



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Friday, 27 May 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 J Lee
Councillor Mrs P Rainbow
Councillor S Saddington**

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

MEETING: Planning Committee

DATE: Thursday, 9 June 2022 at 4.00 pm

VENUE: The Civic Suite

**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

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the meeting held on 10 May 2022	4 - 7
Part 1 - Items for Decision	
5. Land Off Oldbridge Way Bilsthorpe - 22/00507/S73M	8 - 23
6. Redfields Farm, Greaves Lane, Edingley - 22/00626/FUL	24 - 33
7. 72 Abbey Road, Edwinstowe - 22/00843/HOUSE	34 - 43
8. 10 Brewers Wharf, Newark On Trent - 22/00699/TWCA	44 - 48
9. Nominations to the Planning Policy Board Three Members of the Planning Committee to be nominated to the Planning Policy Board.	
10. Proposals for New Governance Arrangements - Planning Matters	49 - 83
Part 2 - Items for Information	
11. Appeals Lodged	84 - 86
12. Appeals Determined	87 - 91

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, 10 May 2022 at 4.00 pm.

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

Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Thompson, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor T Smith (Committee Member)

143 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs S Saddington declared an interest on the grounds of pre-determination and confirmed that she would leave the meeting for the duration of Agenda Item 5 – Land to the rear of Ulllyats Cottage, Fiskerton Road, Rolleston – 21/02435/OUT, as she was a Member of Nottinghamshire County Council and Rolleston was within her Division and she had been involved in the application.

Councillor M Skinner declared a Non-Registerable Interest in Agenda Item No. 6 – Community and Activity Village, Lord Hawke Way, Newark – 22/00261/S73M, as he was a Council appointed Director for Active4Today.

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

144 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.

145 MINUTES OF THE MEETING HELD ON 12 APRIL 2022

AGREED that the Minutes of the meeting held on 12 April 2022 were approved as a correct record and signed by the Chairman.

146 LAND TO THE REAR OF ULLYATS COTTAGE, FISKERTON ROAD, ROLLESTON - 21/02435/OUT

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of up to three detached dwellings and the re-alignment of Rolleston Public Footpath No. 5.

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

The report provided an update following the Planning Committee consideration of 12 April 2022 where Members resolved to defer the application due to clarity on the proposed footpath alignment to the site and its encroachment in to the highway. It was also noted 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 that clarification was that clarification / information did not change the consideration of the application. The report had been updated, where applicable to reflect that information. The application had also received an update from the Council's Tree and Landscape Officer. The sections which had been updated in relation to Nottinghamshire County Council Highways response and the Council's Tree and Landscape Officer were stated at the headings.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Members of the public and the agent.

The Council's Tree and Landscape Officer provided an update to the Committee regarding the Tree Preservation Order procedures.

Members considered the application and felt that the development was over intensive and had an impact on access. There was no provision for visitor parking and there was tandem parking on one of the driveways. Notwithstanding these specific concerns, as the application was in Outline, they would be matters considered later at Reserved Matters stage if approved. The Committee had been invited as part of this agenda report to consider in terms of the trees, what was not on site now in terms of their size but what would be there in the future and the impact of development on these and pressure for pruning and/or removal in the future.

(Having declared an interest Councillor Mrs S Saddington left the meeting for the duration of this item).

AGREED (unanimously) that planning permission be refused for the reasons stated within the report.

(Councillor Mrs S Saddington returned to the meeting at this point).

147 COMMUNITY AND ACTIVITY VILLAGE, LORD HAWKE WAY, NEWARK ON TRENT - 22/00261/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the 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.

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

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Newark & Sherwood District Council – Tree Officer; Applicant; Newark Sports Association; and Newark Town Council.

Members considered this application as a fantastic sports facility for Newark and Sherwood.

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

148 OLD POST HOUSE, MAIN STREET, GONALSTON - 22/00615/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the construction of a first floor extension and replacement of a conservatory with a two storey addition.

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

Members considered the application and some Members felt that whilst the volume of the property was being increased the footprint was not and therefore could see no harm. Other Members felt that there was a responsibility to the Green Belt and the proposed development was inappropriate and did not qualify for very special circumstances.

AGREED (with 10 votes For and 4 votes Against) that planning permission be refused for the reasons stated within the report.

149 HAWTONVILLE DISTRICT OFFICE, 77C ETON AVENUE, NEWARK ON TRENT - 22/00629/DEM

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of the former Newark and Sherwood District Council Housing Office.

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

Members considered the application acceptable but suggested that an additional condition or informative to the application be added regarding the hours of works taking place. The Business Manager - Planning Development advised that as this was permitted development the legislation sets the conditions which should apply,

however as this was a Newark and Sherwood District Council application there could be an informative attached. Cllr Skinner suggested the hours of 8am to 5pm or 6pm weekdays and Saturday mornings only. The Chairman suggested that delegated authority be granted to the Business Manager – Planning Development to find the most appropriate approach.

AGREED (unanimously) that prior approval was required and approval for the demolition of the building subject to:

- (a) the conditions contained within the report;
- (b) the Site Notice expiring on the 12 May 2022 with no further material comments being received; and
- (c) delegated authority be granted to the Business Manager – Planning Development to find the most appropriate approach regarding an additional condition or informative to the application regarding the hours of work.

150 APPEALS LODGED

AGREED that the report be noted.

151 APPEALS DETERMINED

AGREED that the report be noted.

152 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report presented by the Business Manager- Planning Development which related 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 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED that the report be noted.

153 QUARTERLY AND YEAR ENDING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Senior Enforcement Officer which provided an update on Enforcement Action for the fourth quarter from 1 January to the 31 March 2022, including cases where formal action had been taken and case studies which showed how the breaches of planning control had been resolved through negotiation and Notices that had been complied with. The report also included key figures relating to overall planning enforcement activity for the 2021-22 financial year.

AGREED that the report be noted.

Meeting closed at 5.15 pm.
Chairman



Report to Planning Committee 9 June 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/00507/S73M		
Proposal	Variation of condition 3 attached to planning permission 20/00642/FULM to amend the approved boundary treatments (part retrospective)		
Location	Land Off Oldbridge Way Bilsthorpe		
Applicant	Harry George - Gleeson Homes	Agent	N/A
Web Link	22/00507/S73M Variation of condition 3 attached to planning permission 20/00642/FULM to amend the approved boundary treatments (part retrospective) Land Off Oldbridge Way Bilsthorpe (newark-sherwooddc.gov.uk)		
Registered	17.03.2022	Target Date	16.06.2022
Recommendation	Approve, subject to conditions		

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

1.0 The Site

The application site is a large, broadly linear plot approximately 8.25 hectares in extent abutting the southern edge of the village envelope of Bilsthorpe towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with previous agricultural

land use albeit building works have commenced in line with the residential approvals set out below.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence that the site was being used informally by the public for dog walking etc. prior to building works commencing.

2.0 Relevant Planning History

Outline planning permission was granted on the 28th April 2017 for the residential development of up to 113 dwellings and associated infrastructure (16/01618/OUTM) following a resolution to grant at the January 10th 2017 Planning Committee. The application was granted at a time where the Local Planning Authority (LPA) were uncertain of their position in respect to demonstrating a five year land supply and therefore were taking a pragmatic approach. Nevertheless, a shorter timeframe for the submission of a reserved matters application was imposed by condition (18 months). There was a subsequent Section 73 application to amend a condition in respect to the highways access which was approved on 1st March 2018 (17/01910/OUTM) albeit reserved matters submission was required by 28th October 2018 in order to meet the original 18 month timeframe. The reserved matters submission was received within the prescribed timeframe and granted permission on the 7th June 2019 (18/01971/RMAM). The permission was extant until 7th December 2020.

More recently, the applicant submitted an application for 120 dwellings under reference 19/01858/FULM. Despite an Officer recommendation of approval, the application was refused by Planning Committee on February 4th 2020 for the reason below.

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Council's adopted Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure. In the opinion of the Local Planning Authority the proposal does not provide for the necessary affordable housing contributions in a form promoted by the Development Plan. Alternately, low costs homes are proposed. In addition to being contrary to the policies already mentioned the scheme does not comply with the requirements of Core Policy 1 (Affordable Housing) or Core Policy 2 (Rural Affordable Housing).

In addition, the proposed development would result in additional dwellings within the open countryside outside of the main built up area of Bilsthorpe, above and beyond a current fall-back position which currently exists up to December 2020. Policy DM8 (Development in the Open Countryside) strictly controls and limits the types of development in the countryside. This policy is signposted by Spatial Policy 3 (Rural Areas) and is consistent with the National Planning Policy Framework (NPPF). The additional dwellings proposed do not accord with any of the exceptions listed.

The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is therefore considered to represent unsustainable development. The harm identified would not be outweighed by any benefits of the scheme contrary to Spatial Policy 3 and 6 and Core Policies 1 and 2 of the Amended Core Strategy (2019) and Policies DM3 and DM8 of the Allocations and Development Management Development Plan Document (2013) as well as being contrary to the National Planning Policy Framework (NPPF) and Planning Practice Guidance which are material planning considerations.

The latest application on the site was a re-submission for 120 dwellings submitted by the applicant but with a revised affordable offer in comparison to the aforementioned refusal. This application, reference 20/00642/FULM was presented to Members with a recommendation of approval at the Planning Committee meeting on June 30th 2020. Members were minded to approve subject to the Section 106 agreement. It is understood that it is this final application which is being implemented on site and indeed it is to this application which the current section 73 application relates.

For the avoidance of doubt, the legal agreements associated with the application confirms that if permission is granted via a section 73 application then the covenants and provisions of the original deed shall continue to apply in equal terms.

3.0 The Proposal

The application seeks to vary the approved plan condition to amend the approved boundary treatments around the existing playing field. The approved plans showed that the playing field would be bounded by a 1.8m timber fence with trellis on top but the revised plans seek to use a combination of a 450mm knee rail fence; a 1.5m timber post and rail fence and a small section of 1.8m fencing along the side boundaries with Plots 75 and 88. The changes are shown on plan references:

- Planning Layout – Sheet 1 of 2 – 1047-2/3O;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- 1800mm High Close Boarded Timber Fence – SD-100 Rev. F;
- 450 High Knee Rail Fence – NSD122;
- 1800mm High Timber Fence with 300mm Trellis – NSD104 Rev. C;
- 1500mm high plot division fence timber post and 4 rail – NSDC124.

4.0 Departure/Public Advertisement Procedure

Occupiers of 103 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.

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 - Affordable Housing Provision
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 13 - Landscape Character
ShAP1 - Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

Policy DM3 - Developer Contributions and Planning Obligations
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM8 - Development in the Open Countryside
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Bilsthorpe Parish Council – Voted to oppose due to safety for park users and security for the park area.

NCC Highways Authority – This application to amend the approved boundary treatments does not appear to negatively impact existing or proposed highway. In considering the above, the Highway Authority have no objections to the application.

Representations have been received from 1 local residents/interested party which can be summarised as follows:

- A knee high rail fence makes the play area less secure and making looking after the safety of children more difficult;
- The play park will be a short cut increasing risk to children's safety;

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning

and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

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.

The principle of the development has been established by the extant permission. The revisions to the boundary treatments proposed through this application are most likely to affect matters of character.

Impact on Character

The extant permissions on the site have established that the character of the site will fundamentally change through a large scale housing development. However, owing to the positioning of the site at the edge of the village boundary, the site area unusually includes large expanses of open space both to the south of the dwellings and also centrally within the site between the larger area of development to the east and a small pocket of dwellings to the west.

The current application seeks to amend the approved boundary treatments. To set the context, the boundary treatments for this site have been subject to numerous negotiations during the planning history. The Committee Report for application 20/00642/FULM states the following:

Officers negotiated appropriate boundary treatments during the life of the previous application consideration and it is these negotiated arrangements which have been presented as part of the current application. These include a fence with trellising on the top of the plots to the southern boundary to soften the landscape impact of the proposal. The plans show majority of in plot division to be 1.2 timber fences which is considered acceptable.

For the avoidance of doubt the boundary treatments for the plots themselves have not changed from the approved plan ensuring that the Officer negotiations secured through the original application would remain.

The change proposed relates to the boundary around the existing play area (outside of the site boundary). On the approved plans, the majority of the boundary was a 1.8m timber fence with trellis on top. However, it is now sought (and notably has already been built on site) that the majority of the play area would be bounded by a 1.5m post and rail fence and that there would be a gap in the south western corner of the play area to allow for access into the play area. Officers consider that this represents an improvement to the scheme in that it has a softer appearance in the street scene through the main spine road of the site.

Other Matters

The Parish Council and a neighbouring party have raised concerns that the revised boundary treatment would lead to safety and security issues for users of the park. However, to the contrary, the post and rail fence would increase overall natural surveillance and therefore these concerns are considered unfounded. Officers are also of the view that the revised boundary treatment has the advantage of creating a more inclusive community whereby the residents of the development will have easier access to using the play area.

8.0 Conclusion

The minor changes in respect to the approved boundary treatments are considered acceptable from a planning perspective despite the concerns raised locally. Condition 3 (albeit the numbering will change to condition 2) can therefore be amended to reflect the latest plans as shown through strike through and bolded text.

Other conditions are updated reflecting discharge of condition / non material amendment applications which have been approved since the original application was determined.

9.0 Conditions

~~01~~

~~The development hereby approved shall be commenced no later than 7th December 2020.~~

~~Reason: In acknowledgement of the fall back position which exists and to expedite the contribution towards the Districts housing supply.~~

~~02~~

01

The development hereby approved shall be carried out in accordance with the following plans and details:

- Site Location Plan - 1047-2/6- dated 20th January 2020;
- 201 Dwelling Type - 201/1G dated July.10;
- 212 Dwelling Type - 212/1- dated Feb 16;
- Detailed Landscaping Proposals - 1 of 4 - 2971/1 Rev. L received 15th May 2020;
- Detailed Landscaping Proposals - 2 of 4 - 2971/2 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals - 3 of 4 - 2971/3 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals - 4 of 4 - 2971/4 Rev. K received 22nd January 2020;
- Landscape Management Specification - Rosetta Landscape Design dated 2019;
- 301 Dwelling Type - 301/1H dated July.10;
- 303 Dwelling Type - 303/1E dated July.10;
- 304 Dwelling Type - 304/1E dated July.10;
- 309 Dwelling Type - 309/1E dated Jun.11;
- 311 Dwelling Type - 311/1B dated Dec.13;
- 313 Dwelling Type - 313/1- dated Feb 2016;
- 314 Dwelling Type - 314/1- dated Feb 2016;
- 315 Dwelling Type - 315/1A dated May.18;
- 410 Dwelling Type - 401/1G dated July.10;
- 403 Dwelling Type - 403/1J dated July.10;
- 405 Dwelling Type - 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence - 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis - 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence - 0282 Rec. C NSD105 dated 16.05.19;
- **450 High Knee Rail Fence – NSD122;**
- **1500mm high plot division fence timber post and 4 rail – NSDC124;**
- Detached Single Garage Details - 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details - 0282 SD 701 rev. D dated 22.08.12;
- ~~Planning Layout – Sheet 1 of 2 – 1047-2/3K;~~
- ~~Planning Layout – Sheet 2 of 2 – 1047-2/4J;~~
- **Planning Layout – Sheet 1 of 2 – 1047-2/3O;**
- **Planning Layout – Sheet 2 of 2 – 1047-2/4J;**
- Planning Layout - 1047-2/5K.

Reason: To define the permission.

~~03~~

02

The development hereby permitted shall be carried out in accordance with the Materials Plan - 3100-02B dated 18.05.20.

