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**Tuesday, 27 September 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 P Peacock**  
**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, 6 October 2022 at 4.00 pm**

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

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

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

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There are none.

# Agenda Item 4

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 11 August 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 P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor R Jackson, Councillor Mrs S Michael and Councillor T Wendels

APOLOGIES FOR ABSENCE: Councillor Mrs R Holloway (Committee Member), Councillor P Peacock (Committee Member) and Councillor S Saddington (Committee Member)

### 25 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chairman declared a Non-Registerable Interest on behalf of all Members of the Planning Committee regarding Planning Application Item No. 21/01830/FUL, Agenda Item No. 5 – Site Adjacent ‘The Old Grain Store’, Old Epperstone Road, Lowdham as one of the joint applicants was a district councillor and known to all Members of the Committee.

Councillors Mrs L Dales and I Walker both declared a Non-Registerable Interest regarding Planning Application Item No. 21/01830/FUL, Agenda Item No. 5 – Site Adjacent ‘The Old Grain Store’, Old Epperstone Road, Lowdham as appointed representatives on the Trent Valley Internal Drainage Board.

### 26 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman advised that the proceedings were being audio recorded and live streamed by the Council.

### 27 MINUTES OF THE MEETING HELD ON 7 JULY 2022

AGREED that the Minutes of the meeting held on 7 July 2022 were approved as a correct record and signed by the Chairman.

### 28 SITE ADJACENT 'THE OLD GRAIN STORE', OLD EPPERSTONE ROAD, LOWDHAM - 21/01830/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site visit, which retrospectively sought a change of use of agricultural land and extension to the existing wood fuel production business, retention of earth bunds, retention of concrete retaining wall/clamp, retention of re-



sited biomass boiler, wood drying kiln and roof cover over. It was noted that the application was before Committee for determination as a District Councillor was one of the joint applicants. The application had previously been deferred at its Planning Committee meeting in February 2022 to enable the applicant to undertake a noise impact assessment.

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 from a neighbouring property after the Agenda had been published.

Councillor Tim Wendels, Local Ward Member was in attendance and spoke in support of the application.

Prior to opening the application for debate, the Chairman read out to the Committee the advice from the Council's Monitoring Officer in relation to determining an application submitted by a fellow District Councillor.

Members discussed the application, considering the concerns raised in relation to the encroachment of development within Green Belt together with potential noise and emissions from the operation at the site. They noted the proposed operations of the site in response to the noise impact report with the chipper to no longer be used and an acoustic barrier required to be used when the saw was in operation. Members were evenly split in their support for rejection of the application.

AGREED (with 6 votes for and 6 votes against) (following which the Chairman used his casting vote to vote for refusal) that planning permission be refused for the reason stated within the report.

29 THURGARTON QUARTERS FARM, PRIORY ROAD, THURGARTON - 22/00947/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site visit, which sought the conversion of an existing stable building to one dwelling and the redevelopment of the remaining site with the construction of 4 dwellings.

Members considered the presentation of the Senior Planner, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received from the Applicant's Agent after the Agenda had been published.

Parish Councillor Katie Chan, representing Thurgarton Parish Council, was in attendance and spoke in support of the application noting that support of the application by the Parish Council had been unanimous and that no objections had been received by local residents.

Councillor Roger Jackson, local Ward Member, representing Thurgarton Parish Council and local residents, also spoke in support of the application.

Members discussed the application, considering the proposed development and commented how this might improve the current site.

A vote was taken and lost for refusal with 5 votes for and 6 votes against with 1 abstention.

The meeting was adjourned under paragraph 13.5(ii) of the Protocol for Members on Dealing with Planning Matters to allow for reasons to be discussed.

AGREED (with 6 votes for, 3 votes against and 3 abstentions) that contrary to Officer recommendations, planning permission be approved due to the proximity of the development to adjoining housing meaning it was not remote and therefore was considered as sustainable and the existing character and use of the site lent itself to improvement. It was, therefore, considered to comply with the development plan. Such approval be subject to appropriate conditions being agreed together with reasons for approval, as determined by the Business Manager – Planning Development, following consultation with the proposer and seconder of the motion to approve (Councillors Penny Rainbow and Malcolm Brock).

In accordance with paragraph 13.5 of the Protocol for Members on Dealing with Planning Matters, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R Blaney	Abstain
M Brock	For
R Crowe	For
Mrs L Dales	Against
L Goff	Against
Mrs P Rainbow	For
M Skinner	Abstain
T Smith	For
I Walker	For
K Walker	For
T Wildgust	Abstain
Mrs Y Woodhead	Against

30 CHAPEL FARM, CHAPEL LANE, EPPERSTONE - 22/00291/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site visit, which sought permission for the demolition of an existing dwelling and the erection of a replacement dwelling.

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 from Epperstone Parish Council in support of the application after the Agenda had been published.

Parish Councillor Paul Bracegirdle, Chairman of Epperstone Parish Council was in attendance and spoke in support of the application and the proposed development of the site.

Councillor Roger Jackson, local Ward Member was in attendance at the meeting and also spoke in support of the application.

Members discussed the application, noting that agreement had been reached between Planning Officers and the applicant that the existing dwelling required demolition with the report outlining the reasons for the Officer recommendation of refusal in paragraph 10.

AGREED (with 9 votes for, 2 votes against and 1 abstention) that planning permission be refused for the reason stated within the report.

*Councillor M Skinner left the meeting room prior to discussion on the following item and therefore did not take part in the vote.*

31 LAND AT POST OFFICE FARM, MAIN STREET, OSSINGTON - 22/00701/FUL

The Committee considered the report of the Business Manager – Planning Development which sought planning permission for the erection of agricultural livestock buildings.

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 from a neighbouring property after the Agenda had been published.

Councillor Sylvia Michael, local Ward Member, was in attendance and spoke in support of the application.

Members considered the application acceptable.

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

32 FOOTBALL GROUND, STATION ROAD, COLLINGHAM - 22/01336/FUL

The Committee considered the report of the Business Manager – Planning Development which sought retrospective permission for a change of use from residential garden to leisure sports facilities and to change an area of leisure sports facilities to residential garden including the realignment of new boundary fencing.

Members considered the presentation from the Senior Planner which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the parish council after the Agenda had been published.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved, subject to the conditions as set out in paragraph 10 of the report and subject to the expiry of the consultation period with no further material issues, not already considered, being raised.

*Councillor M Skinner returned to the meeting room.*

### 33 PLANNING COMMITTEE SCHEME OF DELEGATION TO OFFICERS AMENDMENTS

The Committee considered the report of the Business Manager – Planning Development which sought approval for the proposed changes to the Planning Committee Scheme of Delegation to Officers.

The Business Manager – Planning Development informed Committee of the proposed amendments referring Members to the specific change in relation to applications supported by Town & Parish Councils/Meeting that are recommended for refusal by Officers.

AGREED (unanimously) that Planning Committee:

- a) adopt the amended Planning Committee Scheme of Delegation to Officers. Such amendments to include the amendments relating to applications supported by Town & Parish Councils/meetings that were recommended for refusal by Officers.; and
- b) note the trial in relation to HRA applications.

### 34 APPEALS LODGED

AGREED that the report be noted.

### 35 APPEALS DETERMINED

AGREED that the report be noted.

### 36 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 April to June 2022. In order for the latest quarter's performance to be understood in context, in some areas data going back to

April 2020 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED (unanimously) that the report be noted.

37 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Business Manager – Planning Development which provided an update as to the activities and performance of the planning enforcement function for the first quarter of the current financial year. The report also provided examples of cases that had been resolved through negotiation and Notices that had been complied with.

In considering the report, Members commented that many members of the public had limited knowledge of the planning process. They agreed it could be beneficial if promotion of the planning system could be provided.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.25 pm.

Chairman



Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
<b>Application Number</b>	22/00891/FUL		
<b>Proposal</b>	Demolition of five existing garages and erection of one 2-bed bungalow with two parking spaces		
<b>Location</b>	Land Off Manor Close, Walesby		
<b>Applicant</b>	Newark & Sherwood District Council (NSDC) - Mr Kevin Shutt	Agent	SGA Llp - Mrs Karolina Walton
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/00891/FUL">22/00891/FUL   Demolition of five existing garages and erection of one 2-bed bungalow with two parking spaces   Land Off Manor Close Walesby (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	10.05.2022	Target Date	05.07.2022
		Extension of Time	09.09.2022
<b>Recommendation</b>	Approve, subject to conditions		

**This application is presented to Planning Committee at the discretion of the Business Manager – Planning Development due to the applicant being NSDC, notwithstanding this being a Housing Revenue Account application.**

## 1.0 The Site

The application site is a rectangular shaped garage site containing a mix of garages/sheds and hardstanding within the settlement of Walesby. It is located south of the main part of Manor Close, at the end of a cul-de sac containing two storey semi- detached dwellings. 20<sup>th</sup> Century dwellings are located to the north, east and west of the site. Close boarded fencing separates the site from the dwellings to the north and west.

The site is also located adjacent to and west of electric gates which form the entrance to Firs Farm located to the south of the site (also defined by a brick wall). The south side of the site also forms the boundary of the conservation area (the site falls just outside of this boundary).

An electrical transformer operated by Western Power is located to the rear of the site and shares access through the site.

## **2.0 Relevant Planning History**

No planning history.

## **3.0 The Proposal**

The proposal seeks permission for the demolition of the existing garages located on the site and their replacement with one 2-bed bungalow. Solar panels would be located on part of the roof slope on its front elevation.

Plans have been amended during the lifetime of the application to reduce the size of the bungalow to address conservation concerns i.e. it was originally submitted as a 4-bed dormer bungalow.

It would measure 9.9m by 9.1m by 6.2m to the ridge and 2.5m to the eaves. The dwelling would be served by two parking spaces and garden area to the rear.

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

- Site Block Plan and Site Location Plan – 589 SGA 221 SL DR A 00001 Rev P10;
- Proposed Elevations and General Arrangement Plans – 589 SGA 221 XX DR A 00002 Rev P4;
- Existing Site Plan – 589 SGA 221 SL DR A 00004 Rev P1;
- Proposed Images – 589 SGA 221 XX DR A 00003 P3;
- Updated Car Parking Statement – dated June 2022;
- Heritage Statement – dated May 2022;
- Arboricultural Report – May 2022;
- Design and Access Statement - dated April 2022.

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of 13 properties have been individually notified by letter. A site notice was posted and an advert placed in the local newspaper.

## **5.0 Planning Policy Framework**

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 - Rural Areas  
Spatial Policy 5 - Delivering the Strategy  
Spatial Policy 7 - Sustainable Transport  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 - Sustainable Design  
Core Policy 10 - Climate Change  
Core Policy 14 - Historic Environment

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

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

### **Other Material Planning Considerations**

- National Planning Policy Framework
- Planning Practice Guidance
- Housing Needs Study and Sub Area Summaries 2021
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

### **6.0 Consultations**

**Walesby Parish Council** – this is yet another 2bed bungalow in a village which needs 3-4 bed properties.

Comments received prior to the amended plans being received stated:

The area is currently used for parking; residents pay Newark and Sherwood District Council (NSDC) for the spaces and use of the garages. It will therefore lead to a loss of parking for these residents. It is a concern that the property will be out of keeping with the area especially due to the proximity of the site to the conservation area. This area of the village is known to have bats living in it therefore any loss of potential habitat and shelter (by removal of trees) for these protected species is of concern. This proposal will not solve any housing issues for Walesby and in fact will adversely affect residents of Manor Close, by not only increasing the issues with the amount of parking, it could potentially reduce clear access to existing properties not only directly from the proposal itself but also from knock-on parking issues it may cause. It would be more beneficial to the residents of Manor Close to improve the area for parking rather than building a residential property which will only add to the parking issues.

**NCC Highways** – No objection subject to conditions.

**NSDC Environmental Health Officer** – No objection subject to a condition requiring a fully phased contaminated land assessment.

**NSDC Conservation Officer** - Previous Conservation comments (dated 09/06/22) raised concerns with the proposed design and palette of materials of the dwelling and the impact this would have on the setting and significance of the adjacent Conservation Area. The design has, subsequently, been amended to a single storey bungalow which would lessen the visual prominence on the setting of the Conservation Area. Further options have been provided on the external materials, but these details could be conditioned and agreed at a later date. The



proposed development would have a negligible impact on the setting of the Conservation Area and its significance would be conserved (par.197 of NPPF). Therefore, there are no objections from a conservation perspective.

**5 letters of representation has been received from neighbours/interest parties** which are summarised as follows:

- Lack of parking in the area likely to cause stress and friction, yellow lines restrict parking, pedestrians have to walk on the road due to parking on pavements
- Parking should be provided for existing residents and visitors
- Parked cars hinder access to the farm, emergency vehicles and delivery vans and loss of site would leave no room to turn
- No room for construction vehicles
- Noise/dust would cause distress to pets and nearby horses
- Disruption to children and being able to comfortably use garden and open windows/doors
- Damage to habitats
- Overlooking
- Subsidence in the area/damage to property during construction
- Drainage issues
- Garages are relied on for storage
- The new dwelling should be in keeping with the street and not have a dormer
- The house will be sold off and used for monetary gain by NSDC
- The submission documents are inaccurate:
  - the existing garages do not experience any anti social behaviour issues
  - plots are rented for parking
  - garages are needed by residents of Manor Close

## **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**

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local

housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration as set out below.

#### *Location*

The first criterion 'Location' states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs'. The policy further states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village'. The site is located within the built-up area of the village of Walesby which contains some services to meet day to day needs.

#### *Scale*

New development should be appropriate to the proposed location and be small in nature. This criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems.

#### *Need*

The development forms part of a five year building programme by NSDC to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The proposed dwelling would contribute to the need for smaller affordable units that is required in this District and would also support community services and facilities in the area.

#### *Impact*

New development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network.

