ increase. The exact figures have not been quantified for the purposes of this assessment, however, based on the above it is clear that, in numerical terms, the proposal would constitute inappropriate development.

Whilst it is necessary to consider the difference in size between the original dwelling and the existing and proposed additions, neither the NPPF nor the policies within the Amended Core Strategy DPD outline a specific percentage for what constitutes a disproportionate addition to an existing building. Therefore, consideration must also be given to the design of the proposal and whether its scale, form, mass and layout result in a property that would have an acceptable impact on the openness of the Green Belt.

The proposed two-storey extension would replace an existing, timber conservatory of no architectural merit and enlarge the 1977 two-storey extension to the original dwelling. Although the proposal has been amended to ensure the addition would not project beyond the east facing elevation of the extended dwelling, which was previously extended forward under planning permission reference 08/00676/FUL, the floor space, volume and footprint of the extended dwelling would be factually increased. The proposed first-floor extension would also add additional floor space and volume to the extended dwelling.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness refers to the absence of development. The overall footprint of the extended dwelling would increase and the proposed extensions would result in disproportionate additions over and above the size of the original building, as the extended dwelling would continue to massively exceed the abovementioned threshold rather than sitting comfortably within it. Furthermore, the addition of a two-storey extension would have an adverse harmful impact on the openness of the Green Belt by adding an additional bay to the property, the significance of which would be further increased by the fact there are open views of the property from public vantage points. Whilst there are existing single-storey elements that the proposal seeks to replace or enlarge, these are relatively subservient additions, which do not significantly detract from the openness, because they are single storey and, in the case of the conservatory, of timber/glazed construction. Conversely, the proposed extensions would be finished in brick and tile to match the host dwelling and would therefore have a more solid appearance with much higher level of prominence that would cause harm to the openness of the Green Belt.

The Design and Access Statement submitted in support of the application indicates more harmful additions could be added to the property under householder permitted development rights. However, no details have been advanced to enable a meaningful comparison nor is there any evidence to indicate that any permitted development allowances would likely be constructed. Furthermore, whilst permitted development rights allow for extensions and alterations to an original dwelling house, as defined above, it is unlikely that any further extensions could be added under permitted development, given the original dwelling house is dominated by extensions and

any allowance would have been theoretically 'utilised' in previous extensions. Consequently, it is considered there is no genuine permitted development fall back that, in itself, would represent the 'very special circumstances' required to outweigh the harm to the openness of the Green Belt. The support of local residents and the Local Ward Member, Councillor Roger Jackson, also do not represent 'very special circumstances'. Overall, it is considered that the proposal is contrary to the aims of Paragraph 145 of the NPPF and would have a much greater impact on the openness of the Green Belt than the existing extended dwelling.

Impact on character

Core Policy 9 'Sustainable Design' of the Amended Core Strategy (Adopted March 2019) requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". In accordance with Core Policy 9, all proposals for new householder development are assessed with reference to the design criteria outlined in Policy DM6 'Householder Development' of the Allocations & Development Management DPD, which requires the proposal to respect the design, materials and detailing of the host dwelling and the character of the surrounding area, which is also reflected in Policy DM5 'Design.'

Although, the property is identified on the County Historic Environment Record as a Local Interest building (ref M14177), it is considered that later additions and alterations to the original dwelling have adversely affected its heritage value. Consequently, it is not considered that the property has sufficient quality to be classified as a heritage asset (Conservation comments confirm this). The proposed extensions have been designed to complement the host dwelling through the use of materials and architectural details to match existing. However, the overall cumulative scale, mass and bulk of the existing and proposed extensions would further erode the character of the original dwelling having a harmful impact on the local distinctiveness and rural character of the surrounding area. Overall, it is considered the proposed extensions would be unsympathetic additions to the host dwelling, contrary to the provisions of the abovementioned policies.

Impact on residential amenity

Policy DM6 'Householder Development' of the Allocations & Development Management DPD is permissive of the erection of curtilage buildings provided there is no adverse impact on the amenities of neighbouring residents in terms of loss of privacy, light and overbearing impact.

The closest neighbouring properties are a row of terraced properties known as 'The Almshouses' to the north of the site and Lime Tree Cottage, a detached dwelling to the west. The proposed development would not alter the existing separation distances between the application property and these neighbouring properties and would not introduce new issues in terms of overbearing impact, overshadowing or loss of privacy. The proposal is therefore considered to accord with the relevant provisions of Policy DM6 of the Allocations & Development Management DPD.

Flood risk

Although parts of the application site fall within flood zones 2 and 3, the dwelling including the areas proposed to be extended fall within flood zone 1 where there is a low probability of flooding. Therefore, no further consideration of flood risk is required.

Other matters

For clarification, the planning officer has visited the site to consider this latest application and undertaken a thorough assessment of the planning history as outlined in this report.

Planning balance and conclusion

The proposed development would result in disproportionate additions over and above the size of the original building, as the already extended dwelling would cumulatively further increase the size beyond what is proportionate and cause undue harm to the openness of the Green Belt. The proposal is therefore considered to constitute inappropriate development within the Green Belt. Furthermore, the overall cumulative scale and massing of the proposed extensions would further erode the character of the original dwelling having a harmful impact on the local distinctiveness and rural character of the surrounding area. There are no 'very special circumstances' that would clearly outweigh the harm identified, therefore, a recommendation of refusal is offered.

RECOMMENDATION

That planning permission is refused for the following reason:

1. In the opinion of the Local Planning Authority, the proposed extensions would, by virtue of their scale, form, mass and layout, when considered cumulatively with previous extensions result in disproportionate additions over and above the size of the original dwelling and be harmful to the openness of the Green Belt. The proposal is therefore considered to constitute inappropriate development within the Green Belt. Furthermore, the proposed additions would further erode the character of the original dwelling, having a harmful impact on the local distinctiveness and rural character of the surrounding area. There are no 'very special circumstances' considered to exist that would outweigh the harm to the Green Belt or any other harm identified.

The proposal is therefore contrary to Spatial Policy 4B 'Green Belt Development' and Core Policy 9 'Sustainable Design' of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019), Policy DM6 'Householder Development' and Policy DM5 'Design' of the Allocations & Development Management DPD, the provisions of Paragraphs 143 - 145 of the National Planning Policy Framework (2019) and Chapter 10 of the Householder Development SPD (2014), which are material planning considerations.

Informatives

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. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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 drawings:

11414 204 Proposed Floor Layout
11414 205 Proposed First Floor Layout
11414 206 Proposed Elevations
11414 207 Proposed West Elevations
11414 210 Proposed Site Plan

BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on extension 5851

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 - 22/00615/HOUSE



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PLANNING COMMITTEE – 10 MAY 2022

Application No:	22/00629/DEM		
Proposal:	Demolition of former NSDC Housing Office		
Location:	Hawtonville District Office, 77C Eton Avenue, Newark On Trent, NG24 4JH		
Applicant:	Mr Kevin Shutt - Newark and Sherwood District Council		
Agent:	Mr Ian Dick - SGA		
Registered:	31.03.2022	Target Date:	28.04.2022
			EOT: 17.05.2022
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R9ANTDLB0FZ00		

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

The Site

The application site contains the former Newark and Sherwood District Council housing office, located on the corner of Eton Avenue and Devon Road, Newark. The site is predominantly surrounded by residential development with some commercial properties to the north-west.

Relevant Planning History

01900943 - Residential Development. Application approved 16th January 1991;

01881111 - Erection of Local Housing Office. Application approved 9th January 1989.

The Proposal

This application seeks prior approval for determination of whether the method of demolition and any proposed restoration of the site is required. The proposal comprises the demolition of the single storey red brick office building. It is envisaged that the demolition would take place on/after the 26th May 2022.

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

- Application Form, received 31st March 2022;
- Site Location Plan, ref 529 SGA 35 SL DR A 00050 Rev P1. Received 25th March 2022;
- Existing Office & Site Photographs, ref 529 SGA 35 SL DR A 00051 Rev P1. Received 25th March 2022;
- Site Protection during demolition works, ref 529 SGA 35 SL DR A 00052 Rev P1. Received 25th March 2022;

- Demolition Statement, received 25th March 2022;
- Copy of Site Notice, posted 21st April 2022;
- Method Statement for Demolition Eton Avenue Local Housing Office, received 28th April 2022.

Public Advertisement Procedure

The agent has submitted a copy of the notice of the proposed demolition which has been posted for a period of 21 days and will expire on 12th May 2022 in accordance with the requirements of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The requirements of this site notice are set out within paragraph F13 of Class B; the valid site notice was posted on the 21st April 2022 and therefore the Local Planning Authority has a period of 28 days to determine the application from the 21st April 2022.

Legislation

- Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Environmental Impact Assessment

Demolition is capable of being an 'urban development project' within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The development has therefore been subject of a separate screening opinion under application no 22/SCR/00006 which concludes that that the effects of the proposed demolition would not be so significant that they would be of more than local importance and Environmental Impact Assessment (EIA) is not required.

Consultations

Newark Town Council - No objection was raised to this application.

NSDC Environmental Health Officer (contamination) - No observations in relation to land contamination.

NSDC Environmental Health Officer (noise and dust) - no objections in principle, would recommend a demolition method statement/scheme is requested detailing demolition hours and how dust will be suppressed during the period of demolition.