Reason: In the interests of visual amenity.

04

~~No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:~~

- ~~-Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.~~
- ~~-Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.~~
- ~~-Provision of surface water run off attenuation storage in accordance with 'Science Report SC030219 Rainfall Management for Developments' and the approved FRA~~
- ~~-Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.~~
- ~~-For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.~~
- ~~-Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.~~
- ~~-Evidence of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term~~

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

03

The development hereby approved shall be carried out in accordance with the surface water drawings reference M20/1000/1010 & M20/1000/1011 and the document titled '*Sustainable Urban Drainage System Management Plan*' dated August 2020 submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: To ensure that the development has appropriate surface water management and a satisfactory means of drainage.

05

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

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

06

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

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

~~For the avoidance of doubt, the CEMP details should demonstrate that:~~

- ~~o The hours of operation on site will be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.~~
- ~~o No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.~~
- ~~o No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.~~

04

The development hereby approved shall be carried out in accordance with the 'Construction Management' statement received by email dated 15th September 2020 submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: To protect the amenity of the locality, especially for people living and/or working.

07

~~No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:~~

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

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

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

08

05

The archaeological site work must be undertaken only in full accordance with the approved written scheme '**Written Scheme of Investifation' Report No. 067/2020 by Trent & Peak Archaeology.** ~~referred to in the above Condition.~~ The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

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

09

06

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced.

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

~~010~~

07

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

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

~~011~~

08

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

~~012~~

09

Prior to the occupation of any plot hereby approved, the boundary treatments for that plot, as shown on plan references ~~Planning Layout – Sheet 1 of 2 – 1047-2/3K and Planning Layout – Sheet 2 of 2 – 1047-2/4J~~ **Planning Layout – Sheet 1 of 2 – 1047-2/3O and Planning Layout – Sheet 2 of 2 – 1047-2/4J** (with associated details on plan references 1800mm High Close Boarded Timber Fence - 0282 SD-100 Rev. F dated 13.04.11; 1800mm High Timber Fence with 300mm Trellis - 0282 NSD104 Rev C dated 16.05.19; and 1200mm High Timber Fence - 0282 Rec. C NSD105 dated 16.05.19) shall be implemented on site in full. The approved boundary treatments to the southern boundaries (i.e. the 1.8m fences with trellis on top) shall thereafter be retained for a minimum period of 10 years.

Reason: In the interests of residential and visual amenity, particularly in respect to softening the landscape impacts of the built form from the open countryside to the south.

~~013~~

10

The landscaping details shown on the following plan references:

- o Detailed Landscaping Proposals - 1 of 4 - 2971/1 Rev. L received 15th May 2020;
- o Detailed Landscaping Proposals - 2 of 4 - 2971/2 Rev. K received 21st January 2020;
- o Detailed Landscaping Proposals - 3 of 4 - 2971/3 Rev. K received 21st January 2020;
- o Detailed Landscaping Proposals - 4 of 4 - 2971/4 Rev. K received 22nd January 2020;

shall be carried out in full within 36 months of the first occupation or by 80% of the dwellings being occupied, whichever is sooner, or a period agreed subsequently in writing by the Local Planning Authority. The landscaping shall be maintained in accordance of the details within the 'Landscape Management Specification - Rosetta Landscape Design dated 2019'. For the avoidance of doubt, the mown paths shall be retained for the lifetime of the development. Any trees shown to be retained shall for a minimum of five years unless they become otherwise diseased or damaged and their removal is agreed in writing by the Local Planning Authority.

Reason: To enhance and protect the landscape value and biodiversity of the site.

~~014~~

~~Prior to any development above damp proof course level, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council Local Planning Authority. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.~~

11

The development hereby approved shall be carried out in accordance with the document titled, '*Schedule for Bird and Bat Box Erection to Discharge Condition 14, and Construction Environmental Management Plan (Nesting Birds) to Discharge Condition 10 of Planning Consent 20/00642/FULM' Version No.2 dated September 2020* submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: In order to enhance habitats on the site in accordance with the aims of the National Planning Policy Framework (2021).

~~015~~

12

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

~~016~~

13

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

~~017~~

14

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

~~018~~

15

Plot 92 shall not be brought into use until the visibility splays shown on drawing no. 1047-2/30 outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

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

~~019~~

16

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

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

~~020~~

17

The first floor window opening on the north elevation of Plot 104 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

Notes to Applicant

01

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

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

02

The Rights of Way (RoW) team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption

that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

03

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk).

04

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Please contact david.albans@nottsc.gov.uk for further details.

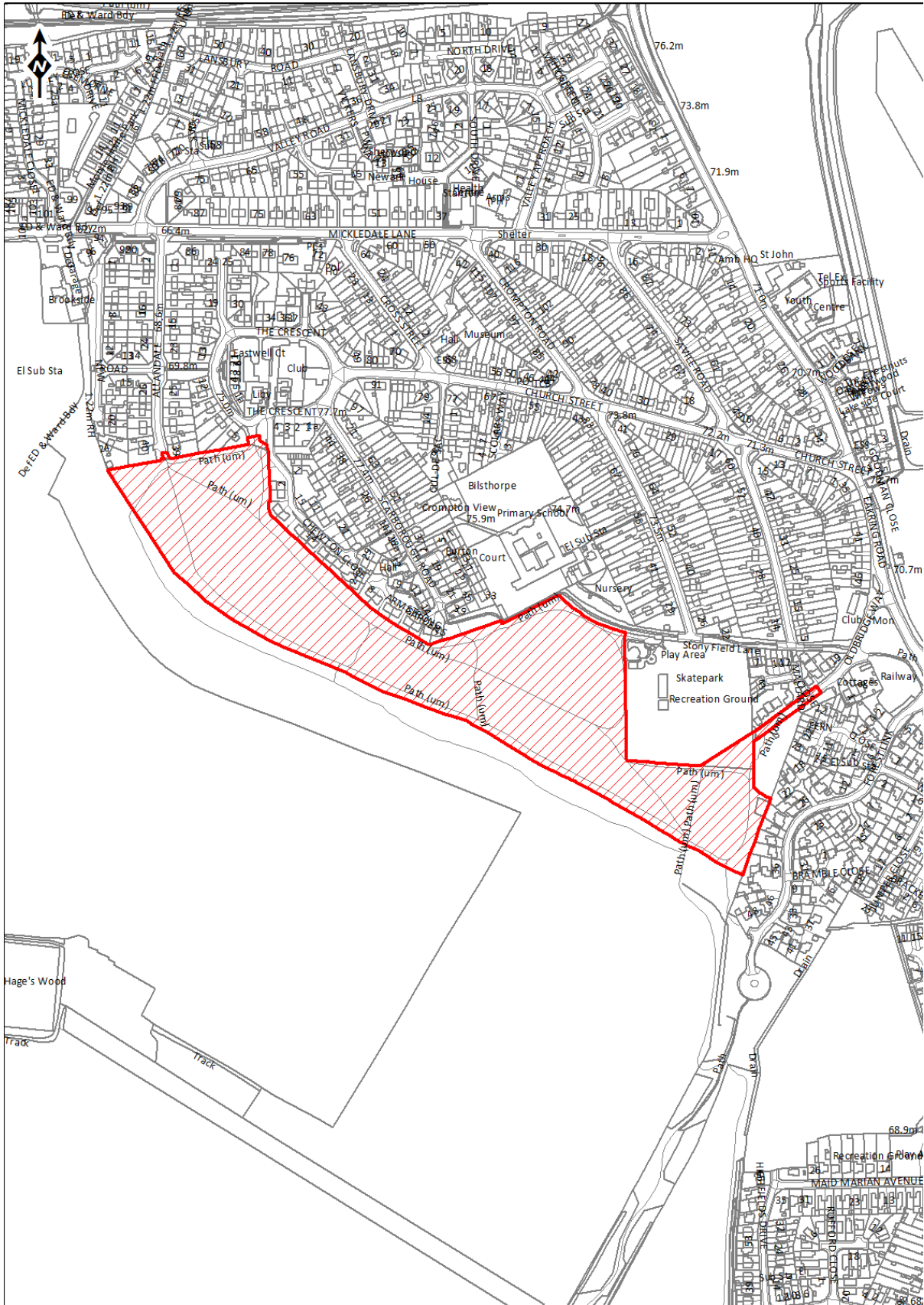
05

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00507/S73M



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 June 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, ext. 5834

Report Summary			
Application Number	22/00626/FUL		
Proposal	Conversion and extension of redundant agricultural to one residential property		
Location	Redfields Farm, Greaves Lane, Edingley, NG22 8BH		
Applicant	Andrew Tucker	Agent	Jigsaw Planning and Development Ltd
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage		
Registered	29.03.2022	Target Date	20.05.2022
Recommendation	Approve, subject to conditions		

The application represents a potential departure to the development plan and in accordance with the constitution requires determination by the Planning Committee.

1.0 The Site

This application site relates to a former pig farm building (which has extant approval for conversion to a single dwelling) and adjacent small outbuilding, land to the west (its approved curtilage) and access to it from Greaves Lane. A dwelling known as 'Redfields' lies to the south and is within the same control.

Land to the east comprises a former horse manège and yard which is disused with open countryside located to the west. The manège is partly grazed and laid with hardstanding but is overgrown. This is enclosed from the access to the east by a block wall.

2.0 Relevant Planning History

22/00213/FUL – Change of use of horse manège and stables to domestic curtilage. Approved 09.03.2022. Not yet implemented.

21/02345/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Prior approval required and granted 02.12.2021. Not yet implemented.

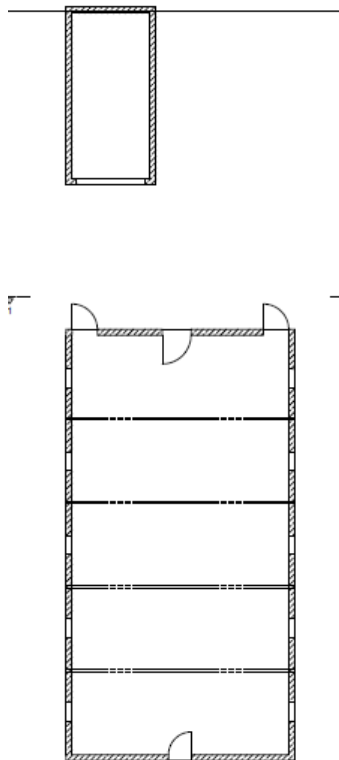
37910068 – Remove agricultural occupancy condition from property (Redfields Farm to south of the site) refused 18.03.1991.

37911104 – Removal of agricultural occupancy condition (for Redfields Farm) imposed on consent 37751159, approved 28.07.1992.

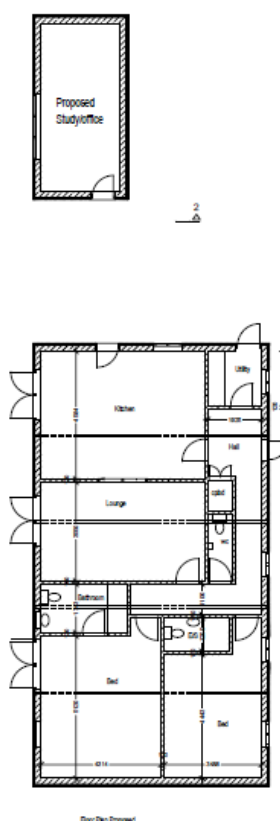
3.0 The Proposal

Full planning permission is sought for the conversion and extension of a former agricultural building to one residential property. Noting that the conversion is already approved via a prior approval the main changes over and above the approved scheme relate to a link extension to connect the main existing building to a modest existing outbuilding with an additional floor area of 18.2sq m. In addition the internal configuration has been amended and would result in new openings.

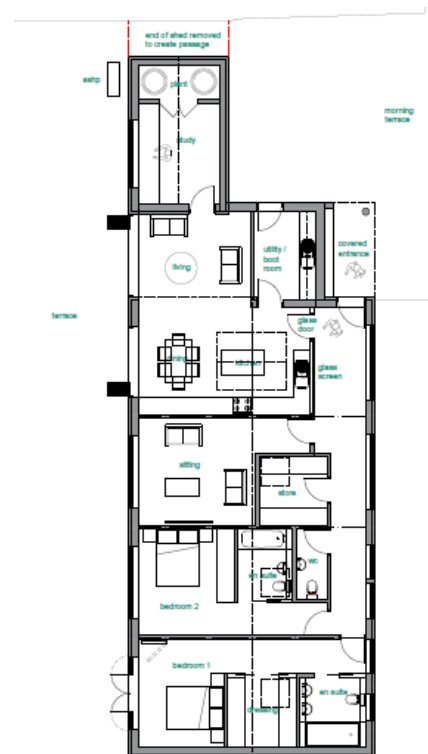
Building as existing



Building as approved CPRIOR



Proposal



The following documents have been deposited with the application:

- Site Location Plan 2201 (P) 00
- Existing Plans and Elevations 2921/2
- Ground Floor as Proposed 2201 (P) 01
- Roof Plan 2201 (P) 02
- Elevations Proposed SW and SE, 2201 (P) 04
- Elevations Proposed NE and NW, 2201 (SK) 03
- Supporting Planning Statement, Jigsaw Planning and Development Ltd
- Proposed Species (Bat) Survey, CBE Consulting (September 2020)



4.0 Departure/Public Advertisement Procedure

Occupiers of two properties have been notified by letter. The application has been advertised as a departure in the local press and by site notice, which expire 28.04.2022

5.0 Planning Policy Framework

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 3 – Rural Areas
Core Policy 3 – Housing Mix Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021
NPPG
Residential Cycle and Parking Design Guide SPD, 2021
Landscape Character Assessment, SPD

6.0 Consultations

Edingley Parish Council – Support

Environmental Health Officer – request that our standard phased contamination conditions are attached to the planning consent.

No other representations have been received.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development/Fallback

Full planning permission is sought for the conversion of a former agricultural building to a dwelling which requires assessment against Spatial Policy 3 and DM8 of the Development Plan. Together these policies restrict development in the open countryside to certain types of development. One of these is for conversions to residential where it can be demonstrated that the architectural or historical merit of the buildings warrant their preservation and where they can be converted without significant rebuilding, alterations or extensions.

The building in question is not of any architectural or historical merit and would fail the straight application of this policy. However in this case it is important to note that a prior approval for one dwelling has already been approved. This constitutes a realistic fallback position in that this remains extant and could be implemented at any time. This should be given significant weight as the principle of conversion has effectively been established. It was demonstrated through the previous prior approval that the building was capable of conversion without rebuilding and that it can be converted without significant alteration. This scheme therefore represents a desire to reconfigure the internal layout (and consequently the fenestration/openings) without the constraints of the prior approval by adding a modest link extension between the main building and the existing outbuilding. Taking all of this into account I consider it reasonable to only consider the merits of the amendments over and above what has already been approved.

Impact on the Open Countryside and the Visual Amenities of the Area

The application is required to be considered against the policy context of CP9, CP13 and DM5. I have excluded assessment against the SPD on the conversion of traditional rural buildings as this building is not of merit and it isn't applicable.

The building is single storey and modern, yet solid, in construction. Given its position between an existing two storey dwelling and a farmstead and that the extension that actually needs the permission lies between two existing buildings means that the proposal causes no encroachment into the countryside. It is modest in scale and represents an approximate 13% increase in footprint which would have likely been acceptable if it had been presented as a

householder extension in the future. This infill extension is subservient to the dwelling and allows for the building to be better configured. I consider the new openings and amended design to cause no further harm than the previous iteration and find no adverse impacts that would warrant a reason for refusal in respect of these policies.