#### *Character*

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

## Impact on Visual Amenity and the Character and Appearance of the adjacent Conservation Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets and Policy DM9 of the DPD states that development proposals should take account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a duty to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

The site is located in a residential area with a mix of 20<sup>th</sup> Century houses but also Firs Farm which is a historic farmstead within Walesby Conservation Area. The Conservation Area is typically characterised by their vernacular appearance, constructed in brick walling and pantile roofs, with the exception of Church of St Edmund (Grade II\*) to the north-east of the village.

The setting of the Conservation Area has already been significantly eroded by the 20th century infill development to Manor Close, which includes modern semi-detached houses. These houses are not characteristic of the form and style of historic buildings in Walesby and do not make a positive contribution to the Conservation Area setting.

The site is currently enclosed by a large boundary wall and there are single storey garages on the site, which are predominantly flat roofed. Due to the openness of the site and low-scale buildings, views of the traditional buildings in the Conservation Area (notably Firs Farm to the south) over these modern structures are still attainable.

The principle of development on this site has the potential to encroach upon and further erode the setting of the Conservation Area. Nevertheless, this setting has already been considerably diminished by the 20th century housing along Manor Close and it is considered that the reduced size dwelling which would be low-rise in height and massing in comparison to the adjacent buildings, would not dominate over the adjacent historic buildings or distract from views of or within the Conservation Area. The Conservation Officer raises no objection to the proposed development subject to conditions requiring the submission of and approval of materials and details to ensure that the bungalow would be in keeping with the surrounding vernacular. Overall, the proposal would result in no harm to the character and appearance of the Conservation Area in accordance with the policies identified above.

## Impact upon Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an

unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. As the proposed dwelling would be a bungalow, due to the intervening boundary treatments, separation distances and layout, it is not considered that any unacceptable overbearing or overlooking impacts would result for existing or future residents.

The bungalow would be afforded an area of private amenity space to the rear of the dwelling which would be modest in extent but sufficient for the needs of a 2 bed unit.

Due to the amount of garden and space available for the property, it is appropriate to consider removal of certain permitted development rights for extensions to the building. Those suggested for removal are Class A (extensions); B (roof alterations); D (porches) and E (outbuildings). Other permitted development rights are not considered would result in either harm to neighbouring amenity or have implications in terms of the outdoor amenity space provided to occupants of the dwelling.

Overall, it is not considered that any adverse impact upon living conditions would result, in accordance with the aims of Core Policy 9 and Policy DM5.

Impact upon Highway Safety

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

The NSDC Parking SPD recommends that 2 bed properties within Walesby should have 2 parking space that should measure 5.5m x3m, the site plan shows that these can be achieved thereby meeting the requirements of the SPD. It also requires for electric vehicle charging facilities to be provided. Building regulations require new dwellings to have these facilities and it is not therefore considered necessary to condition this requirement in this instance.

The proposed development would potentially result in a loss of off street parking provision in the area through the loss of the garages and hardstanding. Supporting information submitted with the application confirms that the use of the current garages is as follows:

Plot	Current use	Rental address
1 (garage)	Storage - Contains household & builders items	Manor Close, Walesby
2 (garage)	Storage - Contains household & builders items	Warsop
3 (garage)	Storage	Boughton
4 (garage)	Storage	Boughton
5 (garage)	Storage	Manor Close, Walesby
6 (grassed area)	Parking	Manor Close, Walesby

Evidence suggests that none of the garages are used for the parking of vehicles currently, albeit it is also noted that this is disputed by local residents to some extent. Only two out of five of the garages are rented by local residents but are used for storage purposes as opposed to the parking of vehicles (at the time of the survey). The SPD states that a single garage space

should measure 3.3m x 6m with a minimum door width of 2.4m. None of the garages appear to fully meet these guidelines and are not therefore considered ideal in terms of meeting the size requirements of a modern car.

The applicant has advised that the owner/occupier of number 12 currently parks a car on the hardstanding without permission - they park in an area which has a western power easement running through it for 24hr access. Number 16 rents plot 6 as a parking area – this is in addition to off street parking spaces on their driveway. There is an existing shared off street parking area located at the Manor Close junction (to the north of the application site) which is likely to be in lawful use due to the passage of time this land has been used for this purpose. This area is not formally marked out for parking and whilst it can accommodate 3 spaces, it is often used for less. I note that NSDC own this land and the Applicant has stated that they intend to formally mark one of these bays and allocate it specifically to No 16. However, this is not a matter that can be controlled by planning condition as it relates to a parcel of land located off site – nor is it considered necessary since this area is already used for parking and the LPA is entitled to work on the understanding that as a public authority, the Council will act responsibly in the public interest.

The Applicant also advised that they had intended to provide a vehicle access gate to the frontage of No 12. However, NCC Highways raised concern that this could potentially create vehicle conflicts (from vehicles reversing in and out). These gates were subsequently removed from the plans.

I note that all of the dwellings on this part of Manor Close (with the exception of No 12 and No 18) have some off street parking provision. The current use of the application site for parking of vehicles (with or without consent of the landowner) would likely mean that there would be a small amount of displaced parking as a result of the development (albeit existing off street parking provision in the vicinity and the 3 off street bays could also be utilised in this regard). Whilst not deemed necessary by the Highways Officer, the parking spaces to serve the proposed bungalow face side onto the road so that on street parking immediately opposite No 14 is retained. The Highways Officer raises no objection to the proposed development on highway safety or loss of parking grounds. This is subject to conditions including the creation of a new dropped kerb and surfacing.

Overall, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

#### Impact on Ecology / Trees

Core Policy 12 requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The proposal would involve the removal of a small hedgerow located adjacent to the proposed site frontage. Due to its small size and relatively low amenity value, it is not considered that its loss represents a constraint to development. The Agent has confirmed that the hedge that runs along the boundary with number 12 falls outside of the application boundary.

A Tree Survey has been submitted with the application. This identifies that two trees are located within the application site (T3 and T4). They are both identified at Category C trees of low amenity value. T3 (Elder) is slightly smaller than T4 (Cherry) and would require removal to facilitate the development. Contrary to the view in the Tree Survey, the cherry tree is considered to have some amenity value and is visible from Manor Close. It was originally shown for removal however revised plans now show its retention within the rear garden of the proposed bungalow. To facilitate its retention, the applicant's arboriculturist has recommended a crown reduction by 30% removing up to 1.5m lateral growth and reducing it by up to 3m in height, back to suitable points, to create a balanced crown form. An additional tree would also be planted in the front garden area of the bungalow to mitigate the loss of soft landscaping on the site and would be required by planning condition - ideally, a greater level of soft planting to ensure no net loss of biodiversity should be secured. However, given existing site constraint and the dominance of hard landscaping on the existing site, it is considered that the impact on natural features taking into account the mitigation proposed is acceptable in this instance.

It is considered unlikely that the existing garages/sheds would be capable of supporting protected species such as bats (given their flat roof design and/or nature of construction). In addition, the Tree Survey confirms that if surveyed trees on site were assessed to contain negligible roost suitability for bat.

Overall, the scheme is unlikely to cause any harm to protected species and the proposal accords with the policies identified.

## **8.0 Implications**

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

## **9.0 Conclusion**

The site is located within Walesby and the principle the development of the site to provide an affordable dwelling is considered acceptable. Subject to conditions, the proposed development would have no adverse impact on the character or appearance of the conservation area, trees or highway safety. The proposed development would not result in any adverse impact upon residential amenity or ecology.

## **10.0 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 not be carried except in complete accordance with the following plans, reference numbers:

- Site Block Plan and Site Location Plan – 589 SGA 221 SL DR A 00001 Rev P10;
- Proposed Elevations and General Arrangement Plans – 589 SGA 221 XX DR A 00002 Rev P4;

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

No development above damp proof course shall take place until manufacturers details (and samples/sample panels upon request) of all the external facing materials (including colour/finish and brickwork jointing and pointing) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity including the character and appearance of the adjacent Conservation Area.

04

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

- Ridge, verge and eaves details
- Details of solar panels
- Details of any external flues/vents

Reason: In the interests of visual amenity including the character and appearance of the adjacent Conservation Area.

05

The occupation of the site shall not take place until:

- a) a dropped kerb vehicle access over the footway is provided and both the access and the driveway are widened to a minimum of 6.0 metres for a minimum distance of 7.0 metres behind the highway boundary and 3.7 metres width thereafter.
- b) the private driveway is surfaced in a suitably bound material (not loose gravel) for a minimum distance of 7.0 metres behind the highway boundary. The surfaced driveway shall

then be maintained in such hard-bound material for the life of the development.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner, to prevent deleterious material from being discharged onto the public highway, in the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the submitted plans and are surfaced in a suitably bound material (not loose gravel). The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles and shall be maintained for the life of the development.

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.

07

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

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details of construction and working methods to be employed for any works (including removal of existing buildings/surfacing) within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of timing of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

08

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

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



- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

08

Prior to first occupation of the development hereby approved full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity.

09

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

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

10

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

#### **Part A: Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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 ['Land contamination risk management \(LCRM\)'](#)

#### **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.

11

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 D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

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

#### Informatives

01

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

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

02

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

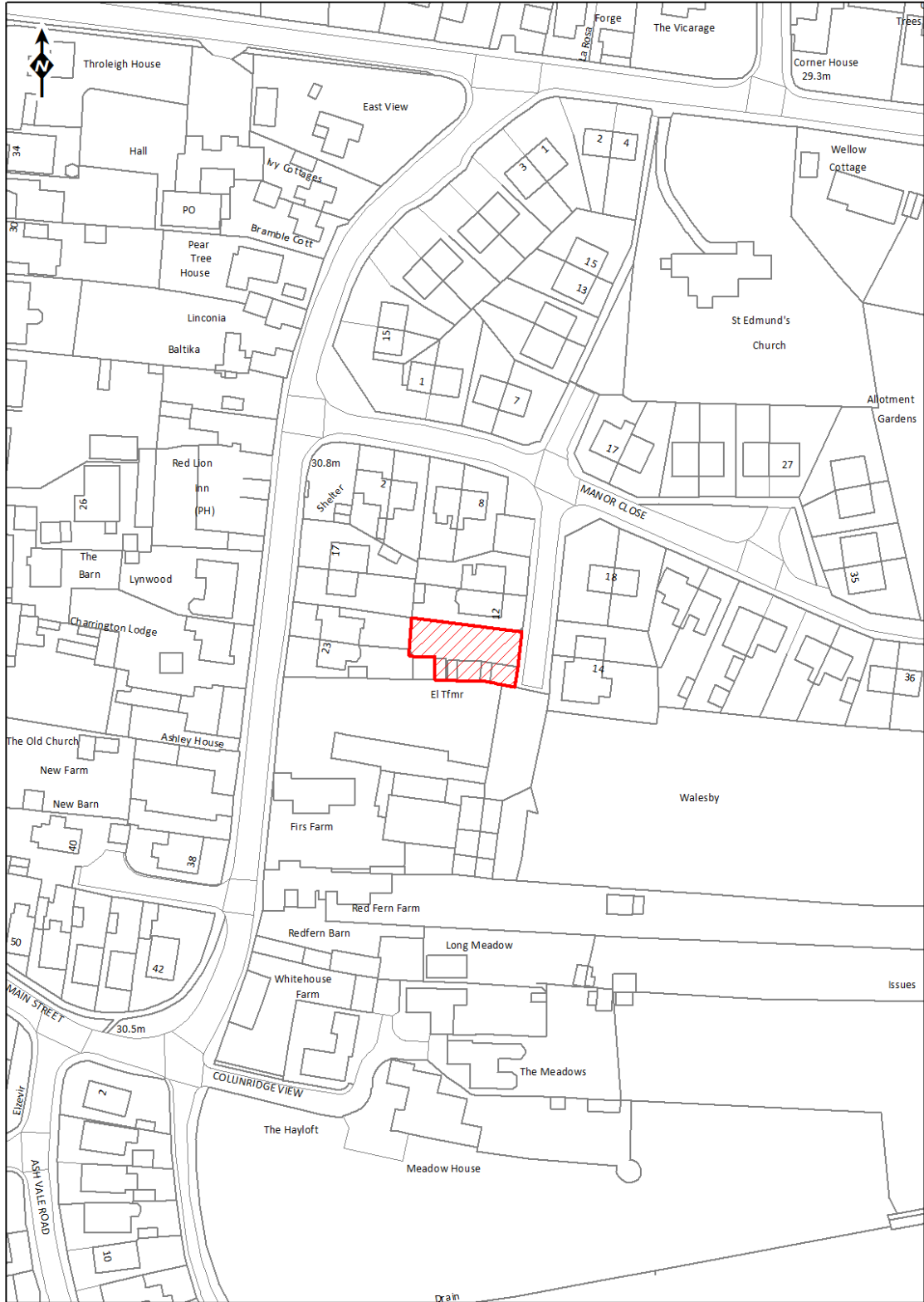
03

The development makes it necessary to amend an existing vehicular crossing. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activitie>

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00891/FUL



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Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/00937/FUL		
<b>Proposal</b>	Change of use of land to residential and erection of garage		
<b>Location</b>	Grange Farm, Gainsborough Road, Girton, NG23 7HX		
<b>Applicant</b>	Mr S Price	<b>Agent</b>	Plan-It Design Ltd Mr Richard Willows
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RBS1UHLBKVE00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RBS1UHLBKVE00</a>		
<b>Registered</b>	17.05.2022	<b>Target Date:</b>	12.07.2022
		<b>Extension of Time:</b>	10.10.2022
<b>Recommendation</b>	That Planning Permission is approved subject to the Conditions detailed at Section 10.0 of this report subject to the expiration of the press notice/site notice advertising the application as a departure from the Development Plan.		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.**

## 1.0 The Site

The site lies in the open countryside within the parish of Girton but remote from the village. The site is approx. 6.7 km from the principal village of Collingham and is predominately surrounded by arable fields. To the south-west is Spalford Warren/Woods and to the west is a sluice lake associated with Girton Lakes. The barn/garage that is the subject of this application lies immediately to the south west of the Grange Farm and to the north of agricultural buildings associated with the wider use of the site.