I would recommend the following:

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Comments of the Business Manager

The applicant has applied for determination as to whether or not prior approval of the authority is required for the method of demolition and any proposed restoration of the site. It is important to note that the method of demolition and any proposed restoration of the site are the only matters relevant to the consideration of this prior approval application.

The submitted application form states that demolition is necessary as the building has been unused for approximately 2 years and fallen into disrepair. The method of demolition would comprise of mechanical and hand demolition. As noted within the consultation responses a method statement is required in order to reduce impacts in relation to dust. Therefore, it is considered by Officers that prior approval is required. On the understanding that Members will agree with this view, the applicant and agent have been advised of this and they have submitted a method statement providing further information including the use of water mist spray and heavy dust compression system which is confirmed meets the requirements set out by Environmental Health.

In terms of restoration, the site would be levelled to existing ground levels left clean.

Subject to compliance with the submitted 'Method Statement for Demolition Eton Avenue Local Housing Office' the proposed method of demolition and proposed restoration of the site is considered acceptable as proposed.

RECOMMENDATION

That prior approval is required and approved for the demolition of the building subject to:

- a) **The condition(s) shown below; and**
- b) **The Site Notice expiring on the 12th May 2022 with no further material comments being received.**

Conditions

01

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

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

02

The development shall be carried out in accordance with the details submitted with the application including the approved measures set out in the 'Method Statement for Demolition Eton Avenue Local Housing Office, received 28th April 2022.

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

Note to Applicant

01

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

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

BACKGROUND PAPERS

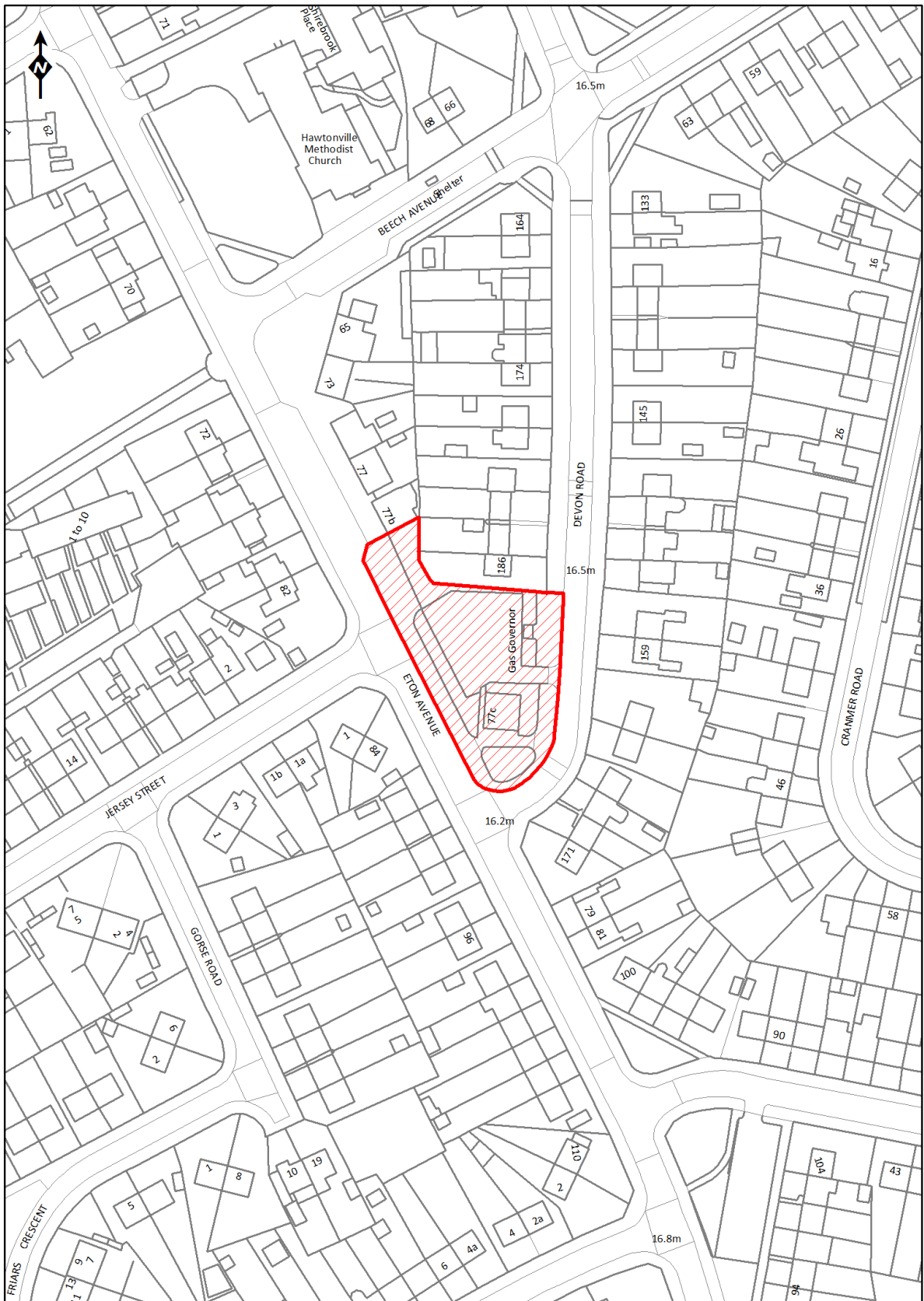
Application case file.

For further information, please contact Isabel Verheul on ext 5860

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 - 22/00629/DEM



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Planning Committee – 10 MAY 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 (25 March and 25 April 2022)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/22/329151 4	21/02192/HOUSE	Hillcrest 7 Hoveringham Road Caythorpe NG14 7EE	Proposed side extension	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/32883 07	21/01676/FUL	1 Sherwood Road Rainworth NG21 0LJ	Change of use from a residential dwelling (C3) to a dental practice (E) and erect single storey rear extension to replace conservatory (Re-submission of 20/02181/FUL)	Written Representation	Refusal of a planning application
APP/B3030/W/21/32898 92	21/01616/FUL	Forge Cottage School Lane Kneesall NG22 0AE	Erection of a dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/22/32908 14	21/00831/FUL	Plot 9 Skylarks Ricket Lane Blidworth	New stable block (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/22/32916 94	21/01251/FUL	24 Lyndhurst Avenue Blidworth NG21 0RJ	Erection of one bedroom, two storey dwelling	Written Representation	Refusal of a planning application

APP/B3030/W/22/32918 55	21/02261/FUL	81 Lincoln Road Newark On Trent NG24 2BU	Proposed alterations to No.81 Lincoln Road and erection of new dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/22/32928 94	21/02547/FUL	Nampara 30 Spring Lane Balderton NG24 3NZ	Demolition of detached garage, Construction of a detached bungalow with associated parking (resubmission)	Written Representation	Refusal of a planning application
APP/B3030/W/22/32930 16	21/02245/FUL	Hutchinson Engineering Services Ltd Great North Road Weston NG23 6SY	Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods	Written Representation	Refusal of a planning application
APP/B3030/W/22/32940 38	21/01532/FUL	Field Reference Number 2789 Wellow Road Eakring	Construction of Workshop/Store	Written Representation	Refusal of a planning application

APP/B3030/X/22/329633 1	22/00230/LDC	The Paddocks Southwell Road Halloughton Nottinghamshire NG25 0QP	Application for Lawful Development Certificate for the installation of free draining sustainable urban drainage system, erection of 2 metre high brick wall, 1 metre high gate, 1.2 metre high fencing, and installation of two electric vehicle charging upstands.	Written Representation	Refusal of a lawful development certificate
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PLANNING COMMITTEE – 10 MAY 2022

Appendix B: Appeals Determined (between 25 March and 25 April 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/01992/FUL	Fairfields Station Road Fiskerton NG25 0UG	Proposed extensions to existing garage to form an annexe linked to existing property via a proposed garden wall	Delegated Officer	Not applicable	Appeal Allowed	4th April 2022
21/00436/HOUSE	Chapel Cottage Main Street Edingley NG22 8BE	Proposed detached garage and out-building	Delegated Officer	Not applicable	Appeal Dismissed	5th April 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.

Asha Hughes
Business Manager – Planning Development



Appeal Decision

Site visit made on 22 February 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/B3030/D/22/3291658

Fairfields, Station Road, Fiskerton, Southwell NG25 0UG

- 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 Andy Taylor against the decision of Newark & Sherwood District Council.
 - The application Ref 21/01992/FUL, dated 13 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is a single storey rear extension to garage/outbuilding, including conversion, to form home gymnasium/domestic leisure annexe.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to garage/outbuilding, including conversion, to form home gymnasium/domestic leisure annexe at Fairfields, Station Road, Fiskerton, Southwell NG25 0UG, in accordance with the terms of the application, Ref 21/01992/FUL dated 13 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 21031.01(a) (Existing and Site Location Plans), 21031.02(a) (Existing Elevations), 21031.03(d) (Proposed and Block Plans) and 21031.04(c) (Proposed Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has changed and a different wording has been entered, which is consistent with that which appears on the Council's decision notice. Nevertheless, neither of the main parties has provided written confirmation that a revised description of development has been agreed, the appellant does not support the altered description, and the original wording acceptably describes the proposed development. Accordingly, I have used the description given on the original application.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the scheme, having regard to its effect on the character and appearance of the area.