Housing Mix

In respect of CP3, the extant approval formed a two bedroom dwelling on one level and this proposal would see the dwelling remain as a two bedroom unit with small study (not suitably sized for a bedroom). This would assist in a small way of catering for the District's housing needs, one of which is noted as being 2 bedrooms or less. This is a neutral consideration however given it represents no change.

Highways and Parking Impacts

During the prior approval process Nottinghamshire County Council as Highways Authority confirmed they had no objection to the scheme and its access provision. No conditions were sought or imposed.

This scheme would need to be assessed against Policies SP7 and DM5. However again given the extant approval which carries significant weight I do not anticipate that this scheme would cause any highway safety issues either. Adequate parking for 2/3 cars will be possible at this site in line with the SPD on residential parking and there are no reasons to resist the application on highway or parking grounds.

Residential Amenity Impacts

Assessment against Policies CP9 and DM5 on the residential amenity of any existing occupiers is necessary. However given the sites location away from other residential dwellings, there are no concerns regarding loss of privacy etc. Redfields within the same ownership is the nearest dwelling and there is no issues given the building is single storey.

Ecology

Noting the policy context of Policies CP12 and DM9, the proposal has been assessed in relation to bats with a protected species survey having been submitted to accompany the application. This has concluded the absence of bats albeit mitigation in the form of controlling proposed lighting is required which can be secured through condition.

Other Matters

Noting the comments regarding possible contamination from Environmental Health colleagues, I consider that it would be reasonable to impose a condition to ensure that this is dealt with before the land is brought into use.

It is noted that the bat survey suggests that the applicant seeks to demolish the buildings and replace with a new build dwelling; one of the enhancement measures is to design the building to include a new bat roost tube. I must make clear that a new dwelling is not what has been

applied for. This would need to be assessed on its own merits and may well be considered as a step too far, unsustainable and contrary to policy.

I have considered whether it is reasonable to remove permitted development rights for the new dwelling. As the dwelling would not be gained through a prior approval, the dwelling hereby created would benefit from all the usual permitted development rights unless these are withdrawn. Given its countryside location and it is being slightly enlarged and that the recommendation is for approval, only on the basis that there is a building for conversion, I consider that it is reasonable to withdraw permitted development rights for enlargements to the dwelling as detailed in recommended condition 7.

8.0 Conclusion

In conclusion I find that this scheme, which is essentially for a small extension plus the conversion already approved, is acceptable having regard to the realistic fallback position and allows for a more cohesive conversion. There is no harm identified.

9.0 Conditions

01

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

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

02

Unless otherwise agreed, the development must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,

- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

03

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

- Site Location Plan 2201 (P) 00
- Ground Floor as Proposed 2201 (P) 01
- Roof Plan 2201 (P) 02
- Elevations Proposed SW and SE, 2201 (P) 04
- Elevations Proposed NE and NW, 2201 (SK) 03

Reason: So as to define this permission.

04

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

Reason: In the interests of visual amenity.

05

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and impacts on nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill, light pollution and impacts on wildlife retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity as well as biodiversity.

06

Prior to first occupation of the dwelling hereby approved, a scheme of ecological enhancement should be submitted to and be approved in writing by the Local Planning Authority. This scheme shall details the number, type and precise location of artificial roost/bird boxes to be positioned within the site. The approved enhancement scheme shall be implemented on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: To offer appropriate enhancements in line with the policy requirements of CP12 and DM7 as well as the recommendations of the Protected Species (Bat) Survey by CBE Consulting dated September 2020 which forms part of the application submission.

07

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

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

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

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

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

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside.

Notes 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).

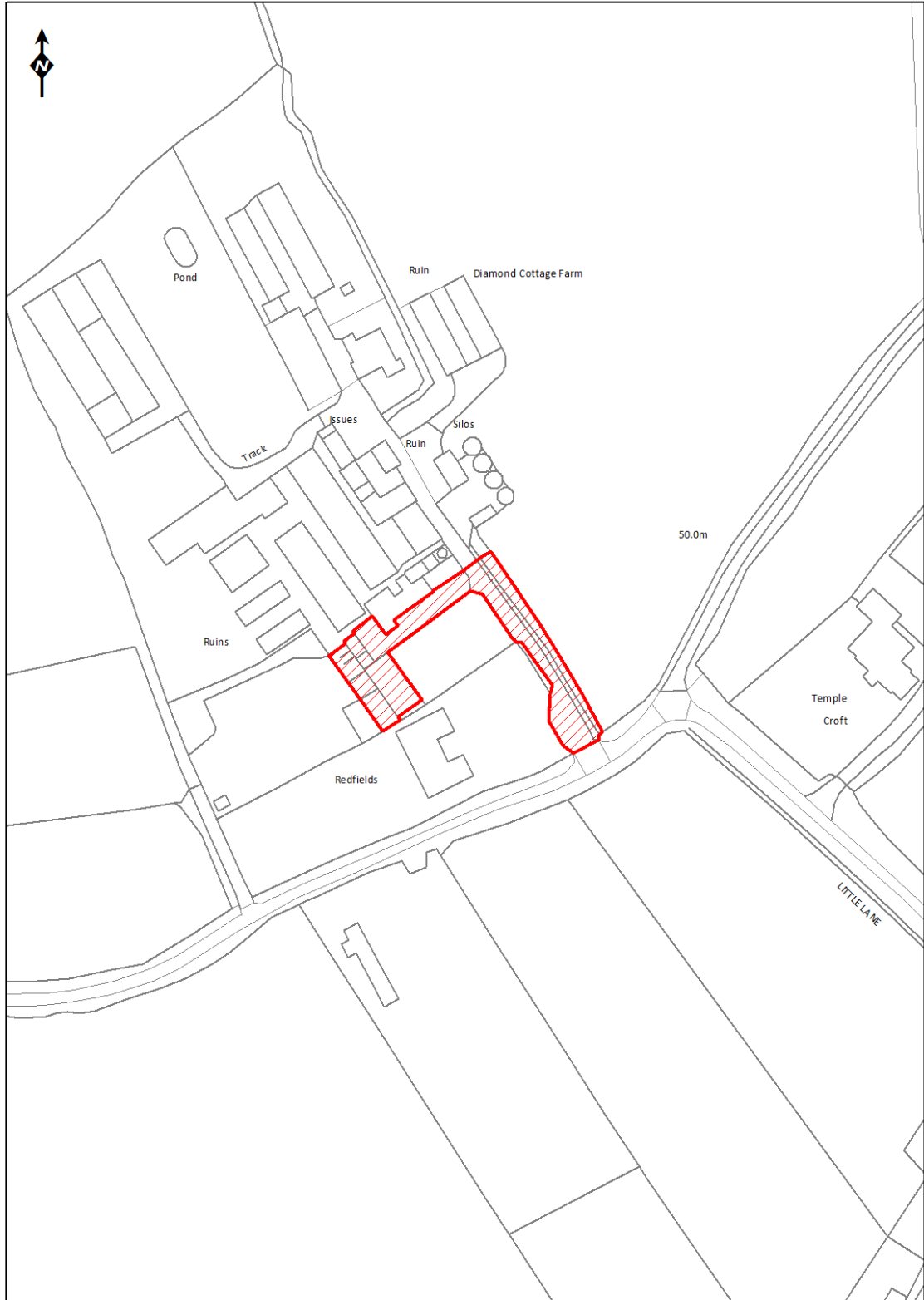
02

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

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

BACKGROUND PAPERS

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 June 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Isabel Verheul, Planner, Isabel.Verheul@newark-sherwooddc.gov.uk, 01636 655860

Site Visit Officer: Yeung Browne, Planner, Yeung.Browne@newark-sherwooddc.gov.uk, 01636 655893

Report Summary			
Application Number	22/00843/HOUSE		
Proposal	Part single storey and part two-storey rear extension, including dormer window (Re-submission of 22/00534/HOUSE)		
Location	72 Abbey Road Edwinstowe NG21 9LH		
Applicant	Mrs Sarah Lovell	Agent	Ms Lynsey Hanson – LCH Architectural Designs
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAZXMQLB04Q00		
Registered	28 th April 2022	Target Date	23 rd June 2022
Recommendation	Approval		

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Peacock) due to the extension being the first two storey extension in the area. Concerns have been raised over the property only having two parking spaces. There is also concern that there would be adverse impacts on neighbours through inadequate distance, loss of light and privacy to numbers 70, 72 and 74 as well as the new bungalows being built under planning permission 21/00190/FUL.

1.0 The Site

The application site relates to a semi-detached two storey dwelling located on the south side of Abbey Road in the settlement of Edwinstowe. Abbey Road is generally

defined by predominantly red brick, semi-detached two storey dwellings with the occasional bungalow.

The site lies within Flood Zone 1.

2.0 Relevant Planning History

22/00534/HOUSE - *Part single storey and part two-storey rear house extension.*
Application refused on 22nd April 2022 for the following reason:

“In the opinion of the Local Planning Authority, the proposal by virtue of its scale, siting and form by way of a two storey flat roof addition, would result in an incongruous development that would dominate and be out of keeping and detrimental to the character and appearance of the host dwelling and the character and layout of the surrounding plots. The proposed extension is therefore considered to represent a visually obtrusive form of development that is not subordinate to or sympathetic to the host dwelling and detrimental to the visual amenities of the area. The proposal is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (adopted 2019), Policy DM5 (Design) and DM6 (Householder Development) of the Allocations and Development Management DPD (adopted 2013), as well as the guidance within the Householder Development SPD (adopted 2014), and the NPPF (2021) which are material considerations”

This had a two storey flat roofed element in the place of the proposed two storey extension proposed as part of this application. The measurements were:

Height – 4.98m, Width – 3m, Length – 4.62m

The single storey rear element, with the same measurements as included in this latest proposal, was also included in the previous application. No amenity issues were raised by either of these elements.

3.0 The Proposal

The application proposal is for a two storey extension, continuing the roof slope and incorporating a box style dormer window and a lean to single storey rear extension.

Approximate Measurements

Single Storey Rear Extension

Width – 3.0m, Length – 7.62m, Height (eaves) – 2.28m, Height (ridge) – 3.53m.

Two Storey Rear Extension

Width – 3.0m, Length – 4.6m, Height (eaves) – 2.58m.

Dormer Window

Width – 2.18m, Length – 1.54m, Height (eaves) – 4.5m, Height (Ridge) – 5.0m.

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

- Application Form, received 28th April 2022;
- Site Location Plan, ref 01.01. Received 27th April 2022;
- Existing Ground Floor Plan, ref 01.02. Received 27th April 2022;
- Existing First Floor Plan, ref 01.03. Received 27th April 2022;
- Existing Front Elevation, ref 01.04. Received 27th April 2022;
- Existing Side Elevation, ref 01.05. Received 27th April 2022;
- Existing Rear Elevation, ref 01.06. Received 27th April 2022;
- Block Site Plan, ref 02.01 Rev A. Received 27th April 2022;
- Proposed Ground Floor Plan, ref 02.02. Received 27th April 2022;
- Proposed First Floor Plan, ref 02.03. Received 27th April 2022;
- Proposed Side Elevation, ref 02.04 Rev A. Received 27th April 2022;
- Proposed Rear Elevation, ref 02.05 Rev A. Received 27th April 2022;
- Proposed Side Elevation, ref 02.06 Rev A. Received 27th April 2022;
- Agent response to objection, received 24th May 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

5.0 Planning Policy Framework

The Development Plan

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

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green infrastructure

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design

Policy DM6: Householder Development

Policy DM7: Biodiversity and Green Infrastructure

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Householder Development SPD 2014
- Residential Cycle and Car Parking Standards & Design Guide SPD 2021

6.0 Consultations

Cllr Paul Peacock – referred to the Planning Committee for the following reasons:

- It will be the first two story extension in the area;
- There are only two car parking spaces at the property, the proposal will make this a four bedroom property. A new four bedroom property would need 4 parking spaces;

- There is very little space between 74 and 72, the proposal will impact on the bedroom window of 74 making the room much darker;
- The proposal will affect number 70's eye line with the pitched roof to the bedroom window on the left hand side of the rear elevation;
- The proposal will severely impact the sunlight currently enjoyed by number 74 on their garden, the two story extension will cut out most of their evening sunlight;
- The proposal will impact on the privacy of 74 as well as the new bungalows currently being built on the site of the former Abbey Road garages.

Edwinstowe Parish Council – No Comments Received.

One letter of objection has been received:

- 17/01492/FUL is not similar to the proposed planning application as the houses on Robin Hood Avenue are different styles and more spread out. 17/01492/FUL application site is attached to a property that has had a large ground floor extension to the rear meaning there are no light and shadowing issues for the neighbours. The application site has a road used to get to the back gardens of properties on Rufford Road and they have a large side garden.
- Object to the upper 1st floor extension;
- Concerns raised in regards to evening light as the neighbouring property is set back and lower down than the application site;
- The two storey extension will make their bedroom window seem darker;
- Master Bedroom window is to the side of the neighbouring property.
- The bathroom and toilet rooms are separate so they will feel darker as they have small windows;
- Loss of light to rear garden as the property is lower down;
- When applying for an extension in 2009 they were told a double storey extension would be rejected;
- No other property on Abbey Road, Henton or Beardsley Road have a two storey rear extension. Any property with increased room numbers have had loft conversions;
- No 72 have 2 parking spaces and 2 cars, where will other cars be parked if there is an extra room when the house is sold or other residents start to drive;
- The application site is very close and the neighbouring site is set back and lower down.

7.0 Comments of the Business Manager – Planning Development

Principle of Development

Householder developments are accepted in principle subject to an assessment of the criteria outlined within Policy DM6. These site specific impacts on assessed in detail below.

Impact on the Visual Amenities of the Area

Policy DM6 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials. Policy DM5 requires any new development to achieve a high standard

of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character.

Part 12 of the NPPF refers to achieving well designed places. Paragraph 126 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 134 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area and the way it functions planning permission should be refused.

The Council's SPD states additions should be successfully integrated with the host dwelling and surrounding area, and should also be balanced with the host dwelling and its proportions (para 7.4).

The single storey extension is considered to be appropriate and proportionate to the existing dwelling. It extends out by approximately 3m and spans the width of the dwelling and its lean to roof integrates sympathetically with the dwelling and does not introduce an alien feature when considering the site's surroundings.

The proposed two storey extension would not be highly visible from the public highway due to its position to the rear of dwelling. However, glimpses between dwellings would still be achievable and the proposal would also be seen by surrounding properties on Abbey Road and Merryweather Close and from footpaths within the area. The Householder Development SPD suggests rear extensions should be subordinate to the main dwelling and provide a roof type that can be successfully integrated. The proposed extension will see the continuation of the roof pitch with a box dormer within the roofscape. Although this element would be visible to all surrounding properties it is considered that the alteration would integrate well within the existing property. The proposed box dormer is not considered to dominate the original dwelling, or diminish the character of it and the proportions of the window match the existing rear window. There are no similar box style dormers in the area but I am mindful that often such windows can be permitted development when being placed into existing roofscapes. Whilst the introduction of a box window is a new feature for the area it is not necessarily harmful or fatal to the scheme. I have concluded that the overall design, form and materials are sympathetic to the host dwelling and the materials will match the existing.

The proposal is therefore just acceptable and would comply with Core Policy 9 of the ACS and Policies DM5 and DM6 of the ADMDDP as well as the Council's Householder Development SPD.

Impact upon Residential Amenity

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Paragraph 130 of the NPPF requires that decisions ensure a high standard of amenity for existing and future occupiers.