The application site comprises part of a converted barn range (single and two storey) arranged primarily in a ‘U’ shape set back from but adjacent to the A1133, within the open countryside.

The rear ward barn (within the U format), which is the subject of this application, is two storey with the remaining barns being single storey. The site lies within flood zone (FZ) 2 as defined by the Environment Agency and is surrounded by land in FZ3. The host dwelling has also been identified as a non-designated heritage asset (NDHA) in recent applications and an Inspector's appeal decision.

## **2.0 Relevant Planning History**

**00/01121/FUL** - Extension to a private dwelling – Permitted 17.10.2000

**02/00578/FUL** - Change of use of farm buildings to provide 6 self-catering tourist accommodation units – Permitted 02.08.2002

**06/00483/FUL** - Erection of barn to replace barn destroyed by fire – Permitted 08.05.2006

**10/00321/FUL** - Conversion of two barns to form two holiday cottages – Withdrawn 05.10.2010

**10/00955/FULM** - Change of use of land to form touring caravan park – Refused 07.10.2010

**11/01041/FUL** - Change of Use of Existing barns to 5 No. self-catering holiday let cottages – Permitted 30.11.2011 - Implemented but conditions not discharged.

**18/01486/FUL** - Change of use from Holiday Let to a Private Domestic Dwelling – Withdrawn 31.10.2018

**19/00043/FUL** - Removal of condition 3 from planning permission 11/01041/FUL To enable barn conversion to be used as domestic dwelling to house company manager – Withdrawn 01.03.2019

**19/00887/FUL** - Change of Use of Existing barns to 4 No. self catering holiday let cottages and 1 No. dwelling (part retrospective, revised submission of planning permission 11/01041/FUL) – Permitted 15.08.2019

**20/00690/FUL** - Householder application for erection of 1.5 storey extension to existing dwelling – Refused 20.07.2020.

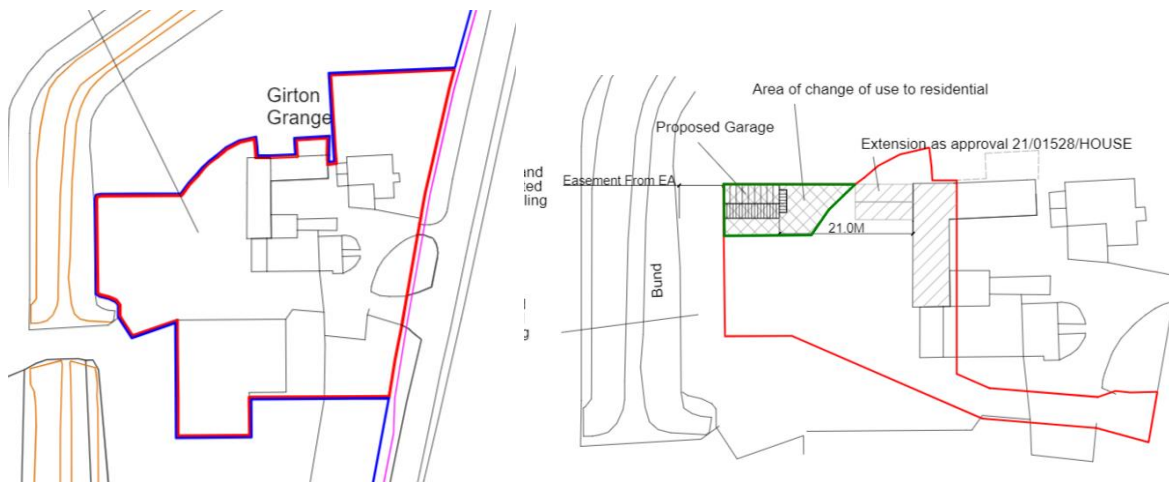
**21/01528/HOUSE** - Single-storey extension to existing dwelling. Resubmission of application 20/00690/FUL – Refused 26.08.2021 – Appeal allowed 21.02.2022

## **3.0 The Proposal**

Permission is sought for the change of use of approx. 126m<sup>2</sup> of land to residential use and erection of a detached garage and store building. The garage building would be approx. 9m x 5.5m, 4.1m to the ridge and 2.1 to the eaves at the front and 1.8m at the back. The garage would have three bays, one with side hung timber doors and two open fronted. A lean-to log store is also proposed on the side set in from the front and rear elevations. Materials are proposed to be cedar horizontal timber cladding and clay pantiles. The garage would be positioned approx. 21m from the rear elevation of the barn.

*NB: All measurements above are approximate*

The Site Plans below show the area of land proposed for the change of use. The plan on the left is the site location plan that was approved for the original conversion of the barns to residential and the plan on the right shows the land associated with this dwellinghouse in red and the area of land proposed for the change of use in green.



For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

- Amended Site Location Plan – Ref. 22-039 002 Rev. B
- Proposed Scheme and Block Plan – Ref. 22-039 001 Rev. B
- Householder Flood Form

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 2 properties have been individually notified by letter. A site notice has been displayed and an advert has been placed in the local press.

Earliest Decision Date: 22.09.2022

#### **5.0 Planning Policy Framework**

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

- Spatial Policy 3 - Rural Areas
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 14 - Historic Environment

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

- DM5 – Design
- DM6 – Householder Development
- Policy DM8 – Development in the Open Countryside
- Policy DM9- Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

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



- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Householder Development SPD 2014

## **6.0 Consultations**

*NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.*

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

**NSDC Conservation Officer** – No objection.

## **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

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (policy DM8).

Given the nature of the application site, it clearly falls within the Open Countryside rather than in any village - DM8 is therefore applicable. The expansion of domestic use into the open countryside would not fall within the list of appropriate development types within the open countryside as set out within Policy DM8 and as such, this development would not accord with this policy and thus would be unacceptable in principle.

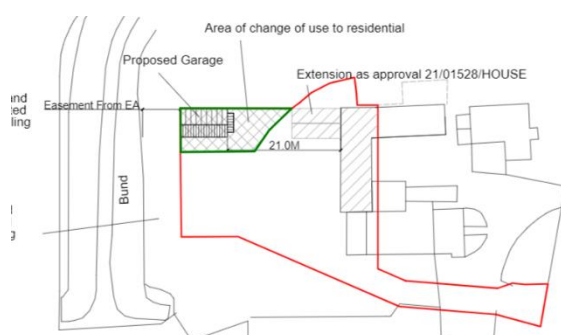
In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. As set out above, in this case the change of use of approx. 126m<sup>2</sup> of agricultural land to residential use would be contrary to the development plan, which amongst other things, aims to safeguard the countryside from harmful encroachment. However, the planning history for the site and the site-specific context are material considerations.

Under 19/00887/FUL the barns were consented to be converted to holiday lets in addition to the change of use of one of the barns (that is the subject of this application) to a dwellinghouse. The plan below (L) shows the site location plan that was approved for the overall conversion of the barn. A plan was also approved to define the extent of the residential curtilage for the dwellinghouse (below, right) within a walled garden area.



Officers considered that, notwithstanding the red line of the site location plan that the curtilage of the dwellinghouse was restricted to this walled garden area. However, in the recent appeal decision at this site the Inspector approved an extension which exceeded the walled garden area, instead relying upon the red line approved under 19/00887/FUL (above, left) as the land relating to the barns and previous consent for conversion to residential use. On this basis, the Inspector did not consider the extension beyond the walled garden constituted a change of use of land.

However, owing to negotiations with the Conservation Officer (which will be explored in the following section), in this application the garage would be positioned on land that is outside of the previous red line plan, resulting in a change of use of approx. 126m<sup>2</sup> of land to residential (below, highlighted green). On the ground, the land is laid to grass and appears to be mowed as part of the grassland that surrounds Girton Grange Farmhouse. The land to the south is used as part of a commercial enterprise but the wider site is well defined by a large earth bund with an easement around it by the Environment Agency (EA). This can be seen on the aerial image below (R), such that, whilst being within the open countryside, the site is already constrained by a physical land barrier that prevents encroachment into the undeveloped open countryside beyond it.



Whilst the impact of the development on the character and appearance of the area and heritage will be explored in greater detail below it is concluded overall that the positioning of the garage as proposed would result in no harm to the setting of the farm complex as a NDHA and would not, given the site-specific context, result in any visual harm on the openness of the countryside. Alternative garage positionings have been explored throughout this application but the final scheme advanced is considered to sustain the significance of the barn range and would be preferential from a heritage perspective, and all these factors will weigh into the overall planning balance.

#### Impact on the Character of the Area (including heritage)

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Regarding landscape character impact, CP13 explains that new development which positively addresses the implications of relevant Landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported.

The hostdwelling is part of a converted barn range which are collectively considered to be local interest buildings. Annex 2 of the National Planning Policy Framework (NPPF) states that Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 203 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policies CP14 and DM9 of the Council's Local Development Framework DPDs, amongst other things, also seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The overall objective for any proposed addition to a residential dwelling or site should be based around its successful integration with the host dwelling and its surrounding area. To help achieve this, a balanced visual relationship with the host dwelling and its features should be struck, and the character and appearance of the surrounding area respected through design, proportions and detailing of the proposal. These themes are translated into policies CP9 and DM5 and DM6. As above, heritage policies are also relevant in this case, given the host dwelling is considered to be a non-designated heritage asset.

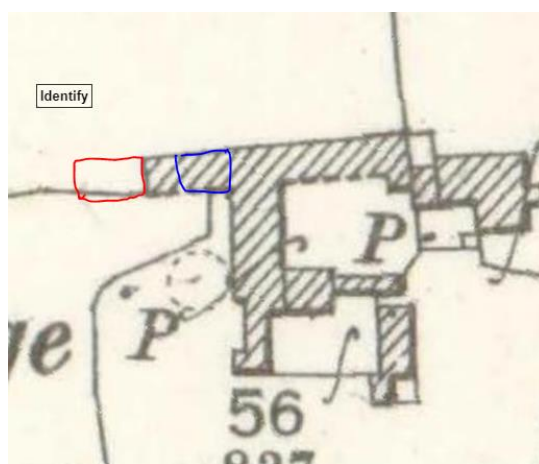
#### *Proposed Garage*

For garages, the NSDC Householder Development SPD advises that proposals should be domestically proportioned and should not introduce a feature that would be overly dominant

in comparison to the main dwellinghouse. Consideration should also be given to how the proposal is sited in relation to the dwelling and the impact on the surrounding area and whether the form and angle of pitch to the roof is sympathetic to that of the host dwelling and that external facing materials have been chosen which respect those of the existing property.

Given the heritage context the Council's Conservation Officer (CO) has reviewed the proposal. Initially the garage was proposed on north-south alignment, obstructing the visibility of the threshing barn opening which was considered to be unsympathetic to the setting of the building. Notwithstanding the fact that this site is well removed from the public realm, the association of the hostdwelling (as a converted threshing barn) with the land is a key link through which the barns heritage value is derived. As such alternative positionings were considered.

In accordance with the Council's Conversion of Traditional Rural Buildings SPD the use of existing buildings on site for garaging was explored, however these have either been converted to holiday lets (in accordance with a pervious consent) or are currently in use for commercial purposes. Accepting that an additional building would be required to provide any secure external storage/garaging for this dwelling alternative positionings for an outbuilding were considered. These included exploring locations within the existing residential curtilage, however due to site restrictions such as an easement on some of the land by the EA the final positioning as advanced within this submission was proposed. This sees the garage aligned with the approved extension on an east-west alignment. Not only does it keep the more open aspect of the threshing barn, but it also forms a more intuitive agricultural layout and one that is partially reflective of the historic layout. Reviewing historic maps also shows that there was some sort of structure on the approximate footprint historically.



Overall, the CO concludes that they raise no objection to the amended proposal and consider it would preserve the setting of the barn ranges as NDHAs.

From a purely planning perspective, considering the positioning, style and scale of the proposed garage I am mindful that the footprint is quite large, however the hostdwelling is a large property set within a generous plot and in comparison, the garage would remain subservient to the dwelling as a two-bay garage with store to serve a four bed property. As the garage would also be sited to the rear of the dwelling, set well back from the highway, views from the public realm would be very limited. Furthermore, owing to the subservient

height and sympathetic style it is considered that the garage would accord with the principles set out at point 8.14 of the Householder Development SPD and would not adversely impact the character of the area from purely a design perspective.

### *Change of Use of Land*

Turning now to the impact of the change of use of land to accommodate the garage. From visiting the site, it is clear that the change of use of this portion of land wouldn't visually result in a great difference to the existing situation. Currently the land is part of grassland that surrounds Girton Grange Farmhouse and is open all round to this property's curtilage. Because of the existing earth bund this land already has a somewhat enclosed character associating it with the built complex to the east, rather than reading as open countryside, visually at least. On the ground the change of use of this portion of land (which is small when considered relative to the wider land enclosed by the bund) would unlikely have any perceivable impact from either inside or outside of the site. Coupled with the construction of the extension as recently approved it is considered that the positioning of the garage as proposed could also assist in preventing any further encroachment into the surrounding land as it would form a physical barrier enclosing the land to the south around the host dwelling.

Overall, whilst noting the in-principle policy objection to encroachment of domestic use into the open countryside it is considered that there are site specific circumstances in this case that would mean that there would be no adverse impact on the wider character of the area as a result. Furthermore, there is a heritage benefit from positioning the garage within this land in that it would preserve the setting of the barn range as a NDHA and would partially restore the form of historic elements of this barn that have since been lost.

It is therefore not considered that the proposed garage in terms of its scale and design would dominate the host dwelling, nor would it have any adverse impact upon the wider area given the location of the property and its site-specific context. The garage would successfully integrate with the site and respect the hostdwelling design and proportions, sustaining the character and appearance of the dwelling, the barn range as a NDHA and wider area. The proposal is therefore considered compliant with the aims of policies CP9, CP14, DM6, DM9 and the Householder Development SPD in addition to Section 16 of the NPPF.

### Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policies DM5 and DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

The dwelling occupies a relatively isolated position from neighbouring properties and given the location of the proposed garage would be well removed from the closest neighbouring property and screened by the hostdwelling itself. On the basis of the above, it is therefore considered that there would be no overlooking, overshadowing or overbearing implications that would result from this proposal and therefore the proposal complies with Policy DM6 and DM5 of the DPD in this regard.

## Impact on Flood Risk

The site is located within Flood Zone 2/3 as defined by the Environment Agency data and whilst not technically householder development, given the entire site is within the flood zone and the only place a domestic garage can be positioning is close to the host dwelling, there are no sequentially preferable sites in which this garage could be located. A householder flood risk form has been submitted which states that floor levels within the proposed development will be set no lower than the existing floor levels and flood proofing will be incorporated where appropriate. It is not considered that the proposal would be likely to cause any detrimental impacts to neighbours or the surrounding area from flooding or surface water run-off or exacerbate the existing arrangement. There are ample areas of porous surfacing within the remainder of the site to allow water to permeate and as such the proposal is considered to accord with CP10, DM5 and DM6 in this regard.

### **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

### **9.0 Planning Balance and Conclusion**

Whilst domestic garages as householder developments are ordinarily acceptable in principle, owing to negotiations to overcome heritage concerns the proposal would result in the change of use of land to residential. The expansion of domestic use into the open countryside does not fall within the list of appropriate development types within the open countryside as set out within Policy DM8 and as such, is considered to be unacceptable in principle.

However, it has been concluded that the positioning of the garage as proposed would result in no harm to the setting of the farm complex as a NDHA, is preferential in order to provide a heritage benefit to the site and would not, given the site-specific context, result in any visual harm on the openness of the countryside. Alternative garage positionings have been explored throughout this application but the final scheme advanced is considered to sustain the significance of the barn range and would be preferential from a heritage perspective. Whilst noting that the development would be contrary to the Development Plan, it is considered in this case that the heritage benefits and the lack of any identified visual or character harm on the open countryside, coupled with the site history and previous inspectors' decisions are material considerations that weigh in favour of the proposal such that the harm through changing the use of a small portion of land is outweighed in this case. No harm has been identified in respect of amenity or flood risk and thus it is recommended that planning permission is granted subject to the conditions outlined in Section 9.

### **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 not be carried out except in complete accordance with the following approved plans/submitted documents:

- Amended Site Location Plan – Ref. 22-039 002 Rev. B
- Proposed Scheme and Block Plan – Ref. 22-039 001 Rev. B

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the 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.

#### Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as less than 100m<sup>2</sup> of floorspace is proposed.

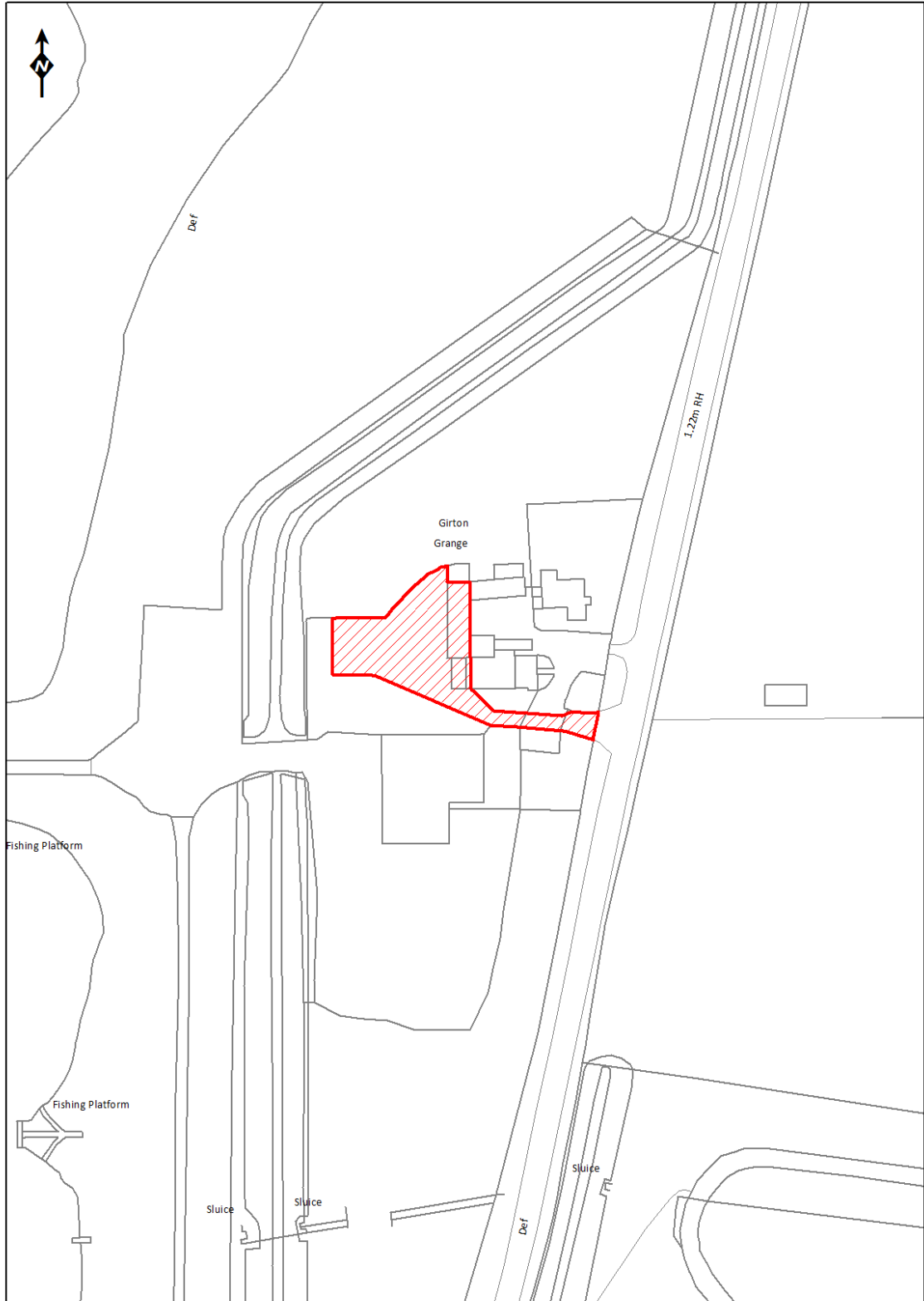
02

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

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00937/FUL



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Committee Report – 06 October 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, [julia.lockwood@nsdc.info](mailto:julia.lockwood@nsdc.info)

Report Summary			
<b>Application Number</b>	22/00489/FUL		
<b>Proposal</b>	Proposed erection of 2 flats and additional parking provision (following demolition of garage block)		
<b>Location</b>	Land at Alliance Street, Newark On Trent		
<b>Applicant</b>	Newark and Sherwood District Council – Mr Kevin Shutt	<b>Agent</b>	SGA Llp – Mrs Karolina Walton
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=R8DLIWLBJW900">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=R8DLIWLBJW900</a>		
<b>Registered</b>	17 March 2022	<b>Target Date Extension of time</b>	6 May 2022 10 October 2022
<b>Recommendation</b>	That full planning permission is approved, subject to conditions set out in Section 10 below		

**This application is presented to Planning Committee at the discretion of the Business Manager – Planning Development due to the applicant being NSDC, notwithstanding this being a Housing Revenue Account application.**

## 1.0 The Site

The application site relates to a small garage/parking area, 0.04 ha in area, owned by the District Council and situated on the northern side of Alliance Street. The site accommodates a terrace of 9 garages set back at the rear of the site with a hard surfaced forecourt. There are 5 parking spaces marked out (although one space is covered in rubble and unusable) perpendicular to the frontage along Alliance Street along which are small concrete bollards. The whole site uses a single vehicular access point from Alliance Street, which is a single width, double yellow lined, tarmacked road with narrow footways each side, the majority of which have a dropped kerb along its length. The existing ground level of the site at its eastern end is approx 1m higher than the land on which the terraced houses to the east are grounded.

Nestled within traditional terraced housing on three sides and a pair of semi-detached houses and detached garage to the east, the site is also bounded to the rear by a vehicle repair garage which has its access from North Gate to the north. There is an existing tree to the north-east corner of the site which the applicant has confirmed is located outside the application site itself as well as ivy and other greenery that appears to be growing on existing garage structures.

Alliance Street is situated to the west of North Gate train station, to the rear of terraces fronting Lincoln Street and to the south of North Gate. The site is within the Newark Urban Area, within the town's defined Historic Core but outside the designated Conservation Area. It is also included within the Northgate Station Policy Area (Policy NUA/Tr/1) which seeks to prepare a comprehensive regeneration scheme to improve the physical environment, linkages and transport and car parking provision as well as enhancing heritage assets.

## **2.0 Relevant Planning History**

PREAPP/00366/21 – Proposed 2 dwellings advice offered 19.01.2022

## **3.0 The Proposal**

The development is part of the Council's Housing Revenue Account schemes. Full planning permission is sought for the erection of a two storey building to accommodate 2 no. 1 bed flats (one on each floor) on the western part of the site. The eastern part of the site is laid out as a communal garden (approx. 11m x 11m). The building measures approx 9.2m wide by 8m deep, 5.5m high to eaves level and 8.3m to ridge. The building is red brick with grey slate roof, front gable feature and wrap around canopy over front doors. Solar panels are proposed on both pitches of roof slope with cycle storage rack and bin storage facilities to the front of the building.

The building is set back from the back edge of the footway by 8.7m which allows for two parking spaces (3m x 5.5m) to be provided to the front of the flats, perpendicular to the road, one space allocated to each flat. A further 4 car parking spaces (2.5m x 5.5m) are provided along the remainder of the road frontage and stated on the plan to be allocated for Alliance Street residents only, in compensation for the loss of the garages and existing off-street parking facilities. A new 1.8m high close boarded timber fencing is proposed around the side and rear boundaries of the site with a low retaining wall and metal railings above enclosing the communal garden. The existing tree outside the application site in the north-east corner of the site is shown as being retained.

A Garage Usage Report has been submitted with the application which in summary states there are 8 garage plots and 5 car parking spaces

Garage 1 – storage use by NSDC;

Garage 2 – storage use by resident of property on Appleton Gate;

Garage 3 – storage use by resident of property on Beacon Hill Road;

Garage 4 – storage use by resident of property on Lawrence Street;

Garage 5 – storage use by resident of property on Warburton Street;

Garage 6 – suspected storage use by resident of property on North Gate;

Garage 7 – storage use by business on North Gate;

Garage 8 – currently vacant;

Of the 5 car parking bays managed by NSDC housing services, 2 are unusable due to fly tipping of rubble, they do not meet the current parking standards and are intended for NSDC HRA tenants. There are no HRA tenants who live on Alliance Street and therefore it implies cars that do park there are unauthorised.

The Usage Report concludes by stating that the survey demonstrates that the potential future development of this site would not displace any cars on to the adjacent highway.

The originally submitted scheme showed two bungalows on the site with parking along the frontage, however due to concerns relating to impact on amenity of occupiers of those bungalows and the cramped appearance dominated by hard surfaced frontage street parking, the scheme has been amended to the current two storey flats.

The following plans and documents have been considered under this application:-

- Site Location and Site Block Plan (Drawing No: 00001 Rev P11);
- Existing Site Plan (Drawing No: 00004 Rev P1);
- Proposed Floor Plans (Drawing No: 00002 Rev P4);
- Proposed Elevations (Drawing No: 00003 Rev P5);
- 3D Illustration received 22.09.2022;
- 3D Illustration received 22.09.2022;
- Design and Access Statement;
- Garage Usage Report;
- Bicycle Storage Rack details received 17.08.2022.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 18 properties have been individually notified by letter. A site notice has also been displayed near to the site.

#### **5.0 Planning Policy Framework**

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

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 1 – Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
NAP1 - Newark Urban Area

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

NUA/Tr/1 – Northgate Station Policy Area  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM4 – Renewable and Low Carbon Energy Generation  
DM5 – Design  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Affordable Housing SPD 2013
- Housing Needs Survey by ARC4
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

### **6.0 Consultations**

**Newark Town Council** – No objection.

**NCC, Highway Authority** – No objection subject to conditions relating to, provision of the car and secure cycle storage, scheme to prevent discharge of surface water onto the highway and Construction Method Statement.

**NSDC, Environmental Health (Contaminated Land)** – No objection subject to the imposition of the standard phased contamination condition.