Reasons

4. The appeal site lies outside the “built-up area boundary” set by the Fiskerton-cum-Morton Neighbourhood Plan (2019) (the NP) and as a result it lies in the countryside for local policy purposes. Development at such locations is assessed according to the provisions of Policy DM8 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) (the DPD). This states that development in the open countryside will be strictly controlled and will be limited to certain types of development. These include the conversion of existing buildings. The policy additionally requires compliance with the requirements of Spatial Policy 3 and Core Policy 13 of the Newark and Sherwood Amended Core Strategy (2019) (the CS). The aims of these policies include the preservation of the countryside and landscape as a natural resource.
5. Policy CP13 of the CS states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie. The site is located within the Trent Washlands Policy Zone Bleasby, Morton and Fiskerton Village Farmlands character area as defined within the Landscape Character Assessment Supplementary Planning Document.
6. Relevant implications for this area include that development should conserve the historic character and setting of the village, should respect the scale, design and materials used traditionally, should conserve historic field pattern by containing new development within historic boundaries, and should create small scale woodlands/tree planting to soften new development.
7. The host dwelling is a substantial two-storey building within large grounds which lies at the edge of the village at the corner of Station Road and Claypit Lane. It has an individual and striking design arising from its discrete elements and varying roof types. Development at the site generally lies to the front, with remaining garden areas providing a verdant backdrop.
8. The host site lies immediately adjacent to open fields. Nevertheless, it is contained on all sides by mature hedgerow. The retention of the hedgerow to all sides of the wider site at a minimum height of 2 metres is required by a condition imposed on a grant of permission¹ for the host dwelling. The resulting separation from adjacent countryside, the substantial buildings at the site and their associated parking area give rise to a domestic and developed appearance which is distinct from the open landscape beyond.
9. A large garage lies adjacent to the dwelling and would form the proposed annexe. The appeal proposes its conversion and partial extension to provide exercise and leisure facilities. The facility would share access with the host dwelling and, whilst no bedroom area is indicated, it would contain bathroom and kitchen facilities, and open-plan areas.

¹ Local Planning Authority Ref 15/00503/FUL

10. The Council has concerns that the building could be used as an independent dwelling in future. It considers that this would not be appropriate at the site's location. Nevertheless, I am required to consider the proposal as applied for, and on the basis that any planning permission runs with the land. Even if the development could be used as a separate dwelling, there is no separate dwelling before me. If the structure is not used for the ancillary uses proposed, or if there is a material change of use in the future to create a separate dwelling, it is likely that a separate grant of planning permission would be required, and that the building would be at risk of enforcement action if such permission is not granted. Thus, the Council's concerns in this regard do not give rise to unacceptable harm. Furthermore, for these reasons I do not consider the suggested condition limiting the annexe's occupancy to be necessary.
11. Turning to the proposal's effect on the character and appearance of the area, the extended annexe would appear acceptably subservient to the host dwelling as a result of its single storey scale and because the entirety of the building's massing would not be visible at once from the road due to the building's layout. Its roofing arrangement would harmonise acceptably in the context of the diverse design of existing development at the site, which includes a variety of roof forms. Furthermore, these elements would only be seen in glimpses from the road due to the level of hedgerow around the site, the presence of which is secured by condition as set out above. The verdant appearance of the site's garden backdrop and its physical separation from open countryside would prevent the development from appearing as a harmful encroachment of built form into the countryside.
12. In terms of the requirements of Policy CP13 of the CS, the proposal would conserve the historic character, building design and setting of the village as the development site lies at its edge and is well screened by hedgerow, thus ensuring that it does not compete with the historic core. It would contain the development within the established site boundary. Although it would not result in any significant new planting, it would not alter the substantial tree planting around the site edges.
13. Whilst the removal of car parking facilities at the garage as a result of the appeal scheme has given rise to an application for a new garage building at the site, the securing of the appearance of such a scheme, if otherwise acceptable, is within the Council's control. As a result, the matter does not result in unacceptable harm.
14. Thus, the appeal site would be a suitable location for the scheme, having regard to its effect on the character and appearance of the area. The proposal consequently complies with Policies SP3 and CP9 of the CS, which state that the countryside will be protected and that new development should be of a high standard of design and should not have a detrimental impact on the character of the location or its landscape setting. Further compliance exists with Policy CP13 of the CS, the aims of which are set out above. Additional compliance exists with Policy DM5 of the DPD, which sets out that new development should respect the rich local distinctiveness of the district's landscape and character of built form. Further compliance exists with Policy DM6 of the DPD, which states that development should respect the character of the surrounding area. Additional compliance exists with Policy DM8 of the DPD, the aims of which are set out above. Further compliance exists with Policy FCM5 of the NP, which

states that development will be supported where its design and specifications complement the established character of the village. Additional compliance exists with the design provisions of the Council's Householder Development Supplementary Planning Document (2014).

Conditions

- 15. The plans condition is imposed because this creates certainty for all parties.
- 16. A condition in respect of materials is necessary in order to protect the character and appearance of the area.

Other Matters

- 17. The distance of the proposed annexe from residential development on the other side of Claypit Lane and the presence of mature intervening vegetation would prevent any unacceptable effects on the living conditions of neighbouring occupiers with regard to illumination. Furthermore, there is no substantive evidence before me to suggest that the proposal would result in any significant adverse effect on wildlife.

Conclusion

- 18. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Beeby

INSPECTOR

PLANNING COMMITTEE – 10 MAY 2022

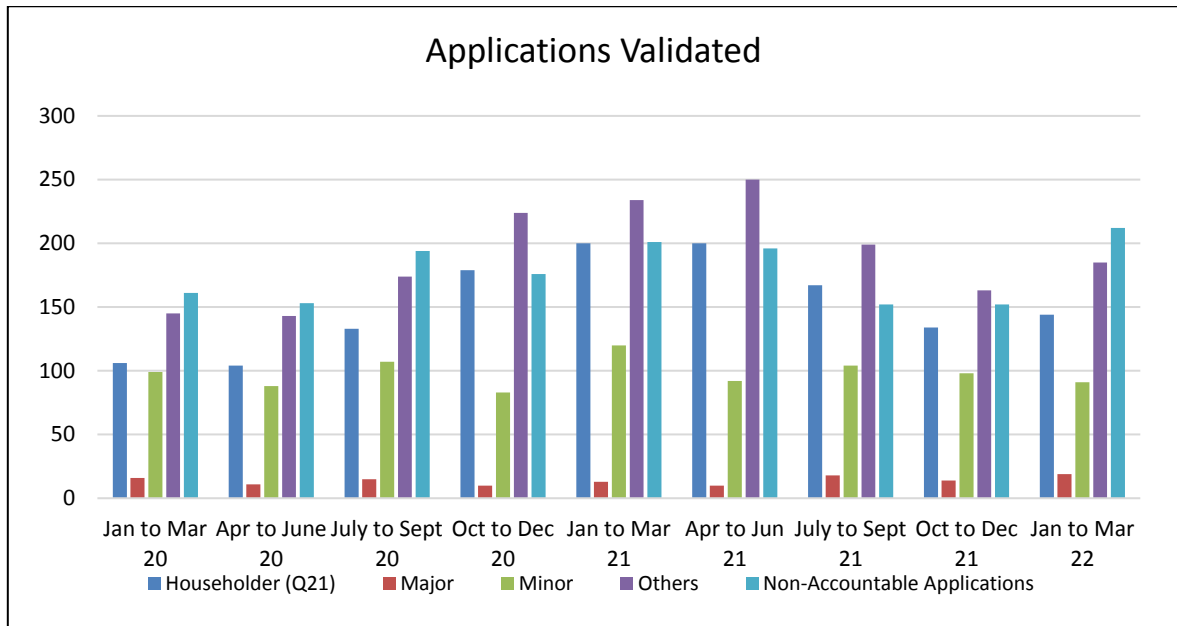
DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

1.0 Purpose of Report

- 1.1 This report relates to the performance of the Planning Development Business Unit over the three month period January to March 2022 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 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 some of the activities undertaken by the department.

2.0 Application Numbers

- 2.1 The graph below show the number of applications that have been received as valid each quarter from January 2020 up until March 2022. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the final quarter of 2021/22, a total of 873 applications were received. This, compared to the same quarter in 2020/22 shows a large reduction from 1003 applications or an approximate 13% decrease in workload. 873 applications is still significantly greater than prior to the pandemic in 2019/20 when 780 applications were received in the same quarter. The previous annual report identified the biggest increase in numbers were for householder applications with an 89% increase (200 applications compared to 106). However, whilst the overall numbers have reduced, the number of major applications and non-countable have increased compared to the same time last year. Non-countable include applications seeking approval of details pursuant to a condition e.g. samples of materials. Such applications are generally submitted shortly before development commences and the increased numbers likely reflects the greater number of applications dealt with over the previous 12-18 months. Notwithstanding this slight reduction in the number of applications over the previous quarter, across the 12 month period there has been an increase compared to 2020/21 from 1063 to 1091 applications (major, minor and others). These applications are all reported to Government as part of our performance statistics. Across the financial year, in relation to the receipt of all application types there has been a slight decrease from 2875 (for 2020/21) to 2785 applications. This appears to relate more to a reduction in 'others' under which householders fall. However, the number of major applications has increased and these are likely to have greatest impact in terms of housing numbers and potentially job creation, with 61 applications received this financial year compared to 49 in 2020/21.



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.

Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

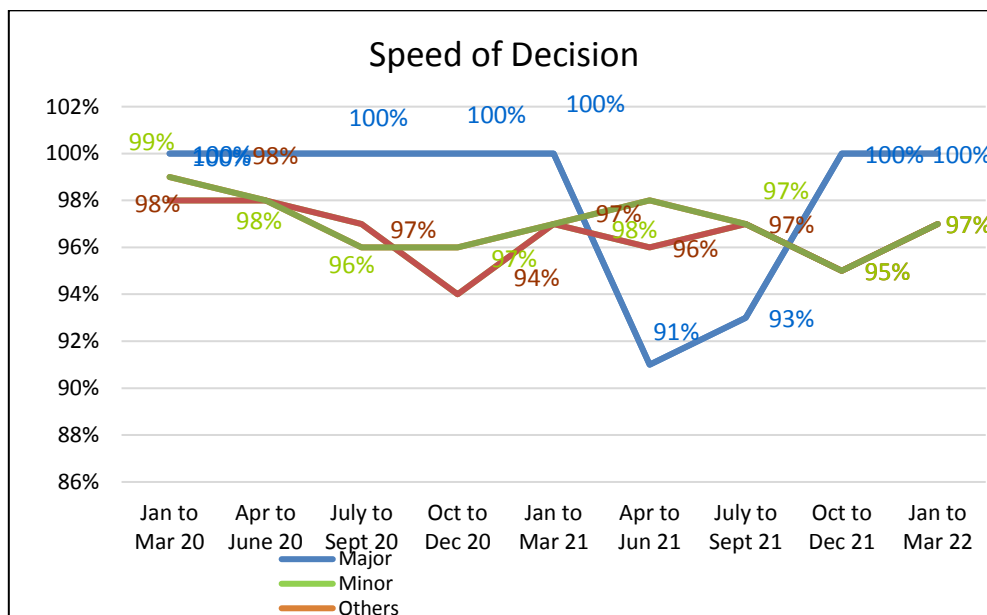
3.0 **Performance**

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 January 2020 to end of December 2022, 98.1% of major applications have been determined within these timescales. Across all of the Nottinghamshire authorities, NSDC is the best performing and out of the 333 authorities across England and Wales, we are 50th in terms of overall performance. However, in terms of the number of major applications determined for the top 50 authorities, only 3 councils have determined a greater number 107, 108 and 109 compared to [NSDC's] 105. For non-majors, the target set nationally is 70% over a two-year period. 96.6% of non-major applications over this same time period have been determined within these timescales and NSDC is 44th within the country. Comparing once again to the other Nottinghamshire authorities, we are second best performing, Broxtowe having determined 97.5%. However, the number they have determined is significantly fewer at 1247 compared to 1919 (or 35% less) than NSDC. These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively

with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended. However, it can be seen that performance has significantly exceeded these targets and in both areas have increased compared to the report presented last year where performance was 95% for majors and 93.5% for non-majors.

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.



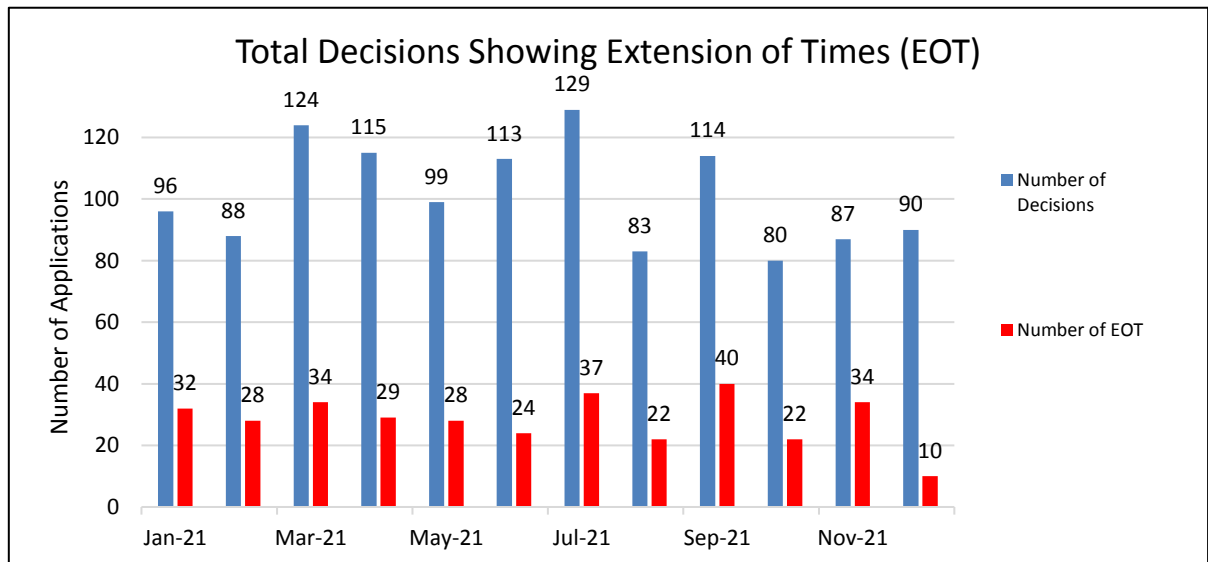
3.4 For major applications, performance over the previous quarter has remained at 100%. Across the 12 month period, the performance averages to 96%. Minors is at 97%, having dropped slightly during the previous quarter. Overall performance has very slightly improved compared to the previous 12 months. The same applies to Other applications as well. As Members will be aware, Officers are now working in a hybrid manner with approximately 2 days in the office and 3 days from home, on average. The change in working patterns can be seen has not significantly affected performance.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time period from applicants. Time extensions might be sought by either party (the applicant or the Council) 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 suggested that the determination timescales set out in legislation should be adhered to and were looking to potentially implement this as part of the overall planning changes. Whether this is introduced remains to be seen.

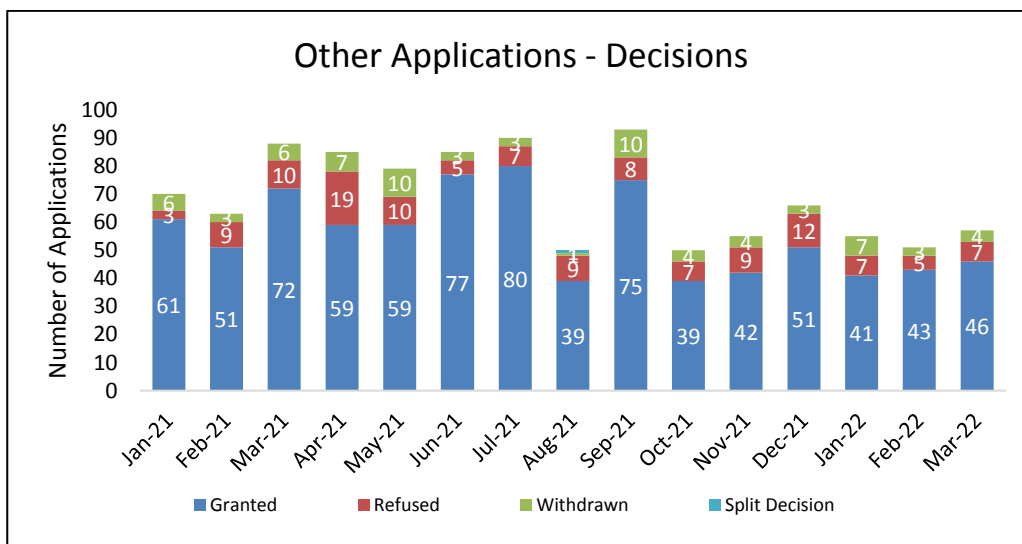
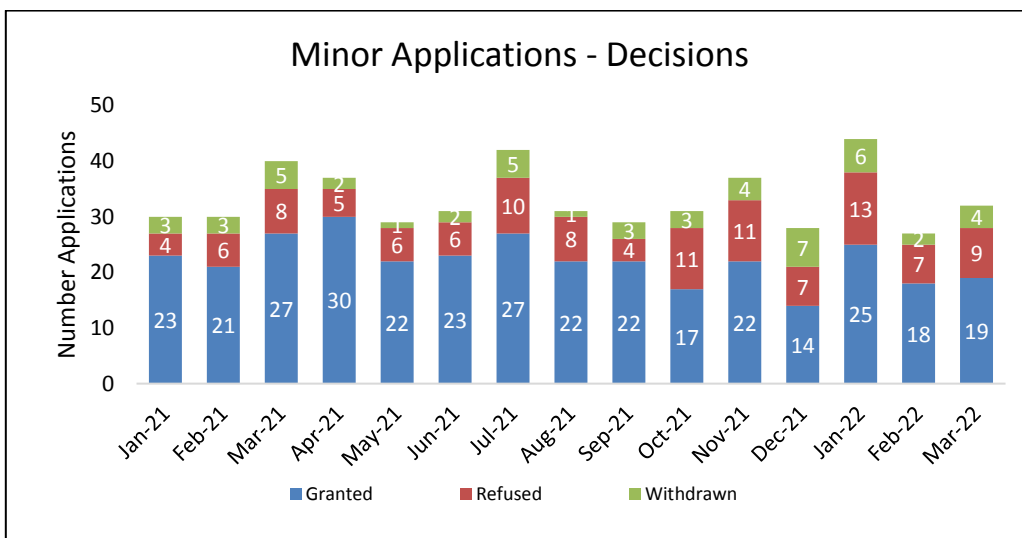
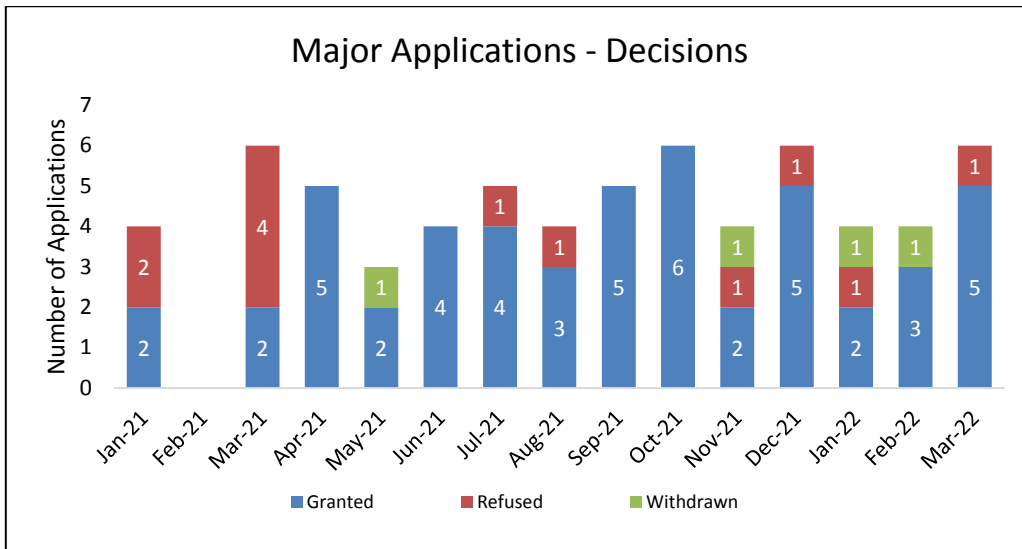
3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been

sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. It is hoped over time, that it might be possible to reduce the number of applications with time extensions and following that also reduce the overall time taken to determine planning applications. However, this has and will continue to be challenging due to the increase in receipt of applications received as set out within paragraph 2.1. New local performance targets have been introduced addressing the speed (in terms of the number of days) of decision making for major and minor planning applications. There has been improvement in terms of the percentage of applications that have been subject to an extension of time from 32% in 2020/21 to 28% this financial year.

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



3.8 Over the previous financial year, the number of decisions issued quarter on quarter has decreased from 331 in April-June 2021 to 253 in January to March 2022 reflecting the slightly reduced number of applications received. Of these decisions, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted (cumulatively approximately 88%, 73% and 86% across the major, minor and other categories respectively). Withdrawals (103 across the year compared to 79 in 2020/21) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a 'free go', whereby no fee is payable.



4.0 Tree Applications

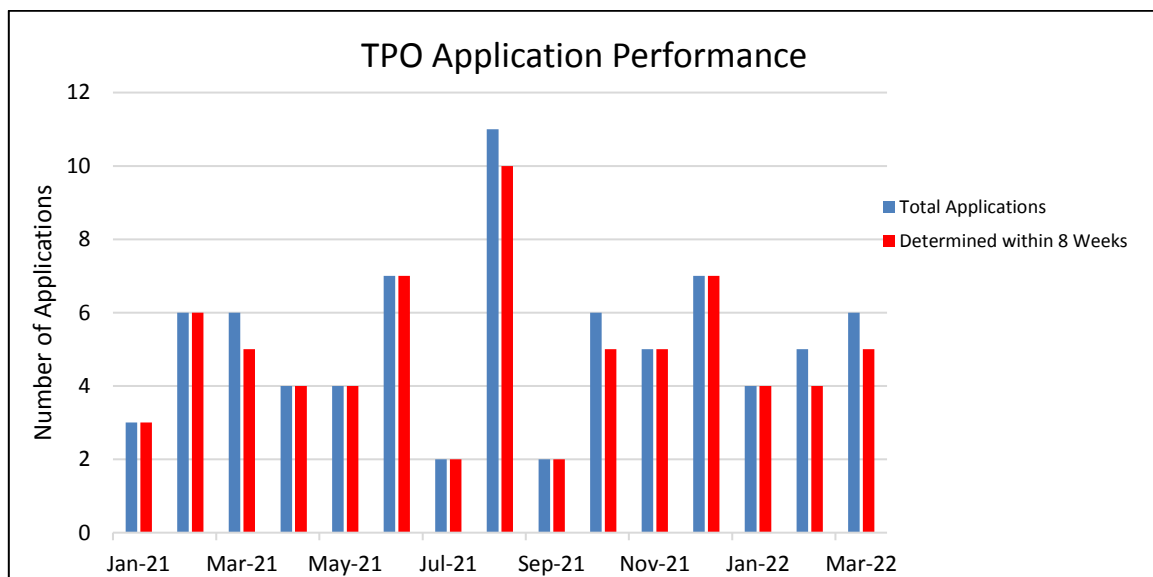
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council's decision as to whether or not the tree

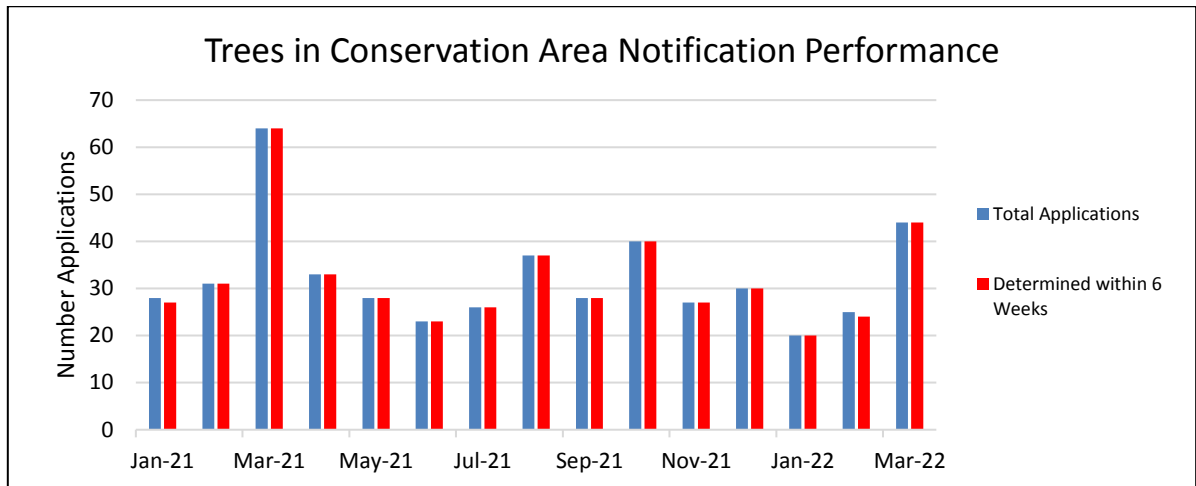
has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

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

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

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

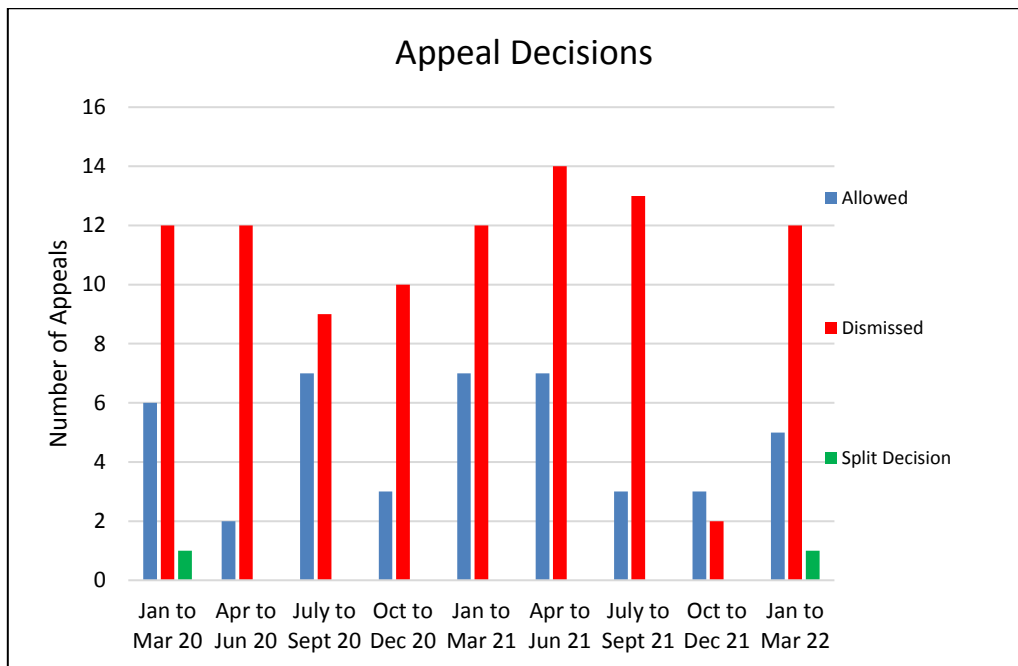




5.0 Appeals

5.1 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). It can be seen that the total number of appeals fluctuates quite considerably, and like tree applications makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal makes resourcing more challenging. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource responding accordingly from very high to low. Members will be aware over the previous 12 months there have been two public inquiries – Halloughton Solar Farm and Eakring Road, Bilsthorpe – for housing. The amount of resource invested into defending all appeals, but particularly inquiries, due to their interrogative nature cannot be underestimated. .