The Householder Development SPD provides guidance on how to assess rear additions in terms of their potential impact on the amenity of neighbouring properties. Although this is guidance, it is considered to be a useful tool to assess impact. It states in the case of single

storey rear extensions, the proposal must be well designed and minimise impacts on neighbouring occupier amenity. Due to the single storey structure only extending beyond the property line by 3m, reaching a maximum height of approx. 3.5m, it is not considered this structure would have an unacceptable overbearing impact on the adjoining neighbouring property.

The proposal includes a two storey extension that would increase the scale and projection to the rear of the property by 3m. Only one first floor window is proposed, as part of the dormer structure; this will serve 'Bedroom 4'. The new glazed opening is larger than the window it would replace and set a further 3m beyond the existing elevation. However it would look directly over its own garden and cause no worse overlooking that the mutual overlooking that is already possible from the existing window (to bedroom 2) that would be removed as a result of the proposal. It is therefore not considered that there will be implications on privacy or overlooking to the neighbouring properties and the bungalows (approved under 21/00190/FUL) to the rear of the site.

Given the proposed position relative to existing neighbouring properties, it is not considered that the two storey element would result in an unacceptable over-bearing or over shadowing impact. 72 Abbey Road, as existing, is set back from the built form of 74 Abbey Road, the extensions are not considered to lead to unacceptable loss of light for the private amenity space of the neighbouring property.

The Householder Development SPD provides guidance in the case of two-storey additions that it may be necessary to apply the '45 Degree Approach' to assess whether the proposed depth will lead to unacceptable neighbour impact. A line should be drawn at an angle of 45 degrees from the centre of the nearest ground floor habitable window from the neighbouring property. If the footprint of the proposed addition extends beyond this line, then it may indicate that overshadowing effects may rise as part of the proposal. Figure 1 below demonstrates (using Block Site Plan, ref 02.01 Rev A) the proposal will not extend beyond this line and therefore it is not considered unacceptable overshadowing impacts will arise when considering the closest downstairs habitable room.

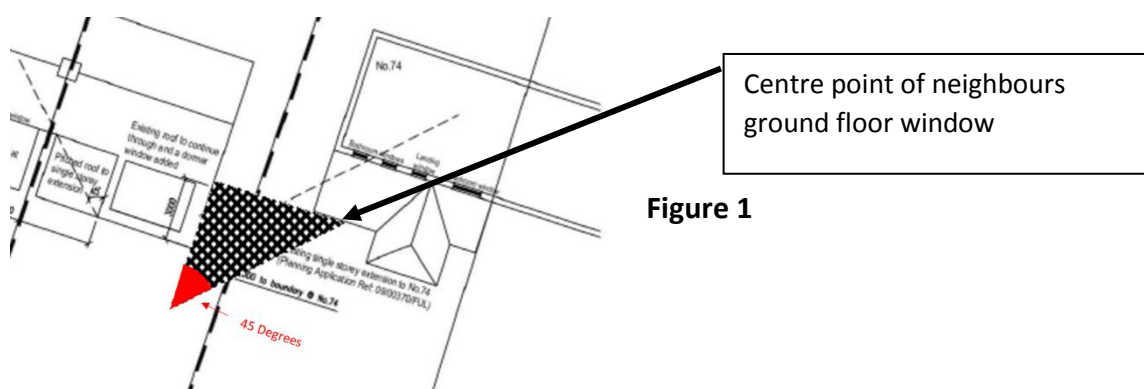
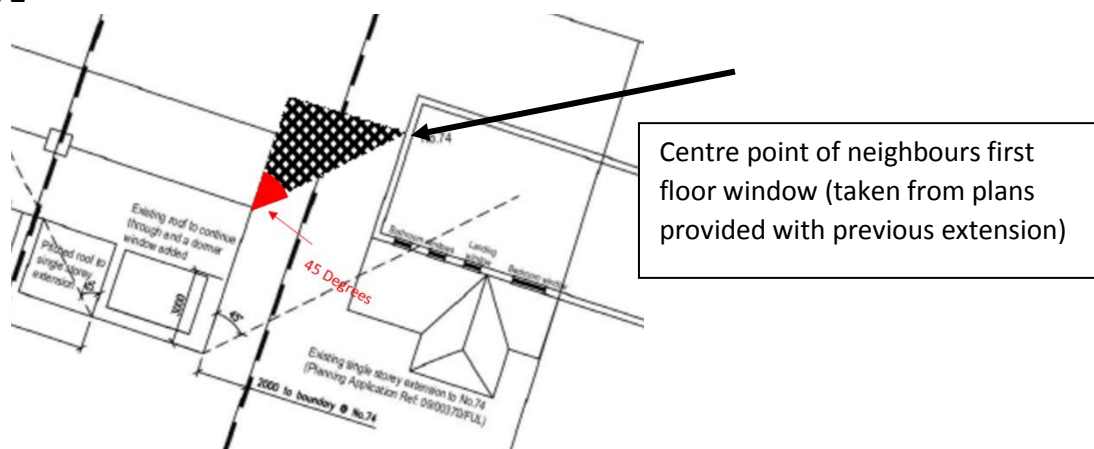


Figure 1

When measuring from the first floor side bedroom window of 74 Abbey Road, the 45 degrees line is intercepted approximately at the existing ridgeline of the house, demonstrating the proposal will not lead to any impacts above and beyond what may be there as existing.

Figure 2



With the above in mind, it is considered the proposal is acceptable and complies with Policy DM6 and DM5 of the DPD.

Impact upon Highway Safety

Policy DM5 requires the provision of safe access to new development and appropriate parking provision. Policy DM6 states that provision for safe and inclusive parking provision should be achieved and parking arrangements are maintained as a minimum. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. The Councils has also adopted a Residential Cycle and Car Parking Standards & Design Guide SPD which is material to decision making.

The aforementioned SPD states that for a 4 bedroom dwelling in 'the rest of the district' (where Edwinstowe would fall to be assessed under), 3 parking spaces per dwelling would be required.

The proposal would increase the number of bedrooms at this property from three to four. The front boundary wall has already been partly removed and can comfortably accommodate 2 cars side by side. At approximately 9.9m wide, there is scope to site 3 cars side by side if required on the existing hardstanding by removing the remaining part of the wall where the pedestrian gate lies. The applicant indicates 4 cars could fit in the frontage but I would suggest that would be ambitious. There are no restrictions for on street parking on Abbey Road. Given the current occupiers are extending to accommodate the needs of a child and the car parking demand will not change, officers feel that on balance an additional parking space isn't necessary and are not proposing the imposition of such a condition. This could however be secured by condition if members considered this crucial.

Overall the proposal does not change the vehicular access to the property and is considered to have an appropriate level of off-street parking for the benefit of the current occupiers and any future occupiers of the property and would not be detrimental to highway safety.

Flood Risk

The site is located within Flood Zone 1 as defined by the Environment Agency data maps. The area where the extensions are located is already mainly hard landscaped or contain extensions and I do not consider the extensions would have a harmful impact upon flood risk or drainage to the application and nearby sites.

8.0 Conclusion

Having regards to the above, it is considered that the proposal relates well to the existing dwelling and the surrounding residential development, that the proposal meets the Council's standards on residential amenity and that parking provision is appropriate. Overall the proposal accords with the Development Plan and it is recommended for approval.

9.0 Conditions

01

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

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

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan, ref 01.01. Received 27th April 2022;
- Block Site Plan, ref 02.01. Rev A. Received 27th April 2022;
- Proposed Ground Floor Plan, ref 02.02. Received 27th April 2022;
- Proposed First Floor Plan, ref 02.03. Received 27th April 2022;
- Proposed Side Elevation, ref 02.04 Rev A. Received 27th April 2022;
- Proposed Rear Elevation, ref 02.05 Rev A. Received 27th April 2022;
- Proposed Side Elevation, ref 02.06 Rev A. Received 27th April 2022.

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application

03

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as stated in the application.

Reason: In the interests of visual amenity.

Informatives

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).

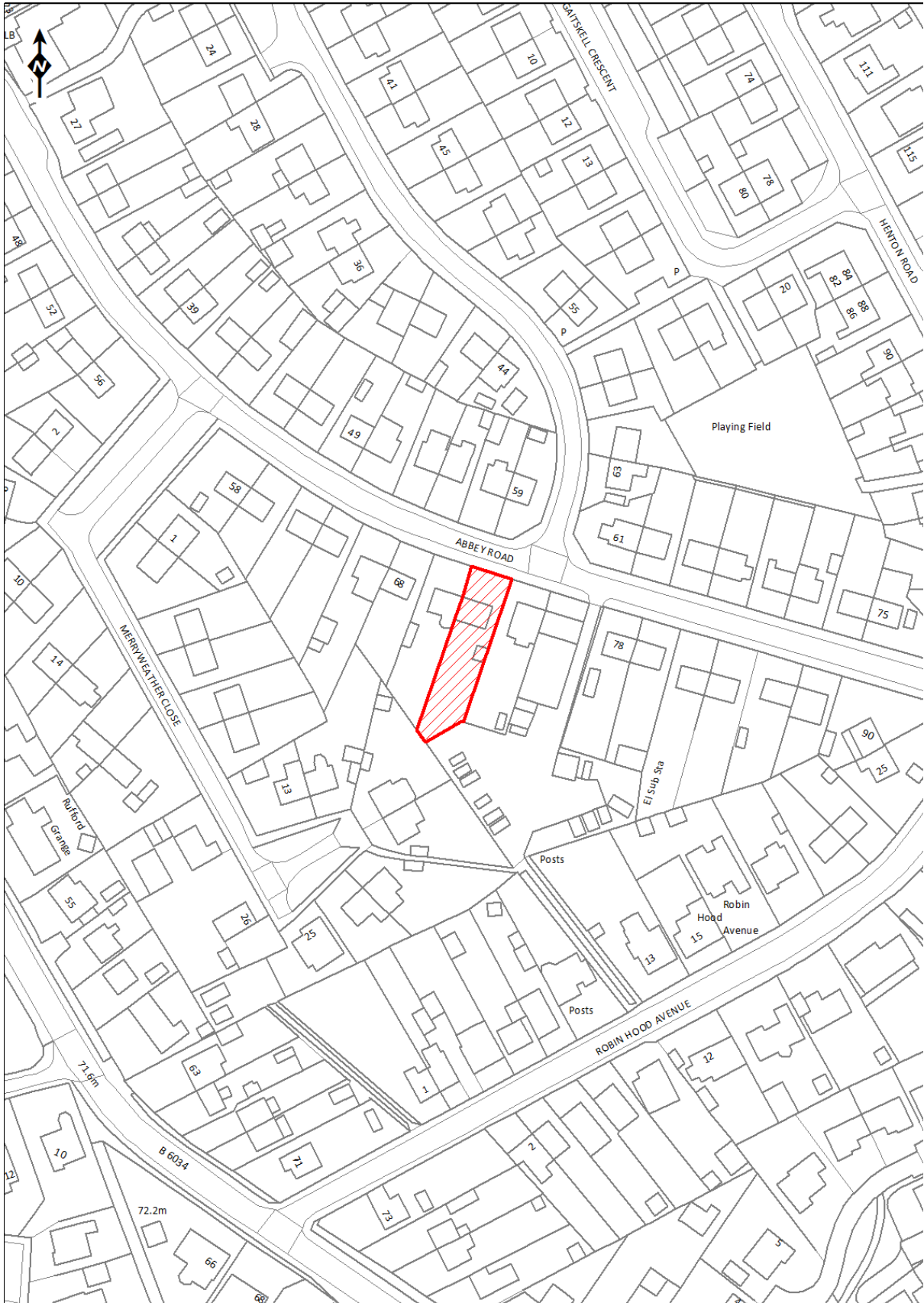
02

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

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

BACKGROUND PAPERS

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 June 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Sean Davies, Trees and Woodlands Officer (01636 655575)

Report Summary			
Application Number	22/00699/TWCA		
Proposal	Remove 1No Horse Chestnut tree		
Location	10 Brewers Wharf, Newark On Trent, NG24 1ET		
Applicant	Mr Mark Eyre	Agent	Not applicable
Web Link	22/00699/TWCA Remove 1No Horse Chestnut tree 10 Brewers Wharf Newark On Trent NG24 1ET (newark-sherwooddc.gov.uk)		
Registered	05.04.2022	Target Date	21.05.2022
Recommendation	Allow notice		

In line with the Constitution the notification is referred to Members of the Planning Committee for determination as the applicant is a Senior Officer of the Council.

1.0 The Site

A relative new build, 10 Brewers Wharf, is located immediately adjacent to significant mature Tree Preservation Order (TPO) trees, within the Newark Conservation Area, adjacent to a key footpath link. The tree in question is located in the rear garden, under the canopy of other mature trees. Visibility of the tree is limited to the immediate area only.

2.0 Relevant Planning History

Regarding previous works to trees (section 211), records indicate consent (notification 17/01154/TWCA) was issued on the 31st July 2017 for works to a number of trees within the rear and front garden of the property, including removal of 6 trees/shrubs and pruning works to 1 bush/tree. Reasons for removal included close proximity to boundary wall, poor form

and presence of fungus and cavity on main trunk of 1No Laburnum.

3.0 The Proposal

The applicant seeks to remove 1 Horse Chestnut tree, within the Newark Conservation Area.

As part of the submission, the applicant has provided a summary detailing the works, plan showing the tree's location and short statement informing of the trees excessive shading, lifting of patio, inappropriately planted next to a sewer and has a lean into the neighbouring property. Additionally, the submission informs that the tree has also shown signs of rusting on the leaves and is not in the best of health. Photographs taken in Autumn 2021, showing the subject tree, have been provided showing rusting of leaves and location of larger surrounding trees.



Photo 1

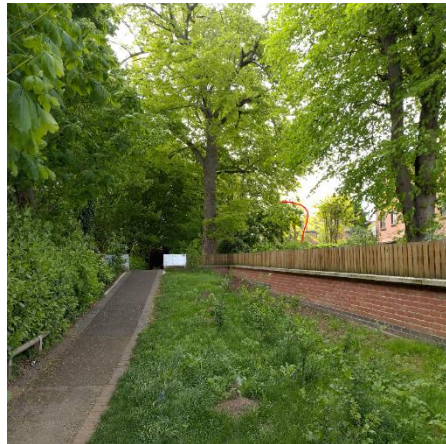


Photo 2

Photo 1 provided with application, taken from garden of resident, photo 2 (red area) highlighting tree from main public view

4.0 Planning Policy/Legislative Framework

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

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

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

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding

whether it is within their powers to make an Order. When assessing amenity value, the LPA considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public;
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This can include size and form, rarity, historic value etc.); and
- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

5.0 Consultations

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

In this instance, the case officer is the Local Authority's lead regarding trees and given that the case officer can assess the level of works proposed, further comments were not necessary.

6.0 Comments of the Business Manager – Planning Development

7.0 Appraisal of proposed works

The subject tree forms part of the understory, suppressed by the surrounding trees, and due to its location, the tree is growing in a habitat with little sunlight, presenting etiolated leaf form.

Additionally, the tree has poor structural form with inclusion (abnormally formed part of the tree - is known to weaken the connection of the branch to the rest of the tree's structure) in the major structural forks, as such, the tree is not a suitable long-term retention.



Surrounded by large significant trees, immediately adjacent is a young Walnut tree of better form that will benefit from the removal of the Horse Chestnut tree.