**NSDC, Environmental Health (Noise)** – No objection.

Three letters of representations have been received (one anonymous) objecting to the application which can be summarised as follows:-

- Car park and garages are essential for residents of Alliance Street;
- Car park was put in place when the Council decided to restrict parking with double yellow lines on Alliance Street due to its narrow width;
- Garage Usage Report is totally inaccurate on many points – my wife rents a garage (lives in Alliance Street) used partly for storage and partly to park my motorcycle;
- A neighbour rents a garage;
- One is used by a gentleman to store his classic car;
- One is used on a daily basis to store a tree shredding trailer to prevent it being stolen;
- One garage stores a VW car while the owner is abroad looking after a poorly relative;
- Four of the car parking spaces are rented by residents of Alliance Street and used on a daily basis but commonly used by residents of Lincoln Street;
- The railway station causes issues with parking in the area – people park in the area early Monday travel to London and return Friday evening, or Saturday morning; this has since stopped however, due to a drop pin, bollards and signs being installed, which works well;
- All other parking in the area is enforced by Nottinghamshire Parking Partnership, but not Alliance Street;
- The soil/rubble and other storage is theirs and will be removed when work to their property is completed;

- Residents have added floral tubs to improve the look of the area and maintain/clean the area themselves;
- The narrowness and the sharp bend of Alliance Street makes it very dangerous with cars travelling at high speed in both directions (2 way street);
- The road is used as a short cut/cut through to the railway station;
- Reversing in and out of the parking spaces will be dangerous;
- Alliance Street should be made one way as vehicles have to mount the pavement to pass one another and vehicles wanting to stop park on the pavement blocking the path;
- There can be 7 to 10 cars parked in the site at night as people that live/visit Alliance Street park courteously with each other and have done for the last 15 years and all these will be displaced to somewhere else in the area leaving residents to struggle with unloading shopping, difficult for the elderly/disabled to be dropped off/picked up at their home etc;
- Four new parking spaces need a parking permit to be issued and a removable bollard to prevent unauthorised parking;
- It would lead to people being tempted to park on the side of the road, which would block the road and footpath, block emergency services getting through and make the road even more dangerous;
- There would be nowhere close by for residents of Alliance Street to park as it is either permit parking only or double yellow lines;
- If the parking bays are substandard then residents have been paying for substandard parking but have not complained as it meets residents' needs;
- The report states that no NSDC HRA tenants rent the bays, but that is because properties on Alliance Street are privately (non-Council) owned;
- Concerns raised regarding fencing, chaos, noise, disruption, dust and air issues during building work and impact it would have on health issues of local residents;
- Loss of privacy, loss of light and over-bearing impact;
- More intrusive than 2 bungalows which would have been more suited to the area;
- New fence to enclose their property or metal security barriers need to be installed prior to demolition works to make their garden and property secure;
- Concern relating to subsidence in the area;
- Blocked and broken drainage pipes need to be repaired by the Council before additional properties are added.

## **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

The site is located in the Newark Urban Area which according to Spatial Polices 1 and 2 of the Amended Core Strategy is the focus of housing growth in the District. As such the site is considered to be in a sustainable and suitable location for new dwellings. The proposal would provide for 2 no. 1 bedroom flats which would help address the District's housing need in line with Core Policy 3, which states that particular emphasis will be placed on securing smaller units of 2 bedrooms or less.

In the district wide Housing Needs Survey by Arc4 dated 2020, the Newark Sub Area identifies there is need for mainly 3 bedroom (30.7%), 4 bedroom or more (25.5%), with 1 to 2 bedroom (19.5%) houses being the next most needed in the private market sector. However, the scheme would contribute to the Council's supply of affordable housing units, for which there is significant need (11 No. 1 bed flats per annum) identified by Arc4 in this area which weighs heavily in favour of the scheme. The proposal is therefore acceptable in principle subject to an assessment of site specific impacts.

## Impact on Character and Visual Amenities of the Area

Core Policy 9 states that the Council expects that all new development should achieve a high standard of sustainable that protects and enhances its context complementing the existing built environment. Policy DM5 states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposal for new development.

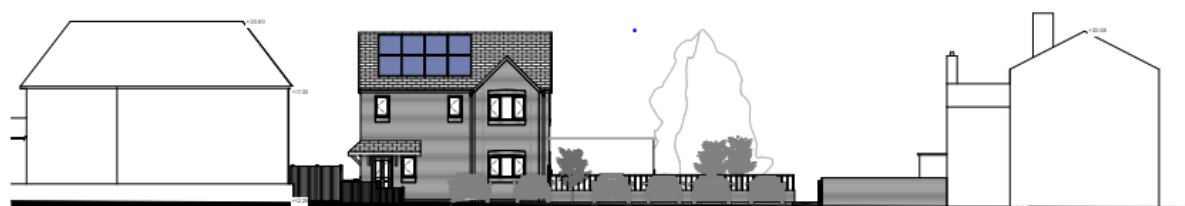
The application site is surrounded by very dense, tightly knit, traditional terraced properties. The proposed two storey building would reflect the neighbouring development in terms of the surrounding two storey houses, and a streetview elevation has been submitted showing the proposed front elevation relative to the adjacent to dwelling to the west, which shows the proposed ridge at a lower level relative to this existing one.

The setting back of the built form behind the building line of the dwelling to the west would not be reflective of the character of the area, but is required to allow for the on site parking required for the flats (in addition to the other replacement parking for other existing residents in Alliance Street).

Although the immediate road frontage would be dominated by hard surfacing and car parking, which is not ideal and weighs negatively in terms of visual amenity, some positive weight can be given to firstly, the fact that this hard surfacing dominance is already currently the case and secondly, the proposed green garden area (which although for use by the flat occupiers only) can be appropriately soft landscaped and together with the improved space for the existing tree on the adjacent site but close to the common boundary which would be better appreciated following the removal of the garages, would provide some wider visual benefit over and above the existing appearance of the site.

The proposed parking spaces, being so prominent, would be overlooked by both existing and proposed residential units, providing reasonable levels of natural surveillance.

The proposal provides a covered cycle rack and bin storage facilities at the front of the building which is not ideal in visual terms but a condition has been imposed to require details of how this area is to be enclosed, so that the visual appearance can be mitigated.



**Street View**

The above street scene has been submitted showing the size and scale relative to existing built form. This does not account for the difference in existing ground levels at the eastern end of the site, relative to Lincoln Street properties, although the plans clearly state that a retaining wall would be built along the western boundary, indicating that the garden area would remain at an approx. 1m higher level. This is not considered to be issue over and above the existing situation but a levels condition has been imposed to clarify this aspect in plan form.

Whilst it is recognised that the layout of the proposal is not ideal in terms of set back of built form and dominance of frontage parking, some positive weight can be given to the addition of softer green areas and assessment must also be made in the light of the limited contribution the site currently makes to the visual amenity of the area (which is currently attempted to be softened by small planting pots put on the site by local residents).

#### Impact upon Residential Amenity

Policy DM5 requires that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity, including over-bearing impacts, loss of light and privacy.

There would be a distance of approx 24m between the proposed flats and the rear of dwellings fronting North Gate to the north. The first floor flat would have a kitchen window and secondary living area window facing north which would result in an increased level of overlooking to the rear of these existing properties, which is not ideal. However given the length of these rear gardens, and that the overlooking impact would be more intrusive at the far southern extremities of the gardens away from the dwellings, where the degree of privacy expected would be less, this is considered to be an acceptable back to back relationship. Given these distances there is not considered to be unacceptable overbearing or loss of light implications.

Immediately to the north of the site is a commercial garage. There are several other properties on Lincoln Street and North Gate that back onto this existing business use, however the proposed flats would be the closest residential development. As a vehicle repair garage (Class B2) it is acknowledged that the use is likely to produce certain levels of noise and the proposal should not prejudice the future continued operation of this existing and

established business. The garage opens to the other side onto North Gate to the north so the flats, although positioned very close (1m) to the common rear boundary, the walls of the garage buildings and the proposed new close boarded timber fence would some level of barrier to any potential noise disturbance for future residents. The Council's Environmental Health colleagues confirm that they have not received any complaints relating to the commercial garage use in the last 3 years.

Properties in Lincoln Street to the east that back onto the site are traditional terraced houses, the majority of which have single storey rear extensions that accommodate windows serving bathrooms. There would be a distance of approx. 21m between the proposed side elevation in which there are windows serving habitable rooms and the main rear elevation of dwellings fronting Lincoln Street which also contain habitable room windows. This distance and relationship are considered to be reasonable and would not result in unacceptable impacts in terms of loss of privacy, light or over-bearing impacts to these existing occupiers.

On the opposite side of Alliance Street are a pair of semi-detached dwellings that front onto the site and sit at the back edge of the pavement. There would be a distance of approx. 14.5m from the front elevation of the proposed flats to the front elevation of these neighbouring properties. This distance between front habitable room windows is somewhat limited, although, the new window at first floor level would serve a bedroom rather than daytime rooms. Therefore, it is considered that this relationship would not result in unacceptable impacts on the amenities of these existing occupiers in terms of loss or privacy, light or over-bearing impacts to warrant refusal of planning permission.

In relation to existing dwelling to the west of the site, the only window proposed in the side elevation facing this neighbour is a ground floor window serving a bathroom, which would be obscurely glazed. It is considered there would be no unacceptable degree of overlooking to this existing neighbour to the west. This existing dwelling sits much closer to the Alliance Street frontage. This property has a large window in the side elevation nearest Alliance Street, facing the site, but as the proposed building is set much further back on the site, there would be limited impact to this existing opening from the new built form. This dwelling also has windows within a rear projection which face onto the site, one serving an upstairs landing and one serving a ground floor kitchen. Again the set back of the proposed building within the site would remove the direct side to side relationship between these windows and the new building, although it is acknowledged that the proposal would be visible. It is not considered that any impact on the landing window would be fatal however, the impact on the kitchen window is of more concern. There would be a distance of approx. 8.5m between the side elevation of the proposed building and this rear projection, the majority of which is the garden of the occupier to the west, as the proposed two storey structure would sit a minimum of approx. 1.2m off the common boundary. The proposal would therefore have some over-bearing impact on the both the kitchen window and the rear garden area with the potential for some over-shadowing of the latter early in the morning. The rear garden immediately adjacent to the site currently accommodates a single storey garage, with the majority of the usable amenity space further to the west, although there is a rear yard area between the garage and the house, although it is currently occupied by a caravan. The overbearing impact and sense of enclosure on the kitchen window and rear yard area is a negative impact that needs to be weighed in the overall planning balance.



In terms of the amenity for the proposed occupiers, the gross internal floorspace for the two flats are 52 sqm and 59 sqm. The national Government published minimum gross internal space standards states that for a 1 bed, 2 bed person in a single storey unit there should be a minimum floor space of 50 sqm. Both units exceed this and as such is considered to be acceptable. The ground floor flat has a bedroom window in the rear elevation (north facing) that sits 1m away from the rear boundary. The outlook from this window would therefore be very poor, looking out onto the proposed boundary timber fence and higher commercial garage building beyond, giving a sense of being enclosed and the resulting light implications. Although this is a bedroom used predominantly for sleep, this is far from ideal and weighs negatively against the proposal in the overall planning balance. The commercial garage in such proximity has the potential to create noise and disturbance issues for future residents, although this has not been shown to be the case for existing residents. The external garden area to serve both flats is welcomed. Although it would be somewhat overlooked by properties in Lincoln and Alliance Street, this is not considered fatal to the scheme.

The impacts on residential amenity have been found to be largely acceptable although harm has been identified in relation to over-bearing impacts on the existing dwelling to the west and poor outlook/sense of enclosure to the bedroom serving the proposed ground floor bedroom, which need to be weighed in the overall planning balance.

#### Impact upon Highway Safety and Parking

Spatial Policy 7 states that development proposals should provide safe, convenient and attractive access for all and minimise the need for travel. In addition, proposals should be appropriate for the highway network in terms of volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision, and vehicular servicing arrangements in line with Highway Authority's best practice; and ensure that vehicular traffic generated does not create new or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 states that parking provision for vehicles and cycles should be based on the scale and specific location of the development and development resulting in the loss of parking provision will require justification.

There are a number of challenges to this development in highway terms including the narrow, single width, double yellow lined but two-way nature of Alliance Street, the lack of off street parking for some existing residents and the issues with commuter parking given the proximity to North Gate Station and rat run traffic at certain peak times. All these local issues have been set out as concerns within in representations received from local residents.

The Newark and Sherwood Cycle and Car Parking Standards SPD requires that 1 bed dwellings in the Newark Urban Area provides for one car parking space per dwelling and safe cycle storage, both of which have been provided. It also requires for electric vehicle charging facilities to be provided. Building Regulations require new dwellings to have these facilities and it is not therefore considered necessary to condition this requirement in this instance. The 4 additional parking spaces have been provided in compensation for the loss of the 4 open on-site parking that currently exist on the site in a row fronting Alliance Street. There has been clarification from the applicant that the 4 parking bays are rented out on a very loose local government agreement to non HRA residents who live on Alliance Street and it has been

confirmed that this would continue to be the case, managed by the District Council. Whilst the comments of local residents have been noted in relation to the submitted Garage Usage Report, the dimensions of the existing garages make them too small to be usable spaces and therefore their loss is not considered to be fatal in highway safety terms.

Nottinghamshire County Council as Highway Authority have considered the proposal. They state *“It is understood that whilst the two spaces located immediately in front of the proposed flat building will be allocated to those residents, the remaining on plot spaces are to be made available to current users of the site following investigations into current site usage. As such, the Highway Authority are content that sufficient on-site parking is being provided for future residents, as well as current site users.”*

The Highway Authority therefore do not object to the quantum of parking spaces or the manoeuvring arrangements required to access and egress them, subject to conditions relating to provision of the parking and secure cycle storage, scheme to prevent discharge of surface water onto the highway and Construction Method Statement. As such, whilst the concerns raised by local residents have been taken into account, there is no grounds on highway safety grounds to refuse the application, subject to the imposition of conditions.

The proposal is therefore considered to be in accordance with the general expectations of SP7 and DM5 in respect of highway safety and parking matters.

## **8.0 Conclusion**

The proposal for two new flats is acceptable in principle by virtue of its sustainable location in the Newark Urban Area and it would help address the District’s affordable housing need for smaller dwellings, which should be given significant weight and is a positive of the scheme.

It is considered that the proposed built form would be visually acceptable, and would even bring limited wider improvements compared to the existing scenario, which is a limited positive benefit. The proposal would result in some identified harm in terms of over-bearing impact to existing occupiers to the west of the site and the bedroom accommodation created in the ground floor flat which would weigh moderately against the proposal. No highway safety harm has been identified and therefore is neutral in the overall planning balance.

When balancing all matters, it is considered that the positives marginally outweigh the negatives identified, not least in being able to provide two affordable housing units to meet an identified housing need. As such the recommendation to Members is to approve planning permission.

## **9.0 Implications**

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

## **10.0 Recommendation**

**That planning permission is approved subject to the conditions set out below.**

Conditions

01

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

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

02

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

- Site Location and Site Block Plan (Drawing No: 00001 Rev P11);
- Proposed Floor Plans (Drawing No: 00002 Rev P4);
- Proposed Elevations (Drawing No: 00003 Rev P5);
- 3D Illustration received 22.09.2022;
- 3D Illustration received 22.09.2022;
- Bicycle Storage Rack details received 17.08.2022.