5.2 This quarter has seen a large rise in the number of decisions issued by the Inspectorate compared to the previous quarter, from 5 to 18. Across the year, compared to the previous financial year, the Inspectorate has issued 60 decision this year compared to 62 for the previous. The number dismissed exceeds the number allowed and is line with the Government’s previous target of having no more than 33% being allowed. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 30% have been allowed compared to 31% the previous year.



- 5.3 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made by developers directly to the Planning Inspectorate. Members may have seen headlines reporting that one such authority, which has recently been sanctioned against, is Uttlesford District Council.
- 5.4 As of 1 April 2018 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.
- 5.5 Data from government has not been updated since the report was originally presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the Council will be significantly within these figures.
- 5.6 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this comprises unreasonable behaviour. A number of claims have been made against the Council across the year, all of which have been successfully defended with the exception of the inquiry for Eakring Road, Bilshorpe where partial costs were awarded. The Council has also been successful in a claim relating to a TPO appeal that was determined by way of a hearing.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. The newly created post of Tree/Landscape Officer has been filled with Sean Davies joining the authority in February. This post will have significant benefits by way of managing

the fluctuating workload in relation to tree related applications. Where the numbers received are high a focus will be upon dealing with these. However, where numbers are lower Mr Davies will be able to review historical TPOs as well as other project works. This post will also be responsible for providing landscape advice on planning applications and assisting other departments on landscape matters, but only where a planning application will not need to be submitted for assessment. Isabelle Richards has joined as the Heritage Action Zone Officer replacing Charlotte Hetherington. Lastly, Christine Howard retired who managed Land Charges. Sophie Cleaver has moved from her former role in Technical Support to the Land Charges post which has enabled her former maternity cover, Sarah Kingston, to remain within Technical Support. There will always be change in staffing, however the previous 12 months has remained fairly stable which has enabled the performance to be achieved over the previous year. It will also be noted from the accompanying planning enforcement report that everyone across the team has put in a huge effort to ensure performance for our customers has been maintained and improved upon. The support of the Technical staff should also not go unrecognised as without them registering applications and issuing decisions, the Council would not be able to meet targets.

- 6.2 There have been further changes in legislation which were reported to Members last month but the coming 12 months will also see preparation for biodiversity net gain which is due to come into force as a requirement for applications in November 2023. Members will be provided with information and training regarding this in due course.
- 6.3 Alongside these more 'planning' related duties, during the summer of 2021 a review of the Council's guidance in relation to Street Naming and Numbering was undertaken. This is an important service area providing addresses for newly built homes and businesses as well as re-naming of existing properties. The review resulted in the former guidance being completely re-written and adoption as a Policy. The Policy also details that engagement with Town and Parish Councils will be undertaken in relation to the naming of new roads and a list of names will be held for developers to consider. In addition, reviews of a number of conservation areas have been progressed with amendments to Laxton and Ollerton approved in March as well as a document defining the criteria for assessing Non Designated Heritage Assets.
- 6.4 During the previous financial year, the Government had issued the White Paper which was suggesting some quite significant changes to planning. It is understood that a number of the measures are unlikely to be progressed but future changes to planning will likely be provided within the Queen's speech in May. Relevant information will be reported to Members in due course.

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. Overall the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small. The recruitment process that was undertaken during the latter part of 2020/21 has been positive with all of the officers across the planning department working hard and looking for ways to be more efficient.

10.0 Community Plan – Alignment to Objectives

10.1 Deliver inclusive and sustainable economic growth

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

Enhance and protect the district's natural environment

11.0 RECOMMENDATION

That the Committee note the contents of the report.

Reason for Recommendation

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

Background Papers

None

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

Matt Lamb

Director – Planning & Growth

PLANNING COMMITTEE – 10 MAY 2022

QUARTERLY AND YEAR ENDING ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the fourth quarter from the 1st January 2022 to the 31st March 2022 and provides an update on enforcement activity 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.

The report also includes key figures relating to overall planning enforcement activity for the 2021–22 financial year.

SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Following a spike of enforcement complaints having been received at the start of the Covid-19 pandemic, the number of cases received has returned to pre-pandemic levels, as anticipated, now that restrictions have been lifted. Nevertheless, Members will note from Charts 3 and 4 that the enforcement team has continued to be extremely busy, with a total of 432 new enforcement cases having been lodged in the 2021/22 financial year.

Officers have noticed an increase in the number of complex and serious cases, which demand considerable time and resource to effectively investigate and enforce. This includes an increase in the number of Notices being issued compared to previous years as shown in Chart 6, and a return to the Magistrates Court for a number of complex, ongoing issues.

Members will note the positive trend of cases being closed where the breach has been resolved, which ultimately is a high priority for the planning service. 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 Members, where appropriate, to continue to educate the public where possible on planning legislation.

Chart 3 sets out the overall reasons for cases having been closed across the 2021/22 financial year. Whilst the common trend of a significant number of cases being closed is due to no breach having been identified, it is pleasing that approximately a quarter of overall cases were resolved by the enforcement team where a breach had been identified e.g. through the submission of a planning application, negotiation by the team or the service of a formal notice.

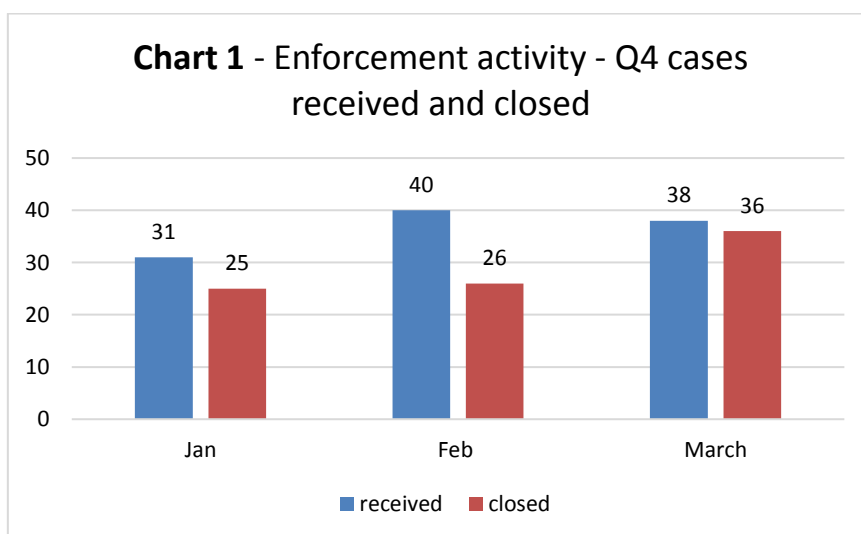


Chart 1 details the number of enforcement cases that have been formally registered and closed in Q4. Given that some investigations take time to investigate, correspond and resolve, it follows that many of the cases closed were received in previous quarters. Officers have also established an email point of contact for the public and Members (Planningenforcement@newark-sherwooddc.gov.uk), where some queries are regularly resolved or answered without having to formally register them.

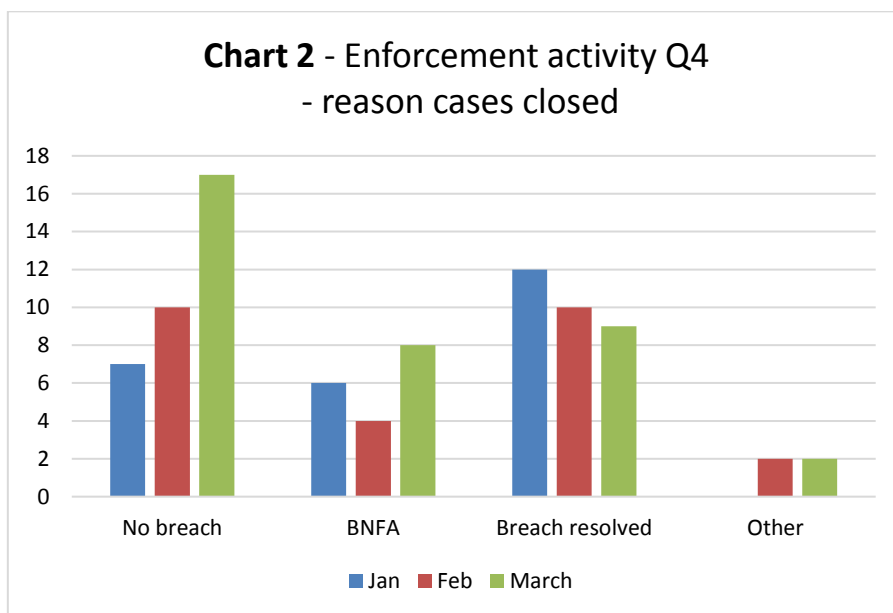


Chart 2 details the reasons for those cases having been closed in Q4. As is most often the case, many cases that have been formally registered were found to have not been a breach of planning control. Members will note a considerable proportion of cases have been resolved, either through cooperation with or formal enforcement action against the responsible party. BNFA (Breach No Further Action) cases are those where a breach of planning control has been identified but, in line with national and local planning policy, were considered to be acceptable had an application been submitted. In those instances whilst an application is encouraged to regularise the position, enforcement action has not justified as being expedient in the public interest and the cases have been closed. This allows Officers to focus resource on the more harmful issues.