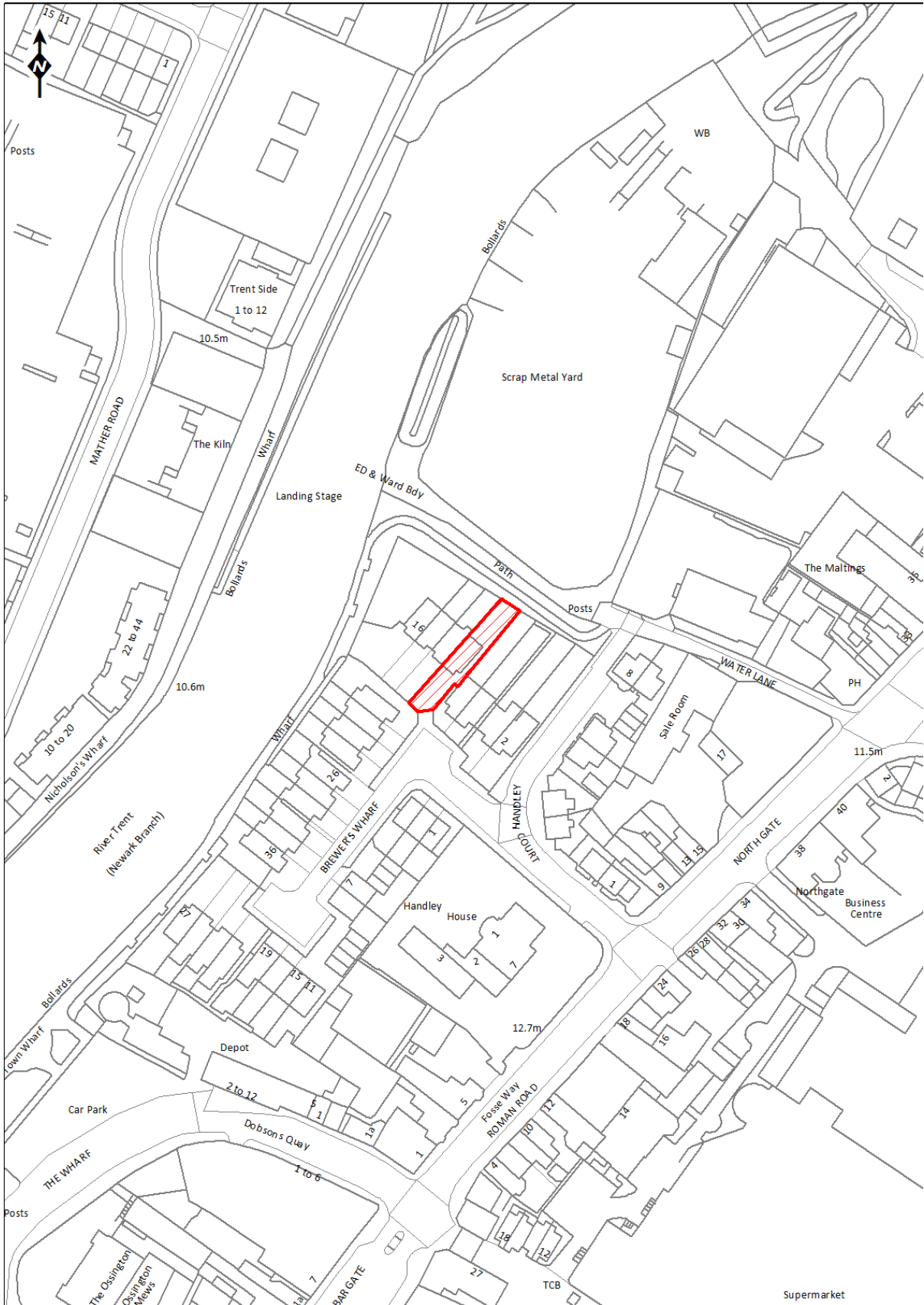
8.0 Conclusion

Allow the notice; removal of the tree will not significantly affect the character of the conservation area and will aid the development of surrounding trees.

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

BACKGROUND PAPERS

Notification case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 June 2022

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
Report Title	<i>Proposals for New Governance Arrangements – Planning Matters</i>
Purpose of Report	<i>To seek Members’ approval of the Officer Scheme of Delegation in relation to Planning Development, Protocol for Members on Dealing with Planning Matters and Development Consultation Forum arrangements that will be the responsibility of the Planning Committee following the adoption of the revised governance arrangements on 18 May 2022</i>
Recommendations	<p><i>That Planning Committee</i></p> <ul style="list-style-type: none"> <i>a) adopt the Planning Committee Scheme of Delegation to Officers</i> <i>b) adopt the Protocol for Members on Dealing with Planning Matters</i> <i>c) adopt the contents of the Development Consultation Forums, Guidance for Developers and Public</i>

1.0 Background

Due to the change in governance arrangements from a Committee to a Cabinet structure, there is a requirement in accordance with:

- Part C – Responsibility for Functions, Section 1 “To adopt a scheme of delegation to Officers, including the ability for District Councillors to reserve matters to Committee in circumstances prescribed by the scheme; the scheme to be reviewed as necessary and at least annually” and*
- “To adopt a Protocol for Planning Committee which must take Probity in Planning or equivalent national guidance into account”.*

Part D, paragraph 6.7 and Part H, Core Principle A also have details relating to the conduct and/or rules relating to the rules for Members across the Council as well as those sitting on Planning Committee.

2.0 Proposal/Options Considered and Reasons for Recommendation

A Scheme of Delegation (SoD) for Officers has been prepared, Appendix A. This sets out details for those applications which will be presented to Planning Committee, rules for referral of applications to Committee by Members as well as applications that are delegated to Officers. As Members of the Planning Committee will be aware, the Scheme of Delegation has been

reviewed annually following a more significant review undertaken in 2019. The attached Scheme of Delegation is broadly in line with that considered and adopted by Full Council in 2021, notwithstanding it is laid out differently. There are one or two differences, which seek to take account of concerns raised throughout the previous 12-months by Members in relation to referrals as well as ensuring all application types are referenced, whilst providing flexibility for any new types of applications that might be 'introduced' as a result of any new legislation that might come into force e.g. Permission in Principle in recent years. The SoD also provides delegation arrangements for other functions of the Planning Department including enforcement – issuing of notices, prosecutions etc. The SoD needs to be read in conjunction with Part C of the Constitution, as they together, form the remit and terms of reference for decision making.

To assist with understanding the more key changes, these are detailed in the table below:

2021 Scheme of Delegation	2022 Scheme of Delegation
<p>Where a major or minor (proposing between 1 and 9 dwellings) application is made under Section 73 of the Act to vary or remove planning conditions these will only be considered by the Planning Committee where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed.</p>	<p><u>Major Developments (S73)</u> - Major applications made under Section 73 of the Act where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed where the previous application was dealt with by Planning Committee.</p> <p><u>Minor Developments (S73)</u> - Proposals of 1 to 9 dwellings under Section 73 of the Act, where the application was previously dealt with by Planning Committee <u>and</u> the Officer recommendation is one of approval contrary to the views of the host Town or Parish Council (or Parish Meeting) <u>and</u> where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed and the relevant Ward Member(s) has requested the application be determined by Planning Committee within 5 working days of the notification of the recommendation by Officers. The request should include:</p> <ul style="list-style-type: none"> • a statement outlining material planning reasons why the proposal needs to be considered by Committee; and • a list of related Development Plan policies (or part of).
<p>New</p>	<p>Should amendments be received including plans/documents that are subject to re-consultation/notification which result in new material planning impacts previously notified of, the relevant Ward Member or adjoining Ward Member may refer the application to Planning Committee within the timescales given in the notification for a</p>

	response and subject to all of the bullet points set out within 1.35g).
New	In consultation with the Planning Committee Chairman and Vice Chairman, issue a grant of permission without a Section 106 agreement first being signed, where the original Planning Committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
All major (defined as 10 or more dwellings, where new floor space would be 1,000m ² or greater or have a site area of 1 hectare or greater) applications where: <ul style="list-style-type: none"> • The recommendation is contrary to the response received from the host Town or Parish Council or Parish Meeting, provided that such a response is based on material planning considerations¹ relevant to that application unless the recommendation is for refusal based on a recommendation of refusal by The Environment Agency’s representations or Highways England direct refusal of an application regardless of whether or not other consultees support the application; or • The recommendation is one of approval, contrary to the response received from a statutory consultee. 	<u>Major Developments</u> - All major (defined as 10 or more dwellings, where new floor space would be 1,000m ² or greater or have a site area of 1 hectare or greater) applications where: <ul style="list-style-type: none"> • The recommendation is contrary to the response received from the Town or Parish Council or Parish Meeting, provided that such a response is based on material planning considerations¹ relevant to that application unless the recommendation is for refusal based on a response by a Statutory Consultee (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015; or • The recommendation is one of approval, contrary to the response received from a Statutory Consultee (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Protocol for Members on Dealing with Planning Matters (Appendix 2) has also been updated. The majority of changes relate to change in names, for example from committee to Planning Committee and Development Control to Planning Development. However there are some more nuanced changes, as well as recommendation relating to Development Consultation Forum’s.

More nuanced changes comprise:

- *the requirement for Members sitting on Planning Committee to attend training on planning a minimum of once annually {after the initial training} (para.3.7);*
- *timescale by which the local Ward Member , Parish Council representative or member from a neighbouring council needs to register to speak to an application (paras. 11.4, 11.8 and 11.9);*

- *reasons for any approval (as well as refusal) must be justified against the development plan and any other material considerations (para. 12.2);*
- *detailed minutes of the Committee's reasons for a decision contrary to Officer recommendation shall be made (para. 12.6);*
- *applications refused contrary to the Officer recommendation and subsequently appealed should be defended by either and/or both the proposing and seconding Member or any other Member willing to defend the Council's decision (para. 12.8);*
- *clarification regarding site visits undertaken by Planning Committee Members on their own that these should be undertaken from public vantage points and requests by either the applicant or neighbour to view from their premise should be resisted (para. 13.8); and*
- *a review of decisions should be undertaken biennially to assess the quality of decisions (as opposed to annually).*

One of the more significant changes is the suggested introduction of Development Consultation Forums. Members will be aware that, on occasions, developers may wish to present their schemes to Members for their awareness in order to respond to the Council's adopted Statement of Community Involvement. Historically these have been to Planning Committee Members with Officers in attendance. However, it is suggested that for large-scale and/or contentious developments that these are held with Members of NSDC, Town/Parish Councillors (as appropriate to the development although all will be welcome) as well as with members of the public in attendance. Agreement for holding the meetings would be with the Chairman, Vice-Chairman of Planning Committee and Director for Planning & Growth or the Business Manager – Planning Development. The meetings would be publicised via a site notice as well as email to all District Councillors and respective Town/Parish Council/Meeting and anyone interested would be able to attend. The meeting would be chaired by an agreed person e.g. Planning Committee Chairman or Senior Officer of the Planning Development team to ensure it is held in an appropriate and fair manner. Such meetings would not be for any decision making and observations/comments at the meeting (as with all pre-application advice) would not fetter the Council's, as Local Planning Authority, decision making authority. Minutes of the meeting would be taken and publicised ensuring that discussions are open and transparent. The developer would hopefully take account of observations raised but would not be required to amend their scheme. Details of how such Forum's would be held is provided within Appendix 3.

Due to the scale of developments the DCFs are aimed towards – very large and/or contentious, the number of meetings that might be held each year is expected to be limited to a small handful. However, as with any new procedure that is implemented, a review will be undertaken shortly after 12 months if agreed. It is hoped that having these meetings where all are welcome will result in, as well as transparency, better schemes being submitted.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Appendix 1 – Planning Committee Scheme of Delegation to Officers

Appendix 2 – Protocol for Members on Dealing with Planning Matters

Appendix 3 – Development Consultation Forums, Guidance for Developers and Public

Planning Committee Scheme of Delegation to Officers

Effective from xx June 2022



Version Control	Adopted
v.1	Xx June 2022

Planning Committee Scheme of Delegation to Officers

The Terms of Reference for the Council's Planning Committee require it to adopt a Scheme of Delegation to Officers, including the ability for District Councillors to reserve matters to Committee in circumstances prescribed by the Scheme; the Scheme to be reviewed as necessary and at least annually.

All of the following delegated powers relating to planning can also be exercised by the Business Manager – Planning Development, who may also delegate to other suitable qualified and/or experienced officers in accordance with an agreed Scheme of Delegation.

1.0 Business Manager – Planning Development shall have authority to:

- 1.1 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 1995.
- 1.2 Respond to preliminary consultations received from Nottinghamshire County Council on applications for the diversion, creation and extinguishment of public paths.
- 1.3 Exercise of all function for the diversion, creation and extinguishment of public paths
- 1.4 Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport.
- 1.5 Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and Country Planning Act 1990, Planning and Compensation Act 1991 and Planning (Listed Buildings and Conservation Area Act) Act 1990.
- 1.6 To authorise entry onto land under Section 196A and Section 196B of the Town and Country Planning Act 1990.
- 1.7 To enter any land for the purposes of surveying it in connection with the functions of the Council as the local planning authority under Section 324 of the Town and Country Planning Act 1990.
- 1.8 Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee or to make minor non-material amendments to planning conditions, Section 106 legal agreements or reasons for refusal prior to issuing a decision notice, where the decision has been made by the Planning Committee, where those changes are minor and non-material and subject to the changes having no impact on the substance and terms of the planning decision in order to provide precise and robust conditions or reason(s) for refusal.
- 1.9 Power to approve or refuse details pursuant to a planning condition and to discharge or refuse to discharge planning conditions attached to a planning permission or any other relevant consents.
- 1.10 Determine all applications for non-material amendments to planning permissions or other forms of consent.

- 1.11 Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- 1.12 Determine all applications for Certificate of Lawfulness for Proposed Works to a listed building under Section 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.12 Determine applications for works and felling of trees covered by a Tree Preservation Order.
- 1.13 Respond to notifications for works to/the felling of trees in Conservation Areas.
- 1.14 Approve the making, varying and revoking of Tree Preservation Orders.
- 1.15 Power to review objections prior to making, varying or revocation of Tree Preservation Orders.
- 1.16 Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- 1.17 Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices and secure the costs of works required by such notices under Section 209 of the Town and Country Planning Act 1990.
- 1.18 Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 1.19 Serve and withdraw notices in respect of the following:
Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended:
- (i) Section 187A (TCPA) – Breach of Condition Notices;
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices;
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices;
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood;
 - (v) Section 172 – 173A (TCPA): Enforcement Notices following notification with the Chair and Vice Chair of the Committee and the relevant Ward Member(s);
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice following notification with the Chair and Vice Chair of the Committee and the relevant Ward Member(s);
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices;
 - (viii) Section 171C (TCPA): Planning Contravention Notices;
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees;
 - (x) Section 48 (LBCA): Listed Building Repairs Notices;
 - (xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007;
 - (xii) Section 54 (LBCA): Urgent works to preserve listed buildings;
 - (xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54;

- (xiv) Section 43 of the Anti-social Behaviour, Crime and Policing Act 2014 – issuing of advance warnings and Community Protection Notices;
 - (xv) Section 3 of the Planning (Listed Building and Conservation Areas) Act 1990 -Power to serve a Building Preservation Notice;
 - (xvi) Section 94 of the Town and Country Planning Act 1990: completion notice;
 - (xvii) S330 of the Town and Country Planning Act 1990 (Requisition for Information); except in the circumstances where the Business Manager – Planning Development considers it appropriate for that matter to be determined by Planning Committee.
- 1.20 Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- 1.21 Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- 1.22 Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- 1.23 Section 210 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- 1.24 Section 224 (9) (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor’s knowledge.
- 1.25 Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- 1.26 Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- 1.27 Section 225A (7) (TCPA): the recovery of expenses incurred in the Council’s removal of unauthorised advertisement display structures.
- 1.28 Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- 1.29 To decide whether the Councils case at planning appeal should be by way of written representations, hearing or public inquiry and to agree the nature and extent of the case to be presented.
- 1.30 Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations, including
- (i) Section 225A (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement display structures;
 - (ii) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so;
 - (iii) Section 225D (TCPA): the response to appeals made against Action Notices;
 - (iv) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections;
 - (v) Sections 225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so;

- (vi) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.