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (including samples) of all the external facing materials 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 the visual amenities of the area.

04

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

Reason: In the interests of residential and visual amenity.

05

Prior to commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No flat shall be occupied until the bin storage facilities shown on Site Location and Site Block Plan (Drawing No: 00001 Rev P11) have been provided in accordance with details of enclosure that have first been submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of any of the flats in accordance with the approved details and retained for the lifetime of the development.

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

08

Prior to first occupation of the flats hereby approved, the on-plot car and cycle parking provision should be installed as shown on drawing number 608-SGA-13-SL-DR-A-00001 P11 with provision to prevent the discharge of surface water to the public highway in accordance

with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the interests of sustainable travel, in line with the Newark & Sherwood Local Development Framework Residential Cycle and Car Parking Standards & Design Guide Supplementary Planning Document dated June 2021 and to ensure surface water from the site is not deposited on the public highway causing dangers to road users.

09

No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- hours of construction on the site and hours of deliveries to the site.

Reason: - In the interests of the safety of users of the Highway immediately adjacent to the site boundary and residential amenity.

010

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

#### Part A: Site Characterisation

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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 'Land contamination risk management (LCRM)'

#### 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.

### Informatives

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

02

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

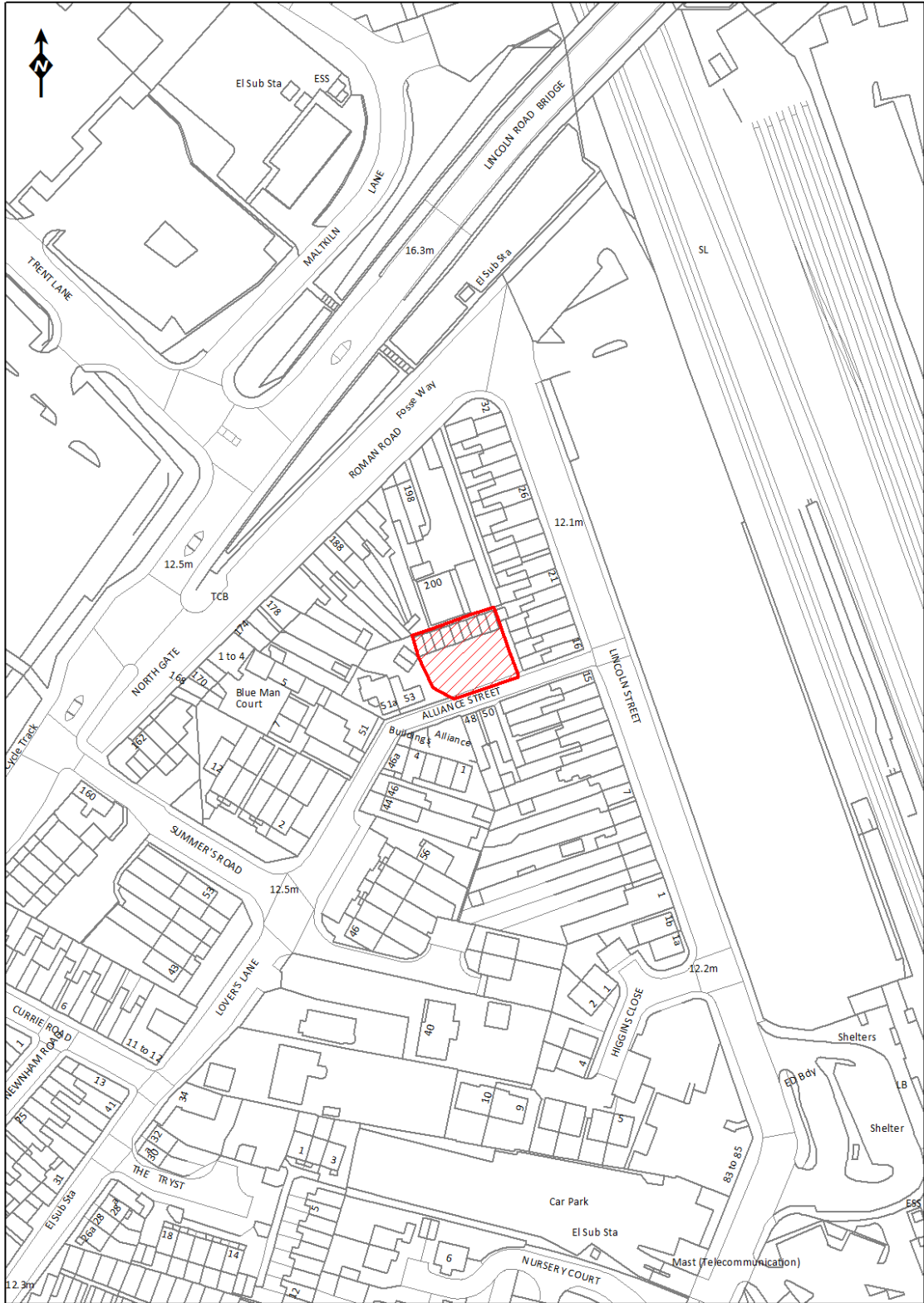
03

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

### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00489/FUL



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Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
<b>Application Number</b>	22/00936/FUL		
<b>Proposal</b>	Erection of stands (seated and standing) and installation of turnstiles to existing stadia pitch		
<b>Location</b>	Community And Activity Village, Lord Hawke Way, Newark On Trent, NG24 4FH		
<b>Applicant</b>	Todd Cauthorn	Agent	Rayner Davies Architects LLP - Mr Matthew Vicary
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk">22/00936/FUL   Erection of stands (seated and standing) and installation of turnstiles to existing stadia pitch   Community And Activity Village Lord Hawke Way Newark On Trent Nottinghamshire NG24 4FH (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	13.05.2022	Target Date	08.07.2022
<b>Recommendation</b>	Approval, subject to the conditions outlined in Section 10.0		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the Council own part of the site.**

## 1.0 The Site

The application site forms a small linear portion of the wider Community and Activity Village operated by the YMCA. The site is immediately to the east of the Newark Leisure Centre. The site is within the urban area of Newark and defined as a public open space protected by SP8 policy. A rectangular portion to the east of the site is recognized as a site of interest in nature conservation being identified as a notable grassland with neutral and acid areas as defined by the Newark South Proposals Map in the Allocations and Development Management Development Plan Document (DPD).

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as well as some of the approved sporting facilities including the Athletics track and football pitches. The main building was substantially complete in construction terms albeit not operational.

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

## **2.0 Relevant Planning History**

**22/00261/S73M** - Variation of conditions 2 and 3 attached to planning permission 17/01693/FULM to re-position previously approved skate park and 3no. 5-a-side pitches (switch position), Remove tennis courts, Reduce car park spaces from previous approval of 157 to 155 (loss of 2 spaces) to increase accessibility to new 5-a-side pitch positions.

Change cycling facility from 750lm training circuit to mixed programme offering a community trail, learn to ride and a pump track facility, Lighting and landscaping, Substitution of some information in approval notice condition 02 and 03 and additional information for cycle facility designs

*Application approved May 2022.*

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

*Application approved 12<sup>th</sup> April 2022.*

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

*Application approved by Planning Committee at the meeting on 27<sup>TH</sup> April 2021 (decision issued 28<sup>th</sup> April 2021).*

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

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

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

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

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

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

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

### **3.0 The Proposal**

The proposal seeks permission for the erection of stands (seated and standing) and the installation of turnstiles to support the use of the existing stadia pitch.

The original application included a number of plans setting out various options for the development but it has since been clarified that the proposed development is based on the plans referenced below:

- Location Plan – 2242(08)018;
- Stadia Pitch Spectator Access Diagram – 2242(08)019;
- Stadia Pitch Spectator Zone Diagram – 2242(08)020 Rev. F;
- Typical Turnstile Building – {G} – 100 Rev. A;
- Typical Turnstile Building – {G} – 101 Rev. A;
- National Ground Grading – Category F;
- Covering Letter by Rayner Davies Architects dated 12<sup>th</sup> August 2022 2242/2.0/MJV.

### **4.0 Departure/Public Advertisement Procedure**

Occupiers of three properties have been individually notified by letter.

### **5.0 Planning Policy Framework**

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area  
NAP3 – Newark Urban Area Sports and Leisure Facilities

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

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

### **Other Material Planning Considerations**

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

## **6.0 Consultations**

**Newark Town Council** – Newark Town Council **support** this application in principle, however, Members would welcome input from Newark & Sherwood District Council as to what steps are, or are likely to be taken (if any), to address the parking concerns which have been identified in respect of use of the YMCA. Members would also like confirmation as to how the sport floodlights are managed, in order to minimise any perceived nuisance caused by them for occupants of neighbouring properties.

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

### **8 letters of representation has been received which can be summarised as follows:**

- The impact on nearby homes of extra noise and light pollution has not be considered;
- This is a residential areas in a town not a large city;
- Noise and light pollution are already an issue;
- Concerns of further disturbance to wildlife on the lake nearby;
- Extra traffic;
- Where is the neighbourhood consultation on this type of venture for the site;
- The location is not suitable close to many residential properties; the cemetery and the wildlife of Balderton Lake;

- The metal sheet cladding of the stands would be noisy;
- Bowbridge Road is not fit for purpose;
- Palace Theatre and Newark Castle are best placed for entertainment venues;
- Representation from Active4Today that there are existing parking issues which are having a financial impact on the sports and fitness centres income levels;
- Weekend events at the YMCA have caused overspill into the sports and fitness centre car park resulting in staff having to deal with frustrated customers;
- The latest proposal increasing footfall will compound the issue;
- Parking spaces have recently been reduced even though the facilities continue to develop further;
- Where will additional parking spaces be found if this application is approved;
- Starting guns and loud speakers are already disturbing residents;
- There are enough suitable and well established venues that can hold spectator events as proposed;
- The floodlights are already too high;
- If this application is approved there will be more plans for music festivals and loud noise;

## **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

The Spatial Strategy of the Core Strategy identifies the Newark Urban Area as the sub-regional focus intended to be the main location for new services and facilities within the District. Moreover, Policy DM1 facilitates development within the Urban Boundary for leisure development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

In the context of the nature of the proposal, for enhancements to the existing community and leisure facility, Spatial Policy 8 is also deemed of relevance. This states that the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they meet the identified needs of communities, both within the district and beyond. This aligns with the stance of the NPPF which confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

I therefore find the principle of development acceptable subject to an assessment of the

specific implications of the proposal.

### Impact on the Character

The stadia pitch to which this application relates is positioned towards the south of the wider site with the Leisure Centre to the west and the building associated with the Communities and Activities Village to the north. Both of these buildings are of a notable scale and height such that the stadia pitch itself is a relatively discrete element of the wider site.

The proposal includes various elements as detailed below:

- 105 Covered seated stand - 35m by 2.6m with a height of 4.1m;
- 64 seating grandstand – 9.84m by 2.94m with a height of 4.4m;
- Existing covered stand – 5m by 1.6m with a height of 2.93m to the eaves;
- Turnstile housing 2.5m by 2.5m with a height of 2.37m.

The development would be well associated with the use of the stadia pitch and in the context of the scale of the aforementioned nearby buildings the stands would assimilate well into the surrounding area.

### Impact upon Residential Amenity

The stadia pitch is some distance from the nearest residential properties which are around 250m away and intervened by the built form of the associated building. Comments received during the consultation have raised concerns with the existing activities within the site.

Whilst there may be some increased noise and disturbance during matches, this would largely be blocked by the building and the aforementioned distances to neighbouring properties. The proposal relates to the formalisation of spectating and does not necessarily mean that there would be a greater number of spectators than that associated with the extant development with no associated facilities. No specific amenity harm, which would justify refusal of this proposal noting its modest extent, has therefore been identified.

### Impact upon Highway Safety

The extant use has established the level of parking provision required for the wider site and the use of the stadia pitch would rely on such parking. It is noted that concern has been raised during the consultation of the application that the parking is already at capacity and that the increased use of the pitch could compound the issues.

The agent has submitted a response to the parking concerns raised by officers in the context of the Travel Plan which was already undertaken for the original application.

*The parking standards set out in this approved Travel Plan are based on the size and type of facilities, rather than the number of people in attendance. The plan also noted that car parking spaces are shared between differed uses, i.e. a busier time for football pitches would be offset by less use of other facilities. We therefore are of the opinion that the Travel Plan in its current form is adequate to cover 'match day events'.*

*The Travel Plan states the overall maximum capacity of the site as 1145 in relation to calculating the number of cycle parking spaces (5% of total capacity). We have reviewed the overall site capacity with the YMCA. As is shown in the enclosed capacity table, for match days the maximum capacity is below 1145 by means of other facilities being closed, namely the Nursery / Pre-school and the ground floor function area.*

*It is an FA requirement for grounds at Step 5 (Category F) that spectators are provided with toilet and refreshment facilities as per sections 2.4 and 2.5, to meet these requirements the YMCA are required to allocate the Ground Floor function area to spectators on match days.*

Essentially a case is made that on the match day events, other uses within the wider facility would not be at capacity and therefore the existing parking provision can accommodate the potential increased use of the stadia pitch. It is noted that the site already has approval for football use and there is nothing to stop the same number of spectators visiting the site just without the level of cover that the stands would provide.

NCC Highways have been consulted on the additional details and confirmed that in their judgement the proposal will have no impact on the existing highways network and therefore they have no highway comments. On the basis of the justification provided with the application, and indeed a lack of objection from NCC Highways, no conflict is identified with the relevant provisions of Policy DM5 or Spatial Policy 7 which would warrant resistance of the proposal.

#### Impact upon Ecology

As is set out in the description of the site above, the wider site is set in a sensitive ecological context and the extant scheme has ensured that an appropriate level of ecological mitigation has been included on site. The stands proposed would be within areas of previous hardstanding and therefore would have no impact on the ecological implications of the original proposal.