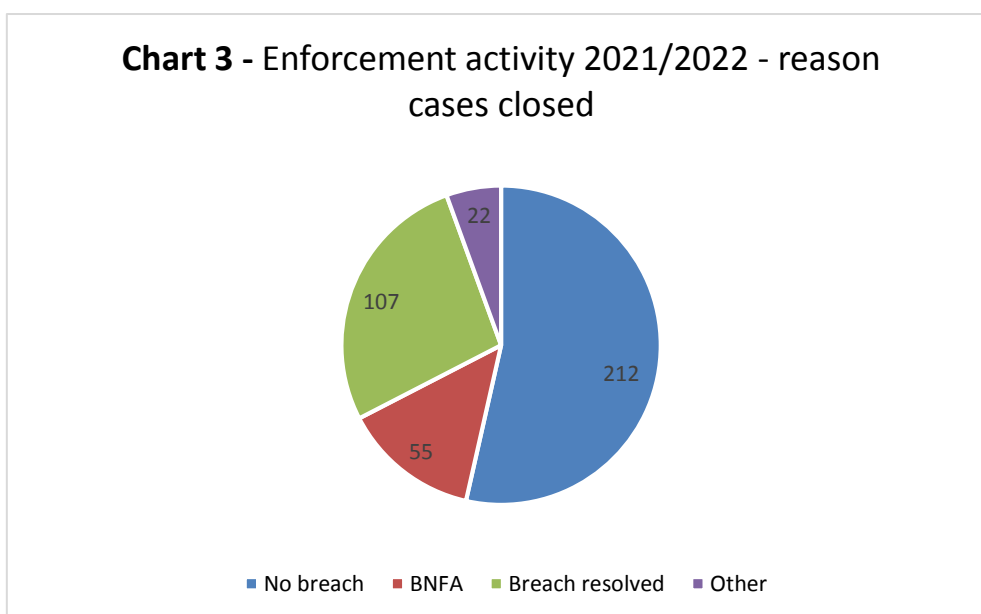


Chart 3 expands upon Chart 2, detailing the reasons for cases having been closed across the 2021/22 financial period. Breaches that have been resolved through cooperation or formal enforcement action continue to be the secondmost reason for closing cases.

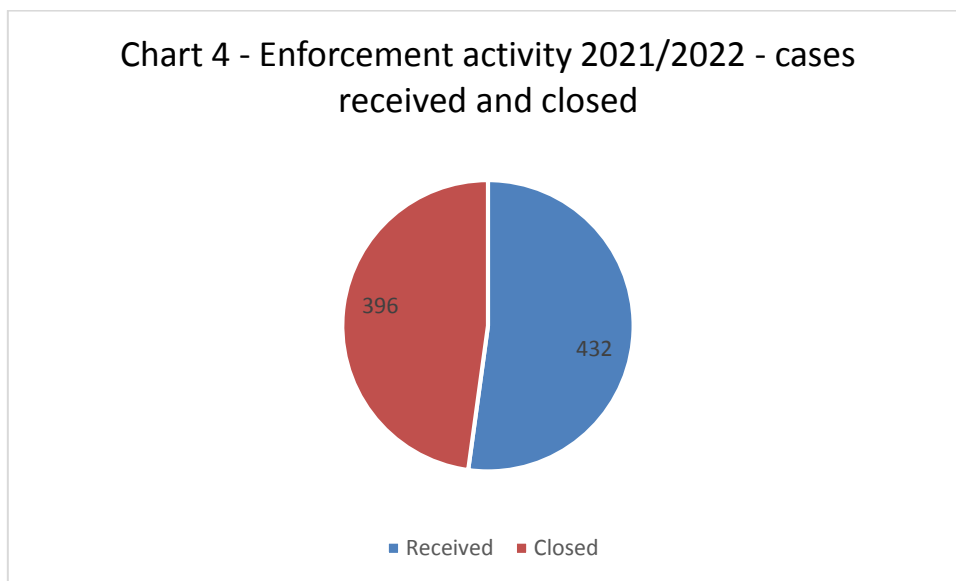


Chart 4 identifies that over the 2021/2022 financial year, 396 cases have been closed. As Officers continue to correspond with or issue formal enforcement action against landowners, it follows that while a high proportion of cases have been closed, some cases which are going through the enforcement or appeal process cannot be closed within the same financial year.

Outcomes in Quarter 4

	January	February	March	Total
Notices Complied With	0	3	1	4
Appeal Lodged	2	1	0	3
Appeal Determined	1	1	0	2

Table 1 – Details of planning enforcement notices issued and complied with during Q4 of 2021/22. Also included are details of appeals relating to enforcement notices.

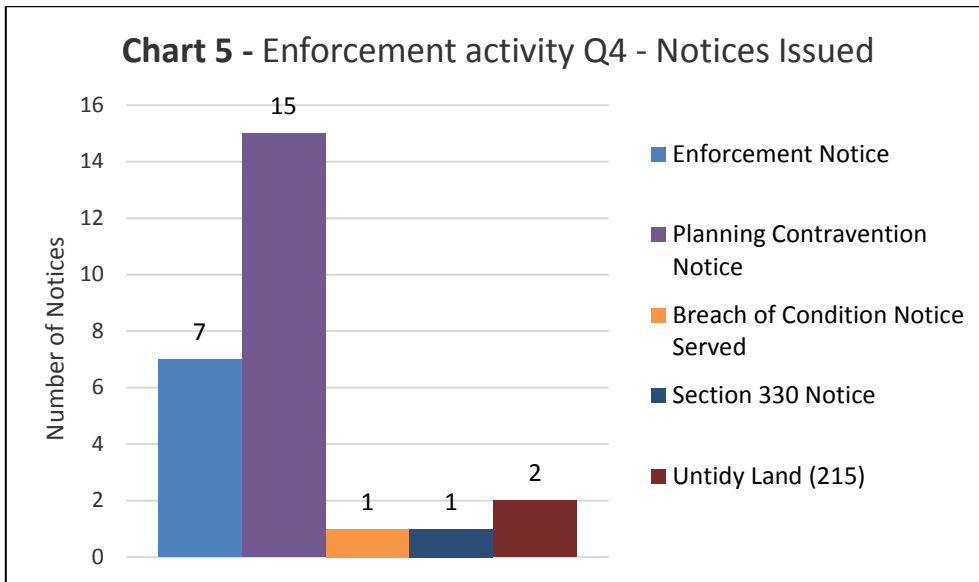


Chart 5 shows how Q4 has been an extremely busy period in terms of the number of Notices that have been issued, meaning that harmful development has been identified, and efforts of cooperatively resolving matters has not been taken up by the landowner, or where the development is so harmful that cooperation would only delay the inevitable action.

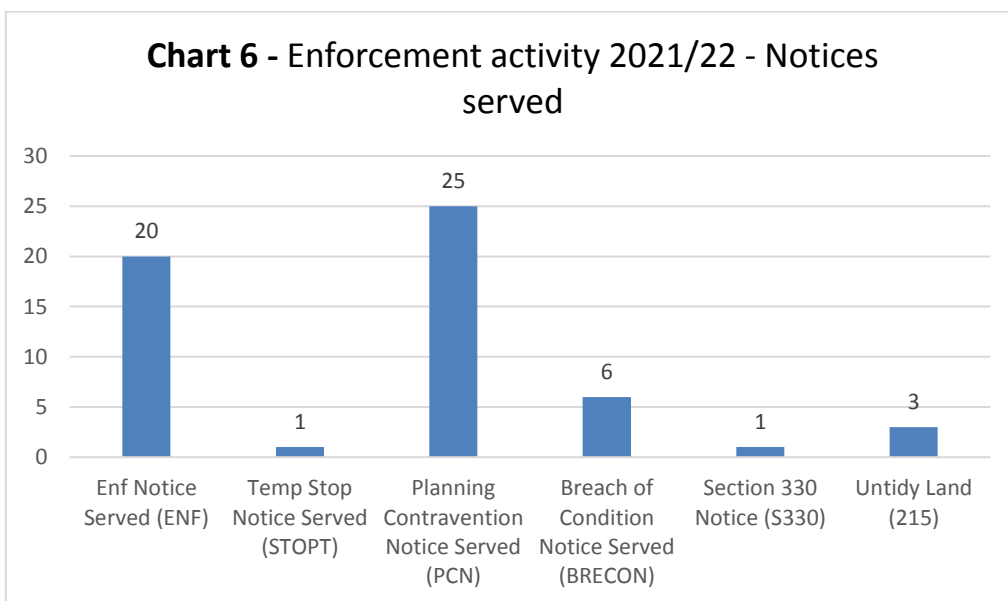


Chart 6 shows the total number of Notices issued across the 2021/2022 financial year. Planning Contravention Notices, shown in Charts 5 and 6, are requests for information in order to determine whether a breach of planning control has occurred and, if so, to inform what appropriate next steps may be.