1.31 To instigate legal proceedings and recover costs under the following provisions:

- (i) Section 171D (TCPA): non compliance with Planning Contravention Notices;
- (ii) Section 171G (TCPA) non compliance with Temporary Stop Notices;
- (iii) Section 179 (TCPA) non compliance with Enforcement Notices;
- (iv) Section 187 (TCPA) non compliance with Stop Notices
- (v) Section 178A (TCPA) non compliance with Breach of Condition Notices;
- (vi) Section 43 (LBCA) non compliance with Listed Building Enforcement Notices;
- (vii) Section 59 (LBCA) unauthorised work to Listed Buildings;
- (viii) Section 210 (TCPA) non compliance with Tree Preservation Orders;
- (ix) Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
- (x) Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
- (xi) Section 224 (TCPA) unauthorised advertisement display;
- (xii) Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
- (xiii) Section 330 (TCPA) Requisition for Information;
- (xiv) Part 4 Chapter 1 of Anti-social Behaviour, Crime and Policing Act 2014 Community Protection Notice – Power to issue a Community Protection Notice and Fixed Penalty Notice;
- (xv) Section 3 of the Planning (LBCA) Act 1990 -Power to serve a Building Preservation Notice.

1.32 Power to respond to consultation by neighbouring local planning authorities, other consultees or the Secretary of State.

1.33 Make observations on County Matter applications or applications submitted by Nottinghamshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.

1.34 Power to assess and determine applications subject to the Conservation of Habitats and Species Regulations 2017 (as amended).

1.35 Determine all applications submitted to Newark and Sherwood District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:

- a) Environmental Impact Assessment - Applications where an Environmental Impact Assessment has been provided.
- b) Major Developments - All major (defined as 10 or more dwellings, where new floor space would be 1,000m² or greater or have a site area of 1 hectare or greater) applications where:
 - The recommendation is contrary to the response received from the Town or Parish Council or Parish Meeting, provided that such a response is based on material planning considerations¹ relevant to that application unless the recommendation is for refusal based on a response by a Statutory Consultee (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015; or

- The recommendation is one of approval, contrary to the response received from a Statutory Consultee (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- c) Major Developments (S73) - Major applications made under Section 73 of the Act where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed where the previous application was dealt with by Planning Committee.
- d) Minor Developments (S73) - Proposals of 1 to 9 dwellings under Section 73 of the Act, where the application was previously dealt with by Planning Committee and the Officer recommendation is one of approval contrary to the views of the host Town or Parish Council (or Parish Meeting) and where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed and the relevant Ward Member(s) has requested the application be determined by Planning Committee within 5 working days of the notification of the recommendation by Officers. The request should include:
 - a statement outlining material planning reasons why the proposal needs to be considered by Committee; and
 - a list of related Development Plan policies (or part of).
- e) Parish or Town Council/Community or Voluntary Organisation Application- The application has been submitted by a community or voluntary organisation, a town or parish council and could in the opinion of the Authorised Officer, in consultation with the Chairman and Vice-Chairman of the Planning Committee, result in a significant community benefit and would otherwise be recommended for refusal.
- f) Minor Dwellings - Proposals of 1 to 9 dwellings, where the Officer recommendation is one of approval contrary to the views of the host Town or Parish Council (or Parish Meeting), and the relevant Ward Member(s) has requested the application be determined by Planning Committee within 5 working days of the notification of the recommendation by officers. The request should include:
 - a statement outlining material planning reasons why the proposal needs to be considered by Committee; and
 - a list of related Development Plan policies (or part of).
- g) Referrals - Applications recommended for approval and requested be determined by Planning Committee by the relevant Ward Member in writing seeking a refusal within 21 calendar days of circulation of the weekly list, subject to:
 - i. The Member having discussed the application with the case officer or Authorised Officer. The request should set out:
 - a statement outlining material planning reasons why the proposal needs to be considered by Committee; and
 - a list of related Development Plan policies (or part of) and, where applicable, national planning policies (including paragraph numbers).
 - ii. Where an application is referred by a Member whose ward is not either within or immediately adjacent to the application site, the referring Member must also set out how:

- i. in their opinion the application would have a material planning impact on the whole or part of their ward (or the District as a whole or part) having regard to the nature of the development, and
- ii. shall notify the relevant Ward Member(s) prior to the referral request and the Group Leader of the relevant group of the Member making the referral request has agreed to the referral.

Exceptions to the referral process are those applications which are subject to strict time limits for determination including, but not limited to, Works to Trees in a Conservation Area, Prior Notifications, Prior Approvals and Certificate of Lawfulness proposals.

- h) Should amendments be received including plans/documents that are subject to re-consultation/notification which result in new material planning impacts previously notified of, the relevant Ward Member or adjoining Ward Member may refer the application to Planning Committee within the timescales given in the notification for a response and subject to all of the bullet points set out within 1.35g).
- i) Authorised Officer Referral - Any application which raises significant issues such that in the opinion of the Authorised Officer, it would be prudent to refer the application to Planning Committee for decision.
- j) Departure - Applications where the principle of development would represent a material departure from any policy within the Development Plan.

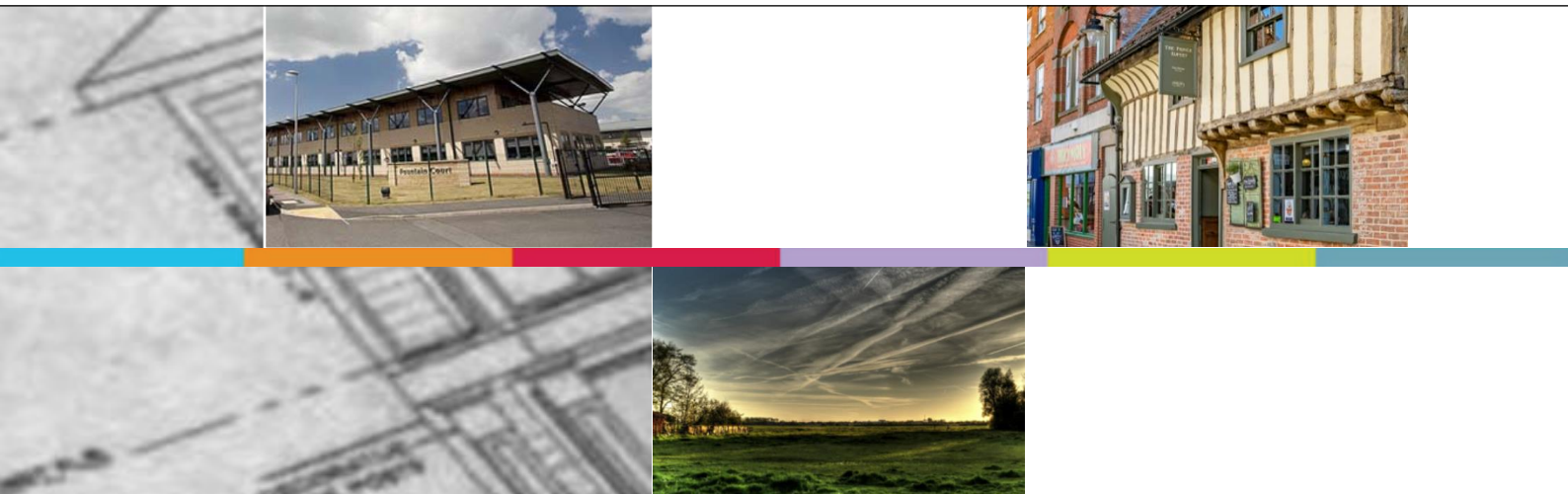
The “Authorised Officer(s)” for the purposes of this part of the Constitution shall be the Chief Officer whose remit for the time being includes responsibility for planning, the relevant Business Manager with responsibility for the discharge of the development management function or an Officer authorised in writing by them to act on their behalf.

- 1.36 Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
- 1.37 Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
- 1.38 In consultation with the Planning Committee Chairman and Vice Chairman, issue a grant of permission without a Section 106 agreement first being signed, where the original Planning Committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
- 1.39 To exercise the Council’s powers with regard to the Community Infrastructure Levy Regulations 2010 (as amended).
- 1.40 Power to enter into, vary or modify agreements regulating development or use of land under s106 of the Town and Country Planning Act 1990.

- 1.41 Power to determine applications for hazardous substances consent and related powers under the Planning (Hazardous Substances) Act 1990.
- 1.42 Power to pursue those convicted through the courts of a planning breach under The Proceeds of Crime Act 2002 (or as amended).
- 1.43 To serve a Certificate of Appropriate Alternative Development where land is proposed to be acquired by local authority under Section 65 of the Planning and Compensation Act 1991.
- 1.44 Power to make minor alterations to the Planning Application Validation Checklist.
- 1.45 To grant permission-in-principle under Part 2 of the Town and Country Planning (Permission in Principle) Order 2017 for sites on the Part 2 Brownfield Register under the Town and Country Planning (Brownfield Land Register) Regulations 2017
- 1.46 Power to make payments or provide other benefits in cases of costs awarded against the Council in respect to planning and related appeals, maladministration and in respect of the local settlement of complaints pursuant to Section 92 of the Local Government Act 2000 in respect of matters falling within the remit of the planning function.

Protocol for Members on Dealing with Planning Matters

Effective from ***** 2022



PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS

1.0 Introduction

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest.
- 1.2 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Planning necessarily affects land and property interests and as a consequence decisions can often be highly contentious.
- 1.3 The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless it is important that the decision making process is open and transparent.
- 1.4 The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.5 This protocol applies at all times when Members are involved in the planning process. This includes meetings of the Planning Committee, meetings of the Council when exercising the functions of the Planning Authority and less formal occasions, such as meetings with officers or the public and consultative meetings. It applies to planning enforcement matters, to site specific policy issues and to the making of compulsory purchase orders on planning grounds.

IF YOU HAVE ANY QUERIES OR CONCERNS ABOUT THE APPLICATION OF THIS PROTOCOL TO YOUR OWN CIRCUMSTANCES YOU SHOULD SEEK ADVICE EARLY FROM THE MONITORING OFFICER OR DEPUTY MONITORING OFFICER AND PREFERABLY WELL BEFORE ANY MEETING TAKES PLACE

2.0 Relationship to the Members Code of Conduct

- 2.1 The Council has adopted a local code of conduct which reflects the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 This protocol is intended to supplement the Members Code of Conduct where members are involved in the planning process.
- 2.3 The rules set out in the Members Code of Conduct must be applied first and must always be complied with.
- 2.4 Where a member does not abide by the Members Code of Conduct and/or this protocol when involved in the planning process it may put the Council at risk of challenge on the legality of any decision made or at risk of a finding of maladministration.
- 2.5 The failure is also likely to be a breach of the Members Code of Conduct and may be the subject of a complaint to the Standards Committee.

MEMBERS SHOULD APPLY COMMON SENSE IN THE INTERPRETATION OF THIS PROTOCOL.

3.0 The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers advise councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's position. The Council has adopted a protocol giving guidance on relationships between officers and members.
- 3.2 Both councillors and officers are guided by codes of conduct. The Members Code of Conduct and its relationship to this protocol are set out in section 2 above.
- 3.3 Planning Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct breaches of which may be subject to disciplinary action by the Institute. In addition the Council has adopted a Code of Conduct for employees.
- 3.4 In addition to these codes, the Council's Procedure Rules set down rules which govern the conduct of Council business.
- 3.5 Councillors and officers should view with extreme caution any offer of gifts or hospitality. The Council has adopted separate protocols for officers and for members giving guidance on gifts and hospitality.
- 3.6 Serving councillors who act as agents for people pursuing planning matters within their authority should not be members of the Planning Committee.
- 3.7 Councillors and particularly those serving on the Planning Committee are required to receive training on planning when first appointed to the Planning Committee and a minimum of once annually thereafter.

4.0 Registration and Disclosure of Interests

- 4.1 The Member Code of Conduct sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests. Members should not participate in any decision and should leave the meeting where they have a disclosable pecuniary interest unless they have first obtained a dispensation.

In addition, unless they have obtained a dispensation they should:-

- **NOT** participate or give the appearance of trying to participate in the making of any decision on the matter by the Council as Local Planning Authority
 - **NOT** get involved in the processing of the application
 - **NOT** use their position to discuss the proposal with officers or members when other members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.
- 4.2 In addition, the Code requires members to consider whether they have a non disclosable interest or personal interest in any item. Such an interest will arise where the matter may

reasonably be regarded as affecting the wellbeing or financial standing of the member concerned, a member of their family or a person with whom they have a close association to a greater extent than the majority of people in their ward. Such an interest will also arise where it would be a disclosable pecuniary interest but relates to a member of the councillor's family or to a close associate rather than to the member themselves or to their spouse or partner.

4.3 In the event that a member considers that they have a non disclosable pecuniary interest or personal interest in any matter they should disclose the existence and nature of the interest at or before the consideration of that item of business or as soon as the interest becomes apparent.

4.4 The member then needs to consider very carefully whether it would be appropriate to participate in discussion and voting on the matter. They should think about how a reasonable member of the public, with full knowledge of all the relevant facts would view the matter when considering whether their participation would be appropriate.

5.0 Predisposition, Predetermination or Bias

5.1 To protect the rights of planning applicants and to preserve the integrity of committee decisions, it is vital that members do not make up their minds before they have all relevant materials and arguments before them at the Planning Committee meeting. Members must retain an open mind at the time the decision is made and not make up their minds or appear to have made up their minds until they have heard the officer's presentation and evidence at the Planning Committee when the matter is considered. This is particularly important if a member is contacted by an external interest or lobby group. If a member has made up their mind prior to the meeting and is not able to reconsider their previously held view, they will not be able to participate in the determination of the matter by the Authority because if they did take part in the discussion or vote it would put the Authority at risk in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute maladministration. Secondly, the Authority could be at risk of legal proceedings on a number of possible grounds:-

- That there was a danger of bias on the part of the member; and/or
- Predetermination; and/or
- A failure to take into account all of the factors which would enable the proposal to be considered on its merits

5.2 Members are entitled to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision. Predetermination arises when members' minds are closed, or reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. This risks making the whole decision vulnerable to legal challenge. Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a councillor who states "wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee" has a closed mind. A councillor who states "many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area" does not have a closed mind although they are predisposed towards opposing such applications.

5.3 Members may take part in the debate on a proposal when acting as part of a consultee body (i.e. where they are also a member of the county or parish council as well as being a member of the Authority) provided that:-

- They make clear during discussion at the consultee body that:-
 - (i) Their views are expressed on the limited information before them only; and
 - (ii) They will reserve judgement and the independence to make up their own mind on each separate proposal when it comes before the District Council's Planning Committee and they have heard all the relevant information; and
 - (iii) They will not in any way commit themselves as to how they or others may vote when the proposal comes before the District Council's Planning Committee.

In the interests of transparency, the member should, in such circumstances, disclose the personal interest regarding their membership of the consultee body when the District Council's Planning Committee comes to consider the proposal.