#### **8.0 Conclusion**

The proposal would enhance the sporting offer of the wider site which is supported by national policy and Spatial Policy 8. No specific harm has been identified and therefore the benefits of the proposal hold determinative weight and the recommendation is one of 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 not be carried out except in complete accordance with the following approved plans reference:

- Stadia Pitch Spectator Zone Diagram – 2242(08)020 Rev. F;
- Typical Turnstile Building – {G} – 100 Rev. A;
- Typical Turnstile Building – {G} – 101 Rev. A.

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

**Note to Applicant**

01

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

02

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

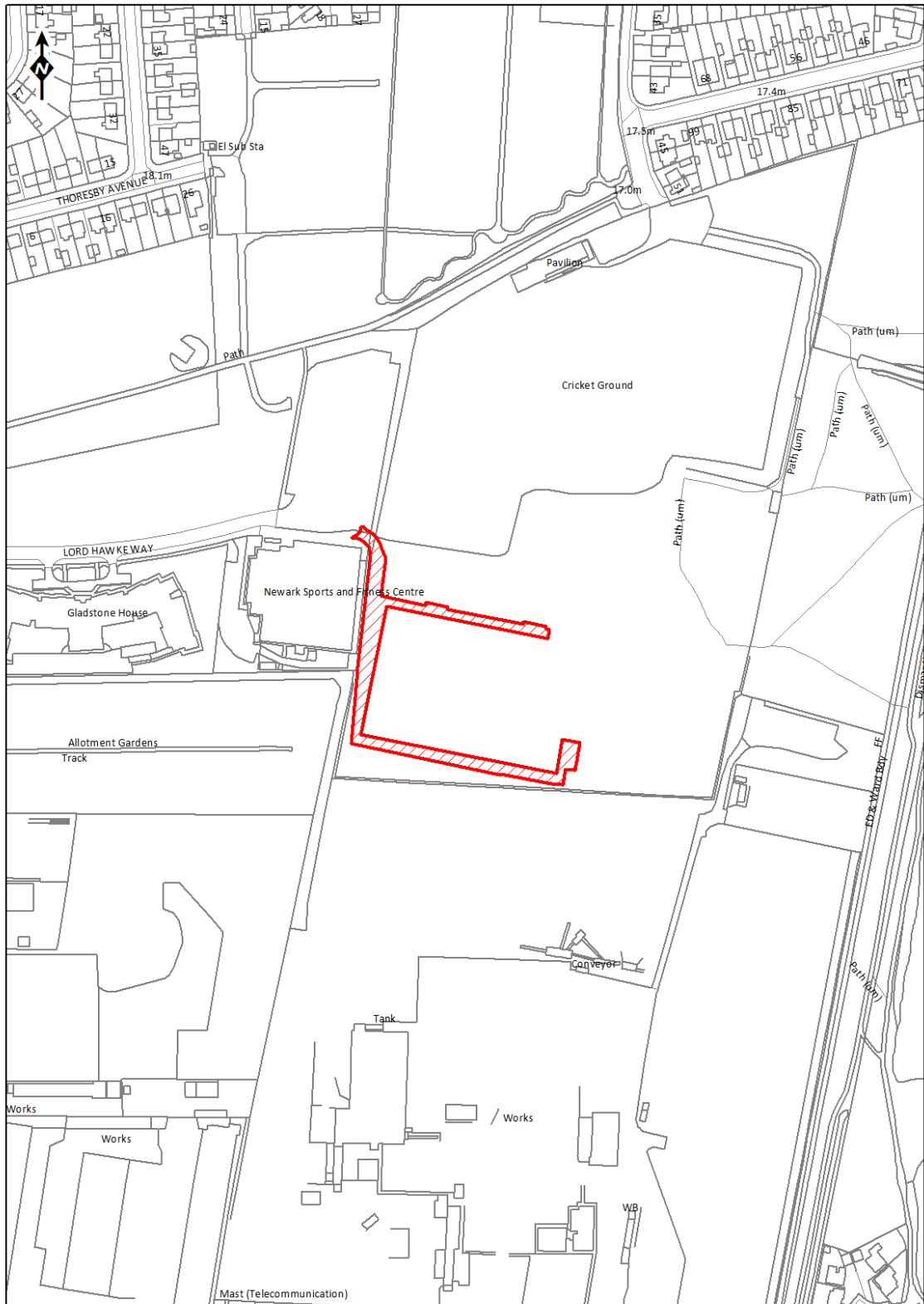
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

**BACKGROUND PAPERS**

Application case file.



Committee Plan - 22/00936/FUL



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Report to Planning Committee 06 October 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner, ext. 5329

Report Summary			
Application Number	22/01331/FUL		
Proposal	Erection of Four Bedroom Bungalow		
Location	Land Adjacent to Fosse Road, Farndon, NG24 3UB		
Applicant	P Palmer Construction - Mr P Palmer	Agent	Mr Clive Davies
Web Link	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
Registered	12.07.2022	Target Date	06.09.2022
		Extension of time	10.10.2022
Recommendation	Refusal		

This application is presented to Planning Committee due to the Officer recommendation differing from that of the Parish Council and at the request of the Ward Member. Councillor Keith Walker queries the flooding status of the site as he has never knowingly seen it flood.

## 1.0 The Site

The application site relates a parcel of land approximately 0.24 hectares in area within the built up area of Farndon. The site is surrounded to the north, south and west by existing residential development and by Fosse Road (former A46) to the south-east.

The site is located within Flood Zone 1 and 2 as defined by the Environment Agency data maps.

The site has been cleared of vegetation.

## 2.0 Relevant Planning History

14/00859/OUT Outline planning permission for 1 dwelling (appearance, landscaping and scale as reserved matters) Refused 16.06.2014

01

*The site is located in Flood Zone 2 and is therefore at risk of flooding. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. The Council has a proven 5 year land supply of available land at lower risk of flooding across the district that are sequentially preferable to this site. The Sequential test submitted with the application fails to make adequate assessment of land across the district. As such, the application fails the Sequential Test contrary to the National Planning Policy Framework, Planning Practice Guidance and Core Policy 10 of the Core Strategy.*

02

*The site is located within Farndon which contains a limited range of services but it is not classed as a sustainable location for new growth within the Adopted Core Strategy. The application fails to demonstrate an identified proven local need for new housing in this area. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to Policy Spatial Policy 3 of the Core Strategy, the National Planning Policy Framework and Planning Practice Guidance.*

03

*In the opinion of the local planning authority the applicant has failed to demonstrate the associated risk caused by the development to any potential protected species using the site due to the loss of trees and natural habitat. As such the proposal fails to accord with the National Planning Policy Framework, Planning Practice Guidance and policy DM5 of the Adopted Allocations and Development Management DPD.*

### **3.0 The Proposal**

The proposal is for the erection of one single storey detached four bedroomed dwelling to the north-west of the site with vehicular access from Fosse Road to the south-east of the site.

The approximate dimensions of the building are:

25m (length) x 14m (width) x 5.5m (ridge) x 2.5m (eaves)

Documents/plans submitted with the application:

DRWG no. 2C/11/2020 Rev C Proposed bungalow and plans elevations;

Location plan;

DRWG no. 1C/11/2020 Rev C Site plan;

DRWG no. 3/11/2020 Topographical survey;

#### **4.0 Departure/Public Advertisement Procedure**

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

#### **5.0 Planning Policy Framework**

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

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure

##### **Allocations & Development Management DPD Adopted July 2013 (ADMDDP)**

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3 – Developer Contributions and Planning Obligations  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM12 – Presumption in Favour of Sustainable Development

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

National Planning Policy Framework (2021) (NPPF)  
Planning Practice Guidance (PPG)  
Residential Cycle and Parking Standards and Design Guide SPD (draft) 2021  
NSDC Housing Need Survey 2020

#### **6.0 Consultations**

**Farndon Parish Council** - It was unanimously agreed that the application be supported. However Members were aware of the impact the removal of mature landscaping had had on the adjacent residential properties. The Planning Authority to be asked to include a condition that mature trees and extensive landscaping be included along the boundaries to replace that lost when the site was cleared.

**Nottinghamshire County Council Highways** – This is a proposal for a single bungalow accessed from Fosse Road which is a 40mph road at this location. Visibility is acceptable as the verge is wide. Parking requirement for this four-bedroom bungalow is three spaces. Due to the length of the access driveway, a refuse collection point near the junction with Fosse Road should be provided so that refuse lorries do not need to enter the access, nor

carry distances be exceeded.

The width of the drive should be a minimum of 3.6m to accommodate an emergency. The width of the access should be a minimum of 2.75m plus 0.5m either side if bound by a hedge or fence. Works to construct the access will be within highway therefore the applicant should be aware of the note below. We would not wish to raise objection and would request conditions.

**Trent Valley Internal Drainage Board** - The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Corner House Farm Drain Feeder, an open and culverted watercourse, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Environment Agency** – We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

- The development falls within flood zone 2 and therefore the LPA should apply national flood risk standing advice (FRSA) in this instance.

<https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

5 neighbouring comments have been received raising the following matters:

- Highway safety;
- Loss of privacy;
- Loss of light;
- Retention of the boundary fence and retained at a sufficient height to maintain privacy and security;
- Increase in noise;
- Loss of the existing trees should be replanted;
- Drive is too long, and the dwelling should be more in the middle of the plot;
- Impact on wildlife.

## **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

The starting point for considering development is against the development plan which is up to date for decision making purposes.

Spatial Policy 1 and 2 provide the settlement hierarchy for the District and Farndon does not feature within it. The settlement is therefore an 'other village' and so the development should be considered against Spatial Policy 3 of the Amended Core Strategy (ACS). This policy states that beyond Principal Villages, proposals for new development will be considered against the criteria of location, scale, need, impact and character. SP3 states that development should be located in villages, this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form. Although the land is considered to be undeveloped it is surrounded by existing residential development and is considered to be located within the settlement of Farndon.

The location, scale, impact and character of the proposal is considered acceptable in general. The NSDC Housing Need Survey 2020 states that within the Rural South Area, the housing need for 2 bedroom bungalows is not the highest need for the area. The greatest need is for 4 or more bedroom dwellings (35.8%) with 3 bed roomed houses next (20.2%), followed by 1-2 bed roomed dwellings (15.5%) and then 2 bedroom bungalows (14.4%). Farndon's own housing need survey (2016) also concluded that the greatest need within Farndon itself is for 2, 3 and 5 bed roomed dwellings, and 3 and 4 bed bungalows. There is clearly a need in Farndon for bungalows and the proposal is considered to help meet this need.

The principle to develop the site with residential is largely acceptable subject to further onsite assessment which is outlined below.

### Impact on flood risk

Access to the site is located within flood zone 2 and therefore at medium risk from main river flooding. The house itself would be within zone 1 but is inaccessible from zone 1 so I take the view that the proposal needs to be assessed as a whole given the two elements are inextricably linked. Para 159 of the NPPF (2021) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The Planning Practice Guidance under Table 2 Flood Risk Vulnerability Classification, states the use (dwellinghouse) is classed as a more vulnerable use. Policies DM5, CP10 and Paragraph 162 of the NPPF (2021) states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Upon applying the Sequential Test, and given the Council has a proven 5-year housing land supply, there is land available at lower risk of flooding whereby the use can be accommodated and although there are some local benefits with the provision of one dwelling, this would not tip the balance of acceptability in the planning balance. Thus, the Sequential Test is not considered to be passed. The Sequential Test should be applied District wide unless there are specific site considerations which mean the Test should be applied on a more local level. There are no specific local circumstances before me which would mean the Sequential Test should not be applied at a District level.

Therefore, the proposal fails to accord with national and local policies on flood risk and fails the Sequential Test.

#### Impact upon Highway Safety and parking provision

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all, which is echoed within Policy DM5. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Council's Residential Parking SPD states that a minimum of 3 parking spaces should be provided for as well as secure cycle parking and space for equipment. A single attached garage is located to the south of the proposed dwelling and 3 parking spaces are provided for within the site approximately 37m from the garage. Although the proposal can provide the required parking provision within the site, the distance between the parking and the property is not desirable at approximately 37m although the parking would still have natural surveillance.

Nottinghamshire County Council Highways have not raised an objection to the proposal subject to conditions and the access width being to the minimum standards and refuse collection points are made near the junction with Fosse Road. This collection point would be approximately 100m from the front of the property which would mean someone wheeling a bin a considerable distance which again is undesirable.

The current plans show a driveway and access to be 3.2m (approximately) in width and as the land to the north and south is highway owned, they would need to ensure it is constructed to the satisfaction of the Highway Authority.

Therefore, although the access and parking arrangements are undesirable, the provision of parking is acceptable and the access would not result in harm to highway safety. It would be the case of 'buyer aware' if the proposal was deemed to be acceptable, regardless of the comments on flooding in the preceding section of this report.

Due to the amount of space within the site, although it is not explicit, it is expected that cycle provision could be accommodated within the garage whilst still maintaining allowances for 3 parking spaces for vehicles.

#### Impact upon Residential Amenity

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

The building is between 10 – 12m from the rear elevations of properties on Staveley Court and approximately 7.5m from the rear of 16 Holmefield to the proposed garage. Due to the distance and the single storey design of the proposal, it would not result in harm to neighbour amenity from overbearing, loss of privacy or light impacts. There is an existing boundary fence surrounding the site which would mitigate the impact of the building. Thus, the proposal would comply with policy DM5 of the ADMDPD.

#### Impact upon Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the ACS seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 states that natural features of importance, which are either within or adjacent to development sites should, wherever possible, be both protected and enhanced.

Reports from neighbours have stated that the site has been cleared in recent times, of trees and vegetation, however wildlife are still present on the site due to surrounding trees outside the site. One tree remains on the site which has little amenity value and is in poor visual condition.

No arboricultural survey has been submitted with the application nor have any trees been plotted on the submitted drawings, although the Council is unable to consider the harm to these trees, from inspection it is not considered worthy of retention either due to the visual condition and poor public amenity value.