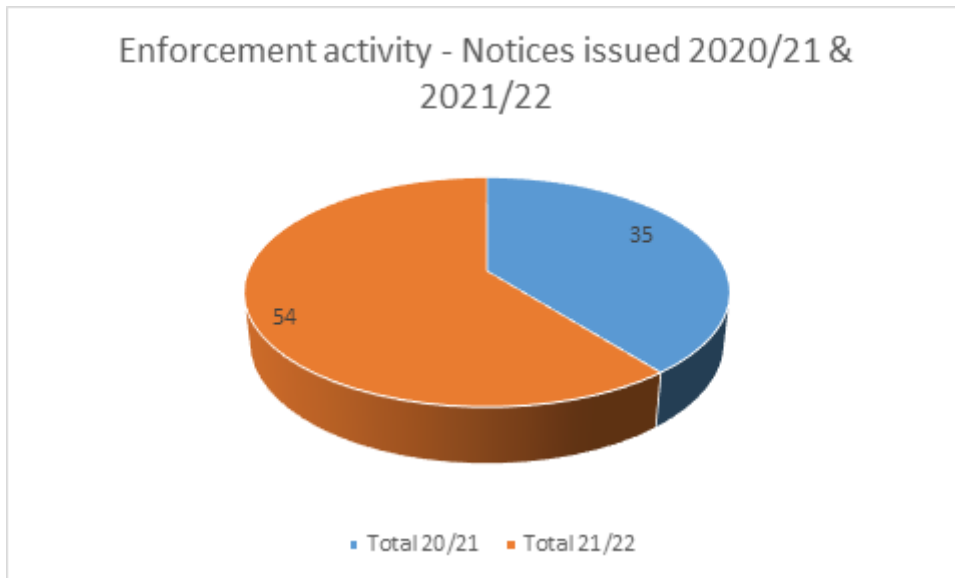


Chart 7 provides a breakdown of the number of formal Notices issued within the 2020/21 financial year, compared with the 2021/22 financial year. Members will note a considerable increase in the number of Notices served (54% increase), assisted by now having three full-time planning Enforcement Officers, with Michael Read having joined the team as a Trainee Planner in Autumn 2021.

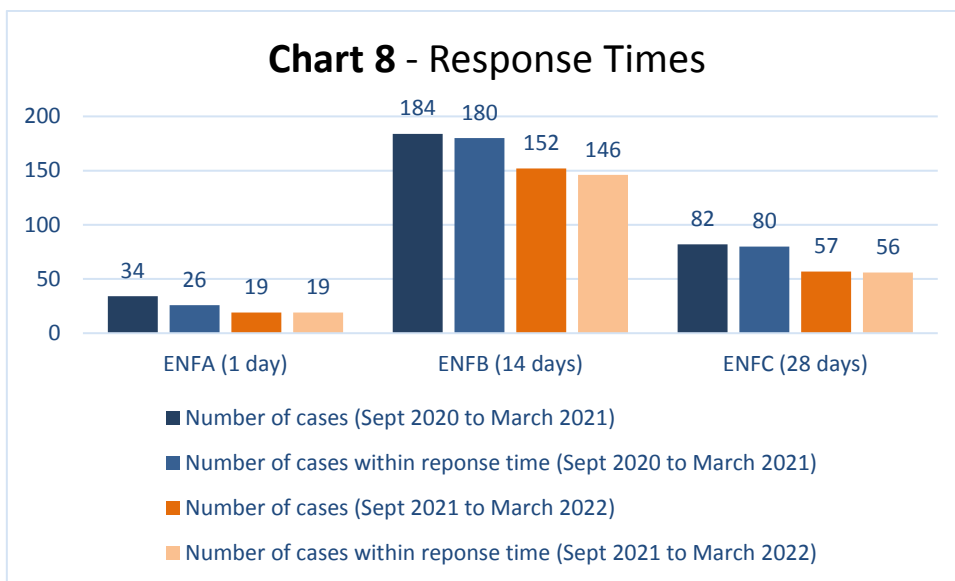


Chart 8 compares the Officer response times as stipulated within the Planning Enforcement Plan (PEP) (adopted September 2020) between the 2020/21 and 2021/22 financial years. This protocol sets response targets for Officers based on the seriousness of the alleged breach that has been lodged. ENFA cases are the most urgent, for example listed buildings or protected trees which have a 24 hour response target, ENFB cases with a 14 day response target, and ENFC cases are issues such as fences and outbuildings with a 28 day target. This shows that meeting these targets has remained consistently high since the PEP was first adopted, with target times for 221 of the 228 cases received over that period having been met, a 96.93% success rate and 100% for the previous financial year in terms of the most urgent, category A cases.

SCHEDULE B. FORMAL ACTION TAKEN

Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

Enforcement Ref: 21/00323/ENFA

Site Address: 79 Appleton Gate, Newark

Alleged Breach: Unauthorised Removal of four TPO trees

Date Received: August 2021

Action To Date: Prosecution

Background: Officers received notification that a protected and prominent willow tree at 79 Appleton Gate, opposite Newark North Gate station had been felled. A site inspection found that three other trees also protected by a Tree Preservation Order had also been felled at the same time. No consent had been granted for these works, amounting to an offence.

Officers undertook an investigation and no satisfactory defence was provided. The owner of the property, the property occupier (Serendipity's Day Nursery) and the tree surgeon all pled guilty to the offence at the Magistrates Court in March 2022 and were fined approximately £2500, £4500 and £2500 respectively.

Enforcement Ref: 21/00206/ENFA

Site Address: The Corn Exchange, 18 Castle Gate, Newark On Trent

Alleged Breach: Poor Condition of the grade II listed building

Date Received: May 2021

Action To Date: Urgent Works Notice and Section 215 Notice (untidy land) issued March 2022

Background: The Senior Conservation Officer has been working extensively for some time with the owner of the building to improve the condition and facilitate the re-use of the long-empty Corn Exchange. This is being achieved by working with a range of contractors to determine key visual and structural issues with the building, and recently two Notices have been issued requiring immediate improvements to be made, as well as longer-term visual remedial works. The Urgent Works Notice has been satisfactorily complied with in a short timescale, while the Section 215 Notice compliance period is scheduled for later in 2022.



Enforcement Ref: 20/00124/ENF

Site Address: Land At Normanton Hall

Date Received: May 2020

Action To Date: Planning Contravention Notice and Section 215 Notice issued; commencement of legal action

Background: An area of land which once formed part of the formal parkland of Normanton Hall was in a poor condition with overgrown vegetation, a dilapidated caravan, building materials and machinery on the land. A section of the historic boundary wall had been damaged and never repaired.

Officers sought an improvement in the condition of the land but no action was undertaken. A Section 215 Notice (untidy land) was issued in November 2020. The land was cleared of the assortment of abandoned items but the boundary wall remained in a poor condition. The matter continued and non-compliance was eventually put before the Magistrates Court in February 2022. The responsible party claimed that the required remedial works had been complied within the days leading up to the court hearing, and as such the case was adjourned to allow for an Officer to inspect the site. This site visit confirmed that the Notice had been complied with, including the rebuilding of the historic boundary wall and clearance of the land of vegetation, detrious materials and abandoned items.



Before

After

SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Enforcement Ref: 22/00011/ENFA

Site Address: Snowdrop Orchard, Low Street, Collingham

Alleged Breach: Unauthorised Erection of Gates

Date received: December 2021

Background: Unauthorised security gates were installed on a small parcel of agricultural land used as a small market garden, replacing the former rotten timber gates. The security gates had decorative spiked metalwork atop the frame and the timber panels painted a stark light grey. The gates are located within the Collingham Conservation Area and nearby to a number of listed buildings.

Officers engaged with the landowner to amend the design of the gate to reduce its visual impact while fulfilling security needs of the site. The timber panels have been painted dark brown and the unnecessary decorative metalwork removed. Although the gates do not have planning permission, their reduced impact is considered to be acceptable.



Before



After

Enforcement Ref: 21/00243/ENFC

Site Address: Goldcrest Avenue, Rainworth

Alleged Breach: Unauthorised installation of decking

Date received: June 2021

Background: The Local Planning Authority received expressions of concern following the unauthorised installation of decking in the rear garden of a new-build property. The gradient of the land led to serious overlooking issues over neighbouring properties to the rear of the decking.

A similar example in the locality had been refused planning permission on account of overlooking and an enforcement notice issued, and so the landowner of this property was invited to remove the decking to avoid an enforcement notice being issued. This has now been undertaken and the breach resolved.



Before



After

SCHEDULE D – NOTICES COMPLIED WITH DURING 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.

Enforcement Ref: 19/00224/ENF

Site Address: 2-4 Balderton Gate, Newark on Trent

Date Received: June 2019

Action To Date: Planning Applications Refused, Enforcement Notice issued

Background: To enhance security at Smiths Jewellers, a modern box shutter was installed on this grade II listed building. Retrospective applications for listed building consent and planning permission were refused and an Enforcement Notice issued requiring their removal. The Notices were upheld at appeal, though the Local Planning Authority agreed to extend the compliance period on account of the impact of Covid-19 on the high street. The shutter has now been removed from the premises.



Before

After

Enforcement Ref: 20/00411/ENFC

Site Address: 2 Rose Cottage, Caunton

Date Received: October 2020

Action To Date: Enforcement Notice Issued

Background: The Local Planning Authority was notified that an outbuilding akin to a pergola with a log-burner flue and corrugated metal roof had been erected in the front garden of this property, located prominently within the Caunton Conservation Area. The impact was considered to be harmful and its removal was warranted. An Enforcement Notice was issued and upheld at appeal. The pergola has now been removed from the property.



RECOMMENDATION

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

Background Papers

None

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

Matt Lamb
Director – Growth & Regeneration