5.4 Where a member has already made up their mind ("fettered their discretion") and therefore declines to speak or vote on a proposal, they do not also have to withdraw (unless they have a disclosable pecuniary interest and have not obtained a dispensation) but they may prefer to do so for the sake of appearances.

5.5 If a member decides to stay in the meeting they should explain that they do not intend to speak and vote because they have (or could reasonable be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.

5.6 Members who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making on individual applications for that reason.

6.0 Development Proposals Submitted by Councillors and Officers and Council Development

6.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

6.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular:-

- If a member or officer submits their own proposal to the Authority, they should play no part in its consideration
- The Council's Monitoring Officer should be informed of any proposal submitted by any member or any officer employed by the Authority on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application
- Such proposals should be reported to the Planning Committee and not dealt with by officers under delegated powers

6.3 A member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to

explain their proposal to an officer but the councillor, as applicant, should also not seek to improperly influence the decision.

6.4 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.

7.0 Lobbying of and by Councillors

7.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee. The Nolan Committee's 1997 report stated: "it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

7.2 Lobbying can, however, lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.

7.3 When being lobbied, councillors and members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

7.4 In such circumstances, members should consider restricting themselves to giving advice about the process and what can and cannot be taken into account.

7.5 Members can raise issues which have been raised by their constituents with officers.

7.6 If a member does express an opinion to objectors or supporters, it is good practice to make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and having taken into account all relevant material and planning considerations at Planning Committee.

7.7 If any councillor, whether or not a Planning Committee member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting once the opportunity to make representations has been completed in order to counter any suggestions that members of the Committee may have been influenced by their continuing presence.

7.8 In no circumstances should planning decisions be made on a party political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.

7.9 Planning Committee members and members of the Local Development Framework Task and Finish Group should in general avoid organising support for or against a planning application and should not lobby other councillors.

7.10 Members should not put pressure on officers for a particular recommendation or decision and should not do anything which compromises, or is likely to compromise, the officer's impartiality or professional integrity.

- 7.11 Members should pass any lobbying correspondence received by them to the Business Manager – Planning Development at the earliest opportunity.
- 7.12 Any offers made of planning gain or restraint of development, through a proposed S106 Agreement or otherwise should be referred to the Business Manager – Planning Development.
- 7.13 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 7.14 Members should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate officers to follow the matter up.

8.0 Requests to Refer Items to Committee

- 8.1 If a member requests that a matter be referred to Planning Committee for determination, where it would otherwise be dealt with by officers acting under delegated powers, they should give written reasons for that request and those reasons should relate solely to matters of material planning concern. The member should also observe the additional rules and requirements set out in the Council’s Constitution and/or Planning Scheme of Delegation.

9.0 Pre-Application Discussions

- 9.1 Pre-application discussions between a potential applicant and the Council can benefit both parties and are therefore encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.
- 9.2 Councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors to lead on community issues and helps to ensure that issues do not come to light for the first time at Planning Committee. Officers should therefore consider involving the local ward member(s) particularly in relation to major applications and where a Development Consultation Forum does not apply (refer paragraph 9.3 below). However, in order to avoid perceptions that councillors might have fettered their discretions, such discussions should take place in accordance with the following guidelines:-
 - (i) It should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
 - (ii) It should be acknowledged that consistent advice should be given by officers based upon the development plan and material [planning] considerations.
 - (iii) Officers should be present with members in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.

- (iv) Members should not become drawn into any negotiations which should be done by officers (keeping interested members up to date) to ensure that the Authority's position is co-ordinated.
- (v) A written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others who are not party to the discussion.
- (vi) Care should be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to Committee could appear to be advocacy.

9.3 Some pre-application and pre-decision proposals are of a scale or complexity, for example, whereby engaging with members, Town/Parish Councils and Meetings as well as the public can be of benefit to enable wider understanding. Such proposals will be, with the agreement of the Business Manager – Planning Development, Chairman and Vice Chairman of Planning Committee in consultation with the Ward Member(s), recommended to be presented via a Development Consultation Forum (DCF). Such Forum's will enable wider engagement in accordance with the Council's Statement of Community Involvement. They will not be a decision making meeting. The purpose, process and schemes that might be eligible are detailed within the document 'Development Consultation Forums, Guidance for Developers and Public [\[hyperlink once adopted\]](#)'. The Chairman of the DCF will be agreed prior to the meeting being held and will be either a District Councillor or Officer of the Planning Development department.

9.4 Although the term "pre-application discussions" has been used, the same consideration should apply to any discussions which occur before a decision is taken.

9.5 Common sense should be used by members in determining the scale of the proposals to which the guidelines set out in 8.1 above will apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. Keeping a register of such conversations would be neither practical nor necessary. If for example a member is approached by an applicant or an objector in respect of what could reasonably be considered to be a minor application it would be more appropriate for the member concerned to give advice on process only and what can and cannot be taken into account (see paragraph 7.4 ante) and to refer the constituent to a planning officer if they need planning or technical advice.

10.0 Officer Reports to Committee

10.1 Officer reports to Committee should be comprehensive and should include the substance of any objections and other responses received to the consultation. Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material [planning] considerations.

10.2 Reports should have a written recommendation for a decision to be made.

10.3 Reports should contain technical appraisals which clearly justify the recommendation.

10.4 If the reports recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S38A of the Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990.

10.5 Any oral updates or changes to the report should be recorded.

11.0 Consideration of Business on the Public Agenda

11.1 All applications to be decided by the Planning Committee will be dealt with as follows:

- i. Members who have pre-determined the proposal or have a Disclosable Pecuniary Interest (DPI) will be required to leave the meeting whilst the relevant agenda item is debated. Officers with a DPI will also be required to leave.
- ii. The Chairman will announce the agenda item number.
- iii. The Planning Officer will introduce the application with any relevant updates and provide a visual presentation to aid Members' understanding of the context of the application.
- iv. The Chairman will propose and Vice-Chairman second the Officer recommendation [noting that this does not fetter their ability to vote to the contrary after taking all relevant matters into account].
- v. The Chairman will invite any Ward Member and/or Parish/Town Council or Parish Meeting representative to speak to the item. Each speaker will be limited to 5 minutes.
- vi. The Chairman will then ask Members if they have technical questions of officers
- vii. The Planning Committee will then discuss/debate the application.
- viii. Members may seek further clarification of:-
 - a) particular points from Officers, regarding the application; or
 - b) on points raised by speaker(s), in the main debate, through the Chairman.Officers will respond to issues and questions raised by Members.
- ix. The Committee will then make a decision by vote.
- x. Refusals, contrary to Officer recommendation will, alongside recording each Member's vote, also record the proposer and seconder for the refusal.

12.0 Public Speaking at Planning Committees

12.1 Members of the public, including any applicant or objector, are not entitled to speak at meetings of the Planning Committee and should accordingly submit any representations in writing.

12.2 All representations received will be reported to Planning Committee. Where they are received late, and after publication of the agenda for the Committee they will be reported to the Committee by means of a late paper summarising any late representations received in respect of items on the agenda for the Committee.

12.3 References to Parish Councils shall include Town Councils. Parish Councils may appoint a representative to make representations on behalf of the Parish Council in respect of any planning application submitted within the area of the relevant parish, or where it can clearly be demonstrated to the satisfaction of the relevant Business Manager – Planning Development in

consultation with the Chairman and Vice Chairman of the Planning Committee that the application will have a material impact on the whole or part of the Parish Council's area.

- 12.4 The Parish Council should notify the Council's Democratic Services Team, by 5pm the working day before the meeting that they wish to make representations and the name of their nominated representative.
- 12.5 Such nominated representative should be the clerk or other officer or a member of the Parish Council and as such they will be bound by their own Authority's rules on conduct. Any professional agent or other third party appointed by the Parish Council shall have no right to speak at Committee.
- 12.6 The nominated representative shall put forward views or representations which reflect the views of the Parish Council which they are representing. They shall not be entitled to put forward personal views or opinions or views which differ from those of the Parish Council which they represent.
- 12.7 A Parish Meeting shall have the same rights to appoint a representative to speak on their behalf as a Parish Council provided that they are able to evidence that they are reflecting the views of the Parish Meeting (for example as recorded in the minutes of the Parish Meeting) rather than their personal views.
- 12.8 The local ward member for the area in respect of which the planning application is situated shall have the right to make representations to the Committee. A member shall also have the right to make representations for applications outside their ward area in circumstances where it can clearly be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the Chairman and Vice-Chairman of the Planning Committee that the application will have a material impact on the whole or part of their ward area. Any member wishing to exercise their right to speak under this provision shall be required to first notify the Council's Democratic Services team by 5pm the working day before the meeting that they wish to make representations and, if the application is outside their ward area, the reasons why they consider that the application will have a material impact on the whole or part of their ward area.
- 12.9 A member from a neighbouring district/borough council shall have the right to make representations on behalf of that council and reflecting the views of that council to the Planning Committee in circumstances where it can clearly be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the Chairman and Vice-Chairman of the Planning Committee that the application will have a material impact on the whole or part of their Council area. A member wishing to exercise their rights under this paragraph shall be required to first notify the Council's Democratic Services team by 5pm the working day before the meeting that they wish to make representations on behalf of their Council and shall also provide evidence that these representations will reflect the views of that Council and evidence that the application will have a material impact on the whole or part of their Council area.
- 12.10 The right to make representations as set out in 11.3, 11.7, 11.8 and 11.9 ante, shall be limited to a maximum 5 minutes duration.
- 12.11 New documents should not be circulated to the Committee. Councillors may not be able to give proper consideration to the new information and Officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak. If, in exceptional circumstances and at the Chairman's discretion, new documents are accepted, the meeting may be adjourned for them to be properly considered.

12.12 Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

13.0 Decisions Which Differ From an Officer Recommendation

13.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (S38A Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990).

13.2 This applies to all planning decisions. Any reasons for refusal and any approval must be justified against the development plan and other material considerations.

13.3 The courts have expressed the view that the Planning Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

13.4 Planning Committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

13.5 The Planning Committee should take the following steps before taking a decision which differs from an officer recommendation:-

- (i) Record the detailed reasons as part of the mover's motion
- (ii) If necessary, adjourn for a few minutes for those reasons to be discussed and then agreed by the Committee
- (iii) Where there is concern about the validity of reasons and/or officer concern about a potential award of costs on appeal, consider deferring to another meeting to have the putative reasons tested and discussed.
- (iv) Ensure that a recorded vote is taken, recording the individual names of those voting for and voting against the motion and the names of those abstaining.

13.6 If the Planning Committee makes a decision contrary to the Officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the Committee's reasons shall be made and a copy placed on the application file. A number of appeals are confined in the documents that can be used to defend its appeal (officer report and Committee minutes only). Councillors should be prepared to explain in full their planning reasons for not agreeing with the Officer's recommendation. Pressure should never be put on officers to "go away and sort out the planning reasons".

13.7 The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.

13.8 Applications which are refused contrary to Officer recommendation and subsequently appealed should be defended by either and/or both the proposing or seconding Member to the resolution or any other Member who is willing to defend the Council's decision.

- 13.9 All applications that are clearly contrary to the development plan and constitute notifiable departures must be advertised as such, and are known as “departure” applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- 13.10 The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (S77 of the Town and Country Planning Act 1990). If the Officer’s report recommends approval of such a departure, the justification for this should be included, in full, in that report.

14.0 Committee Site Visits

- 14.1 Committee site visits do not constitute formal meetings of the Council but rather their purpose is to enable members to observe the site and to gain a better understanding of the issues. Accordingly attendance by members at Committee site visits is not essential and non-attendance will not preclude a member from discussing and voting on the relevant matter at the Planning Committee meeting. Notwithstanding this, members should make every effort to attend where it is considered that a site visit is necessary and appropriate. In addition, any relevant information which members have gained from the site visit will be reported back to the Committee so that all members have the same information.
- 14.2 Site visits should only be conducted where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and material considerations already. A site visit should not take place unless:
- (i) There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; or
 - (ii) There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed; or
 - (iii) The impact of the proposed development is difficult to visualise; or
 - (iv) The comments of the applicant and/or objectors cannot be expressed adequately in writing; or
 - (v) The proposal is particularly contentious and the aspects being raised can only be viewed on site.
- 14.3 A record should be kept of the reasons why a site visit is called. It is important that the Council adopts a clear and consistent approach on when and why to hold a site visit and how to conduct it to avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 14.4 Only members of the Planning Committee, the local ward member(s) and officers should participate in site meetings. A member who is not the local ward member but is able to demonstrate to the satisfaction of the Business Manager - Planning Development in consultation with the Chairman of the Planning Committee prior to the site meeting taking place that the application will have a significant impact on their ward may be permitted to attend the site meeting.
- 14.5 The applicant may be present on site but should be kept a discreet distance away from the Planning Committee members and officers so that they cannot be a party to any comments or

questions raised. Upon the refusal of the applicant to respect this requirement, the Committee shall leave the site immediately.

- 14.6 Members should not express opinions or views at the site meeting but may ask officers present questions or seek clarification from them on matters which are relevant to the site investigation.
- 14.7 Under no circumstances should the site visit members hear representations from any party other than the local ward member. Observations of the ward member(s) should be confined to site factors and site issues. If any member present at a site visit is approached by the applicant or a third party, they should advise them that they should make representations in writing to the Authority and should direct them to or inform the officer present.
- 14.8 Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Any request by the owner/occupier of a site to enter on to a premise or by a neighbour to view a site from their premise should be strongly resisted to avoid the risk of the owner/occupier/neighbour trying to influence that member improperly, potentially creating a perception of bias and risk of legal challenge or allegation of maladministration.

15.0 Voting at Committee

- 14.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.

15.0 Deferral

- 15.1 Members should not seek to defer consideration of any item put before the Planning Committee unless there are clear and demonstrable reasons for doing so such as a relevant planning issue arising for the first time not having been previously considered and needing further investigation.
- 15.2 Where a Member might otherwise be minded to seek deferral of an item by reason that they wish to seek clarification on a particular issue, consider that further material information is required on a particular matter or for any other substantial reason, they should seek to obtain such clarification or additional information from the relevant Business Manager or the relevant Case Officer at least two hours prior to the commencement of the Planning Committee meeting.

16.0 Biennial Review of Decisions

- 16.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 16.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be

prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

17.0 Complaints

- 17.1 Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.
- 17.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by Committee and under delegated powers, and to applications, enforcement and development plan matters.

Development Consultation Forums Guidance for Developers and Public

Effective from ***** 2022



Development Consultation Forums

The Council is committed to improving community involvement in the planning process. In March 2015, the Council adopted its 'Statement of Community Involvement' (SCI) which sets out how the Council will involve the community in plan-making and when considering planning applications (major, minor, other, listed building and conservation area) at both pre and submission stages of a planning application.

The Council has formalised its pre-application advice service for all types of developments and future applications with the aim of improving the advice given to future developers. However, existing processes limits the input of a number of stakeholder, particularly District Councillors and Town/Parish Councils. Such stakeholder involvement in the pre application process for applicable developments will provide greater understanding for developers of community expectations of development within the District.

The Council has recently introduced a 'Consultation Forum' for large schemes with the aim of improving Councillor and public involvement in the pre-application process, and providing greater understanding of potential large developments within the District.

This document should be read in conjunction with the SCI Guidance and the Development Consultation Forum would be part of a wider SCI process where developers engage with the local community.

What are Development Consultation Forums?

The Development Consultation Forum is a meeting held in public, where a developer is able to explain proposals directly to Councillors and the public at an early stage, prior to a decision being made on a planning application, about a development site. The process is designed to assist the developer to deal properly with important issues and to reduce delay and frustration on everyone's part in the formal planning process.

The process is established in the hope that it would improve the planning process in connection with schemes that would have a wider impact on the local community within the District.

It is important that the presentation takes place at an early pre-decision stage in the development process so that developers may rethink certain aspects of their proposals or commission further survey work to explain their proposals.

What is the Development Consultation Forum's purpose?

Its prime purpose is to help identify issues that a proposal, which is considered by Members, may need to address. In particular, the discussion will:

- Enable the developer to explain development proposals directly to Councillors and the public at an early stage
- Identify any issues that may be considered in any formal application
- Inform Councillors and the public of a development proposal at an early stage in the pre-application process
- Inform officer pre-application discussions with the developer to enable the developer to shape an application to address community issues

Which type of developments will be discussed at the Development Consultation Forum?

The following types of development schemes, which are still at pre-application and pre-decision stage, will be considered:

- Proposed large-scale developments which include significant social, community, health or education facilities, or where early public discussion of issues would be useful
- Proposed developments of 50 units or more of housing
- Proposed developments of 10,000 or more square metres of industrial, commercial or retail floorspace

Which type of developments will the Development Consultation Forum not consider?

- Straightforward major applications
- Proposals for minor or householder planning application such as those to alter or extend houses
- Proposals to erect advertisements
- Amendments to proposals which have already been discussed at the Development Consultation Forum

What does the Development Consultation Forum not do?

- It is not a decision-making meeting
- Its purpose is to answer questions and raise issues. If a formal application is submitted in the future the Council will decide the application on its merits following normal planning rules. A decision on a planning application will not be made at the Development Consultation Forum
- It does not replace the legal duty to publicise certain types of planning applications that the Council receives. Newark & Sherwood's current consultation standards and practices for publicising applications will not change
- Newark & Sherwood Councillors and Officers who attend will not express any opinions of the merits of the proposal
- Members of the Planning Committee have to keep an open mind until a formal decision on an application is made. If they express views about the proposals they will not be able to take part in any future decision. Any statements are made "without prejudice".
- It cannot require the developer to make changes to the proposals as a result of the discussions at the meeting

When will a Development Consultation Forum be held?

The Business Manager – Planning Development or Ward Member(s) will identify development schemes suitable for presentation to Members as soon as possible during pre-application discussions with developers. Agreement will be sought from the Chairman and Vice-Chairman of Planning Committee in consultation with the local Ward Member(s), to determine whether the proposal should be presented. The developer would be asked whether and when in the discussions he would like to take advantage of the Development Consultation Forum.

Development Consultation Forums will be held as needed and dates of meetings will be published on the Council's Website.

Will all pre-decision matters be referred to the Development Consultation Forum?

No. Only those proposals that are significant developments likely to raise issues sensitive to the wider community will be accepted for discussion.

If proposals are sensitive to the wider community do they have to be subject to the pre-application process and the Development Consultation Forum?

No. Whilst developers will be encouraged to use this opportunity when appropriate, it is not mandatory and it will depend upon their co-operation and willingness to take part.

Is the Development Consultation Forum a substitute for the Planning Committee?

No. The Planning Committee will still need to consider an application based on the facts, issues and advice and nothing said at the discussion will prejudice that consideration.

Who can attend the Development Consultation Forum?

Anyone can attend and listen, however, only those invited to speak by the Chairman will be able to raise issues at the Development Consultation Forum.

Who will be able to speak?

A person can address the Development Consultation Forum as:

- Category: The developer or their agent
- Category: The local Parish or Town Council or their authorised representative
- Category: Any Member of the Council.
- Category: Members of the public who are invited to speak by the Chairman of the Forum.

How will the public be aware of a Development Consultation Forum?

Local residents will be notified of the Development Consultation Forum by the placement of a site notice adjacent to the site, through notification to the Town/Parish Council and through any further involvement undertaken in connection with the Statement of Community Involvement by the developer or Local Planning Authority.

What if I want to speak but I am not able to speak?

You are welcome to attend the meeting, listen to the presentation from the developer and views of others. You may then wish to make written comments to officers who will forward any comments received to developers, and take account of any points made in any subsequent discussions about the proposal, if you are not able to ask a question on the evening. In any event, the Development Consultation Forum will not affect any rights to make representations when a formal planning application is submitted.

Will the Committee negotiate a proposal with a developer?

No. The purpose of the Development Consultation Forum is to ask questions about and raise issues that participants consider need to be addressed by the developer prior to submitting a planning application.

How will I know about the Development Consultation Forum?

Arrangements will normally be made about 2-3 weeks in advance of the discussion to notify local residents, by site notice and via the Town/Parish Council of the date and time of the Development Consultation Forum. Approximately 1 week prior to the meeting, the report, prepared by Officers, will be available to view on the Council's website. The report will describe the site, the proposal, detail any relevant history, policy considerations and report any representations or consultees responses that might have been received.

What happens at the Development Consultation Forum?

The Chairman will introduce the Development Consultation Forum explain who is going to speak, the order of speakers and the rules that the meeting will follow. The Chairman of the meeting will be agreed in accordance with the Council's Protocol for Members on Dealing with Planning Matters [[hyperlink once adopted](#)]. There will be no discussion on the merits of the proposal. The order of events will normally be as follows:

The Business Manager – Planning Development or Planning Officer will provide a background to the proposal (including planning history and planning policies)	Up to 5 minutes
The developer/agent will present the proposal. The developer will be expected to supply the presentation. The presentation will include the background to the development, the process by which the design has been created and key issues that have been identified.	Up to 15 minutes
Councillor members of the Development Consultation Forum may ask questions of the developer. The developer has an opportunity to respond.	Usually up to 30 minutes
Invited Speakers (including local residents) will then have an opportunity to speak & raise any issues, observations and comments. The developer has an opportunity to respond.	Up to 15 minutes
The Chairman summarises the main points raised during the Development Consultation Forum.	Up to 5 minutes
The Chairman will close the Development Consultation Forum.	

What if third parties are disruptive to the process?

It is important to understand and capture any genuine objections someone may have to proposals. However anyone who becomes disruptive will only damage the process for others. Disruptive behaviour can include shouting and interrupting speakers and thereby not allowing points to be made. Such people are unlikely to be permitted to speak at any future Development Consultation Forum event, but will be restricted to an observation role in the public gallery or may be advised that they are not welcome at any future meeting. Equally anyone who becomes disruptive will be instructed to leave.

What happens at the end of the Development Consultation Forum meeting?

The main points raised by the Development Consultation Forum will be recorded and clarified as the meeting progresses. At the end of the meeting the Chairman will summarise the main issues. This will help the developer decide how, and if, he wishes to proceed with the proposal.

What happens after a Development Consultation Forum meeting?

A summary of the key points made at the meeting will be:

- Posted on the Newark & Sherwood District Council website
- Placed on the case file and/or filed with the application if and when it is received Passed to the developer for consideration during further pre-application discussions with officers
- Feedback from the developer's presentation at the Development Consultation Forum should be submitted with the planning application as part of details submitted in connection with the Statement of Community Involvement

If you would like to let you know if and when we receive a valid planning application for the site, please tick the attendance sheet at the meeting and fill in your contact details.

If you would like any further information, please contact:

Newark and Sherwood District Council
 Castle House
 Great North Road
 Newark
 NG24 1BY

Telephone: 01636 650000

Email: planning@newark-sherwooddc.gov.uk

Website: www.newark-sherwooddc.gov.uk/

PLANNING COMMITTEE – 9 JUNE 2022

Appeals Lodged

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

2.0 Recommendation

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes

Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 25 April 2022 to 23 May 2022)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
	21/01721/TPO	Little Dower House Station Road Bleasby NG14 7FX	Undertake works to Sycamore protected by TPO 66 G1 Sectionally dismantle to ground level	Fast Track Appeal	Refusal of a planning application
APP/B3030/D/22/329538 1	21/02363/HOUSE	11 Adams Row Southwell NG25 0FF	Single storey rear extension following demolition of existing conservatory and alterations	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/22/329729 8	22/00006/ENFB	18 Valley Road Bilsthorpe NG22 8QH	Without planning permission, operational development consisting of the building of an extension forward of the principal elevation (partially completed), as shown within images 1 & 2, proposed to be of the finish details in the plans and statements accompanying refused retrospective planning application reference 22/00239/HOUSE.	Written Representation	Service of Enforcement Notice

APP/B3030/X/22/329767 1	22/00094/LDC	1 The Willows Squires Lane Kings Clipstone Old Clipstone NG21 9BS	Certificate of Lawfulness for proposed demolition of existing outbuilding/garage and replacement garage and storage building.	Written Representation	Refusal of a planning application
----------------------------	--------------	---	--	------------------------	--------------------------------------

Planning Committee – 9 JUNE 2022

Appendix B: Appeals Determined (between 25 April 2022 to 23 May 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
20/02420/S73M	Kilvington Newark On Trent NG13 9PD	Application to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439)	Delegated Officer	Yes	Appeal Dismissed	17th May 2022
21/00690/FUL	Garage House Great North Road South Muskham NG23 6EA	Proposed new dwelling	Delegated Officer	Yes	Appeal Dismissed	29th April 2022
21/00932/HOUSE	110 Westgate Southwell NG25 0LT	Single storey rear extension	Delegated Officer	Yes	Appeal Dismissed	17th May 2022
21/02025/HOUSE	19 Maid Marion Drive Edwinstowe NG21 9RD	Proposed first floor side extension over existing garage	Delegated Officer	Yes	Appeal Dismissed	9th May 2022
21/02033/HOUSE	The Old Coach House Maypole Green Wellow NG22 0FE	Single storey rear extensions incorporating the retention of existing rear balcony, Enlargement of oak framed porch to front, and fenestration alterations.	Delegated Officer	Yes	Split Decision	10th May 2022

Recommendation

at the report be noted.

Background papers

Application case files.

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

Lisa Hughes
Business Manager – Planning Development



Appeal Decision

Site visit made on 26 April 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2022

Appeal Ref: APP/B3030/W/21/3287083

The Old Coach House, Maypole Green, Wellow NG22 0FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Darren Miller against Newark & Sherwood District Council.
 - The application Ref 21/02033/HOUSE is dated 18 September 2021.
 - The development proposed is single storey rear extensions incorporating the retention of existing rear balcony, enlargement of oak framed porch to front and fenestration alterations.
-

Decisions

1. The appeal is dismissed and permission is refused for the single storey rear extensions incorporating the retention of existing rear balcony and the addition of a door on the side elevation.
2. The appeal is allowed and permission is granted for the enlargement of oak framed porch to front and two fenestration alterations at The Old Coach House, Maypole Green, Wellow NG22 0FE, in accordance with the terms of the application, Ref 21/02033/HOUSE, dated 18 September 2021, subject to the attached schedule of conditions.

Main Issue

3. The main issue is the effect of the proposals on the character and appearance of the host building and the Wellow Conservation Area (CA).

Reasons

4. The manner in which the application was dealt with by the Council does not affect the merits of the proposals which now fall to be determined on appeal.
5. The proposals include a number of discreet elements which are structurally and functionally separate and allow for a split decision in this case.
6. The proposals relate to The Old Coach House, a dwelling converted in the mid-1970s from the old coach house of Wellow Cottage, now an independent dwelling on the frontage of Maypole Green. The Old Coach House occupies a backland position, accessed down a private drive, but its grounds back onto a tree lined stream which formed part of the medieval Gorge Dyke around the village as shown on the CA plan.
7. No details are provided of the original coach house building and its conversion but despite considerable remodelling and extension its previous use is legible

from the front elevation. Seen from both the front and rear the brick building with its slate pitched roofs retains at least some of its original character and as such makes a positive contribution to the built-up core of the village which was designated a CA in 1978.

Rear extensions

8. The proposals include two single storey extensions at the rear of the property. One would replace the existing monopitch roof family room with a larger fully glazed family room about 4.1 m deep and 5 m wide, 3.2 m to the eaves with a low pyramidal glazed roof lantern on the flat roof. This would extend about 2 m further out into the rear garden and greatly increase the eaves height of the family room compared to the existing monopitch roof.
9. The second, at the other end of the rear elevation, would increase the size of the guest suite with an extension about 2.3 m deep and 4.2 m wide. This would replace the existing open structure providing a balcony to the bedroom above, the balcony being retained on the flat roof of the extension.
10. The result, as shown in the appellant's photomontage, would be a major remodelling of the rear elevation of the property which would obscure much of the existing rear elevation of the converted building. The new family room, due to its excessive depth and eaves height, would appear an unduly bulky feature projecting from the rear elevation and this would be compounded by the visual impact of the guest suite extension replacing the void below the existing balcony which does not disrupt the elevation in the same way. Notwithstanding the private setting, the overall result would be to adversely affect the character and appearance of the host building and consequently to detract from its positive contribution to the Wellow CA.
11. The appellant draws attention to the flat roof extension of the Maypole Inn but this relates to a large scale addition to a public building and does not justify the same concept for a small scale residential extension.
12. For these reasons the rear extensions would significantly harm the character and appearance of the host building and the Wellow CA. This would conflict with Core Policies 9 and 14 of the Newark & Sherwood Amended Core Strategy 2019 and Policies DM5, DM6 and DM9 of the Newark & Sherwood Allocations & Development Management DPD 2013. These ensure proposals meet a high standard of design appropriate to their context, reflect local distinctiveness, respect the character of the surrounding area and preserve and enhance CAs, taking account of their individual character. The rear extensions would also conflict with the statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a CA.

Porch and fenestration alterations

13. The proposals affecting the front elevation of the property comprise a new front porch, an additional rooflight on the front roofslope and an additional window on the front elevation. There is no dispute that the two fenestration alterations are modest and would not significantly affect the appearance of the building.
14. The front door of the property lies adjacent to a single storey pitched roof kitchen which projects out from the front elevation. At present the door is sheltered by a shallow asymmetrical open canopy which relates awkwardly to the pitched roof of the kitchen. The proposal is to replace this with an enclosed

porch about 2 m by 2 m in size with a diagonal outside door into the lobby and a pitched roof. Contrary to the views of the Council this would be a relatively modest and discreet addition next to the kitchen and, built in suitably matching materials, would not significantly erode the character of the building. The relationship of the diagonal door to the rectangular pitched roof would be a little awkward but this is a mere quibble.

15. For these reasons the front porch and two fenestration alterations would not significantly harm the character and appearance of the host building or the Wellow CA and would comply with the various policies set out in paragraph 12 above. These proposals would also meet the statutory duty to preserve the character and appearance of the Wellow CA.

Other matters

16. The application also includes the addition of a door on the side elevation. Whilst unobjectionable in itself this relates to the guest suite extension and thus cannot be included in the permitted part of the proposals.
17. The Council has suggested three conditions should the appeal be allowed. In addition to the standard time limit for commencement, conditions are required to define the approved plans in the interests of certainty and to control the external materials to ensure the satisfactory appearance of the development.

Conclusion

18. Having regard to the above a split decision is appropriate. The appeal in relation to the single storey rear extensions and the addition of a door on the side elevation should be dismissed and the appeal in relation to the enlargement of the oak framed porch and two fenestration alterations on the front elevation should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, excluding the rear extensions and side elevation door:
 - Location and Block Plans A3.0 and A3.1
 - Existing Floor Plans A3.2
 - Existing Elevations A3.3
 - Proposed Plan & Elevations A3.4 and A3.5
 - Proposed & Existing Roof Plans A3.6
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those materials used in the construction of the existing dwelling.