Equally no ecology/biodiversity survey has been submitted to assess the impact of the development on these landscape features and the Council has not requested one as the proposal is clearly within a flood zone and thus contrary to policy.

Some members of the public have raised concerns over the impact of the proposal upon the local ecology. However due to the lack of features now within the site it is unlikely that the site would harbour any significant ecological activity and the existing trees and landscaping around the boundary would be unaffected by the proposal.

Thus, the proposal accords with the NPPF, Core Policy 12 of the ACS as well as Policy DM5 of the ADMDPD.



## **8.0 Implications**

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

## **9.0 Planning Balance and Conclusion**

Due to the siting of the access through land identified as being within Flood Zone 2 by the Environment Agency data maps, the proposal is considered to fail the sequential test as the Council has other land available within the District at lower risk of flooding and has a proven 5 year housing supply whereby it is not reliant on using land at risk of flooding for speculative development. There are no overriding material considerations to outweigh this.

The applicant also failed to include details of how it would impact upon local ecology and to the existing tree on the site. However, given the lack of visual significance of the remaining tree on the site and the ecological value of the site, it is not considered that this is a justifiable reason in which to warrant a refusal of the application.

Whilst the proposal has been assessed to have an acceptable impact upon neighbour amenity, highway safety and parking provision, these are neutral factors and do not affect the planning balance. The provision of one dwelling that would positively contribute to housing stock and housing need does not outweigh the harm identified and would represent unsuitable development in my view. Therefore, the proposal is considered to be contrary to paragraphs identified within the NPPF (2021), Core Policy 12 of the ACS and Policy DM5 of the ADMDPD.

## **10.0 Reason for Refusal**

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Core Policy 10 and Policy DM5 of the adopted Development Plan as well as Chapter 14 of the National Planning Policy Framework (NPPF 2021) sets out the due process for assessing new development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail the Sequential Test as there are other more preferable sites at lower risk from flooding within the District on which such a use should be located. There are no reasons to restrict the area in which the Sequential Test is applied.

As such the proposal is contrary to Core Policy 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013), as well as Chapter 14 of the NPPF (2021), Planning Practice Guidance, which are material planning considerations.

Informatives

01

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

02

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

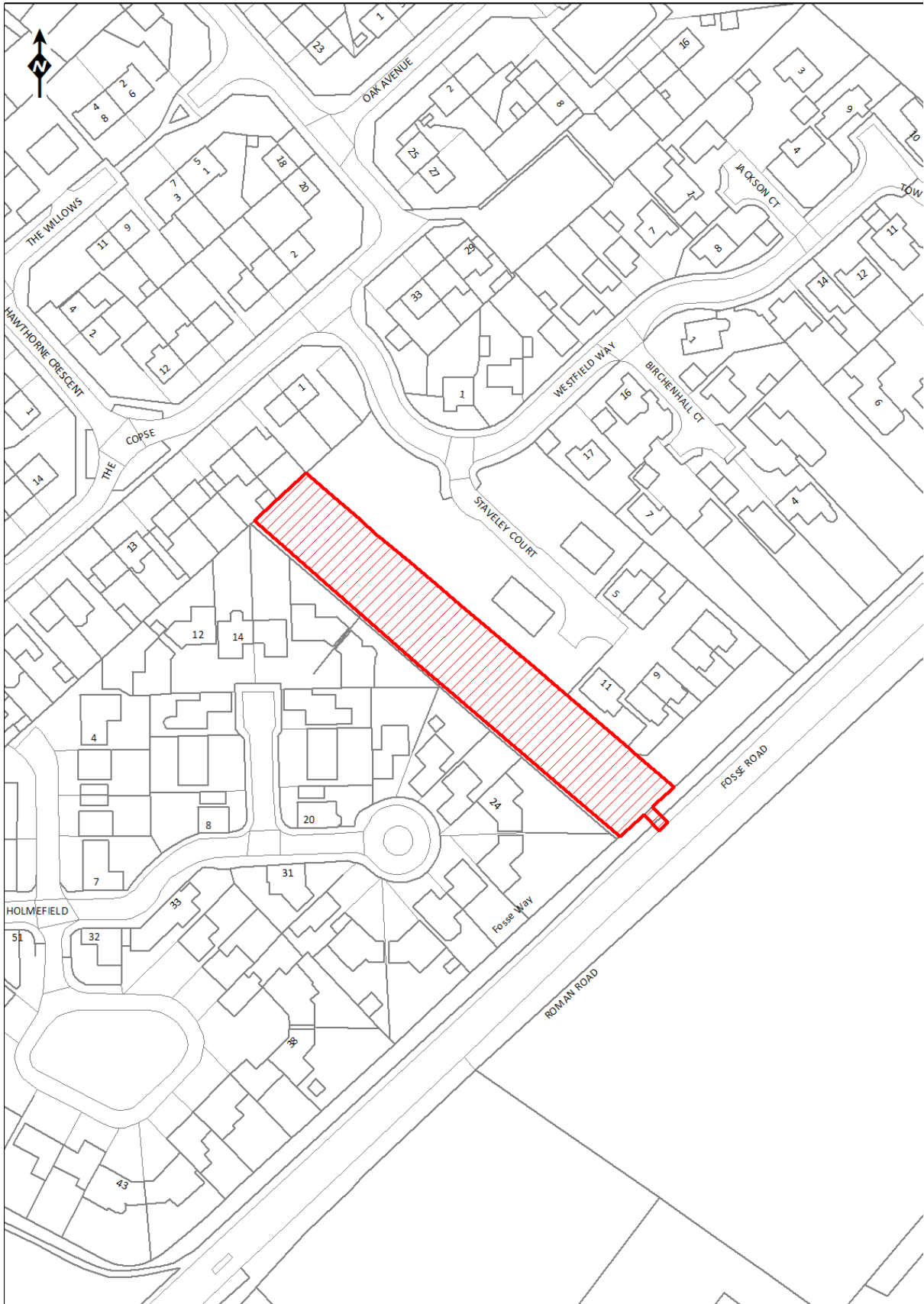
03

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

DRWG no. 2C/11/2020 Rev C Proposed bungalow and plans elevations;  
Location plan;  
DRWG no. 1C/11/2020 Rev C Site plan;  
DRWG no. 3/11/2020 Topographical survey;  
Flood Risk Assessment July 2022

BACKGROUND PAPERS

Application case file.



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Report to Planning Committee 06 October 2022  
 Business manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Yeung Browne – Planner x 5893

Report Summary			
<b>Application Number</b>	22/00783/FUL		
<b>Proposal</b>	Erection of one x 2 bedroom bungalow		
<b>Location</b>	Land At Southwell Road East Rainworth		
<b>Applicant</b>	Newark & Sherwood District Council - Mr Kevin Shutt	<b>Agent</b>	SGA LLP- Mrs Karolina Walton
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
<b>Registered</b>	28.04.2022	<b>Agreed Extension of time</b>	11.10.2022
<b>Recommendation</b>	That planning permission is approved subject to conditions		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the applicant is the Council.**

## 1.0 The Site

The site is an area of landscape/garden lying south of Southwell Road East in Rainworth and sits north of existing dwellings along Coopers Rise. The land is fenced off and does not appear to be in use at present.

The proposed site is approximately 300m<sup>2</sup>, broadly rectangular in shape and although formerly gardens to Coopers Rise; the proposed access to the new dwelling will be directly from Southwell Road East. There are a couple of large attractive trees located near the centre of the proposed site.

## 2.0 Relevant Planning History

Pre-application advice has been sought but there is no formal planning history relating to the site.

### **3.0 The Proposal**

The proposal seeks permission for a two bedroom bungalow set to the north of nos. 5, 7 and 9 Coopers Rise with an associated parking space and garden area to the north of the dwelling.

The proposed 2 bed bungalow will have approximately 62m<sup>2</sup> in footprint, measuring 8.653m in width and 8.543m in depth. The bungalow would be completed with side gable ends, standing at eaves and ridge height of approximately 2.4 m and 5.6m respectively. Materials proposed are brick (Forterra Tame Valley Red) with roof tiles to be grey concrete.

The following documents have been submitted with the application:

- Existing site Location Plan 1:1250 ref: 597-SGA-270-SL-DR-A-00001 Rev P1, received on 19 April 2022
- Revised Proposed site and block plans ref: received 597-SGA-270-SL-DR-A-00001 Rev P7, received on 18 August 2022
- Revised Proposed visibility splays ref: received 597-SGA-270-SL-DR-A-00005 Rev P03, received on 30 June 2022
- Proposed floor plan and elevation of house type C ref: 597-SGA-270-ZZ-DR-A-00002 Rev P1, received on 19 April 2022
- Design and Access Statement received 19 April 2022
- Arboriculture report received 21 June 2022
- Biodiversity Statement received 08 Aug 2022

### **4.0 Departure/Public Advertisement Procedure**

Occupiers of four properties have been individually notified by letter.

### **5.0 Planning Policy Framework**

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change

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

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework
- National Planning Practice Guidance
- Residential Cycle and Car Parking Standards SPD 2021
- NSDC Draft Open Space Assessment and Strategy 2021

### **6.0 Consultations**

**Rainworth Parish Council** – Support the application

**NCC Highway Authority** – [further to previous comments] on 30 June 2022 in regards to the revised details and visibility splay, stated there are no Highway Authority objections to the proposal subject to conditions and informative.

**NDSC Landscape officer** – considered this section of Southwell Road East (proposed site and the adjacent area) has a strong wooded character, a linear feature of mature hedgerows interspaced with large trees. It is recognised that, individually trees on this site are not of significant value, but collectively as a habitat (biological niche), and visually they do contribute to the green character of the area. Stated in the comment that the current proposal will lead to the removal of all trees from the site, which would have a significant negative impact on the visual amenity of the area, detreating what is a tree lined street.

A biodiversity statement has since been submitted with suggested mitigation.

**One representation was received** from a nearby resident, while no objection to the proposed new dwelling, has concern over the existing Conifer trees when the work commences.

### **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**

The Adopted Development Plan for the District is the Core Strategy Development Plan Document (DPD) (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 (Spatial

Distribution of Growth) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is located within the built-up area of Rainworth and within the Rainworth District Centre as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, Rainworth is identified as a Service Centre which has a good range of local facilities and is therefore considered to be an appropriate location for new housing and employment as it is considered to be a sustainable location for new development. The principle of development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the National Planning Policy Framework (NPPF) and its Planning Policy Guidance, subject to consideration of the following matters.

### Housing Mix and Density

Core Policy 3 confirms that the Local Planning Authority (LPA) will normally expect development densities of no lower than an average of 30 dwellings per hectare. The site area of 0.3 hectares means the density of development 9 dwellings per hectare falling below the aspirations of the policy. However, given that the site is surrounded entirely by residential curtilages and the area where this single dwelling is proposed is also of a low density, provision of just 1 dwelling is not disputed in principle.

In terms of the Council's housing need assessment, the 2020 housing Needs Study shows that for the Mansfield Fringe sub area (of which Rainworth is a part of) the principle requirement is 4 or more bedroom houses (34.3%) followed by 3 bedroom houses (26.9%). In relation to the number of affordable rented homes needed within Mansfield Fringe, this is 67 per annum, of which 9, two bedroom bungalows are required. This two bed bungalow would still contribute to meeting an identified need in the sub area in accordance with CP1.

### Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 119). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (para.120.d). Para. 121 explains how LPA's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as the supply of affordable housing with para 122 reiterating that planning decisions "need to reflect changes in the demand for land".

This site currently comprises an unused landscape area, which is fenced and sits behind existing bungalows of Coopers Rise and south of Southwell Road East. Policy DM5 states: [P]roposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

The development proposes one detached bungalow to the site, which would be set back from the Southwell Road East by approximately 10m with similar building line as the adjacent dwelling to the northwest. The property would be read in the context of dwellings on Southwell Road East.

The bungalow would be constructed of red brick with concrete tiles. The application site is within an established residential area. The area does not have a prevailing character; however on the northwest side of Southwell Road East adjacent to the development site and Station Road, there are number of two storey semi-detached dwellings. To the rear, properties on Coopers Rise and on St Peters Drive across Southwell Road East, are a mix of bungalows and two storey semi-detached dwellings. There is no consistent urban grain within the area.

With regards to the aesthetics of the proposed bungalow, it is noted that the properties and boundary treatment have been designed sympathetically to the surrounding area. The property would broadly follow the building line of the neighbouring dwelling which would assist in assimilating the property into the existing street scene. It is considered the proposed would not cause harm to the streetscene or the appearance and character of the area. As such the proposal accords with Core Policy 9 of the Amended Core Strategy and Policy DM5 of the ADMDPD.

#### Impact upon Residential Amenity

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

The development would be single storey in nature which would limit the potential for harmful amenity impacts to neighbouring occupiers. Furthermore, the bungalows on Coopers Rise are positioned on an elevated level when compared to the proposed site.

As mentioned previously, the dwelling would broadly follow the building line of the dwelling to the northwest at no.68 Station Road. The distance between the two properties would be approximately 8.5m. A double paned window is proposed in the side elevation facing northwest. The proposal includes the retention of the existing hedgerow on its northwest boundary as well as the close boarded fence, the former is approximately 2.0m in height. It is not considered the proposed bungalow would create any overlooking issue or amenity harm to this neighbouring dwelling.

The southwest (rear) elevation of the proposed new dwelling consists of a set of French doors and a standard three-pane window. The distance between the proposed dwelling to no.3 Coopers Rise is over 30m. Dwellings to the south of the proposed new dwelling, nos 5 and 7



Coopers Rise are positioned on higher ground and they are set at 90 degree angle with the distance between them approximately 15m and 23m respectively. It is not considered the proposed development would result in overbearing or overlooking impacts to these neighbouring plots.

The closest dwelling to the southeast is another semi-detached bungalow, approximately 12.5m from the site boundary. Taking account of the single storey nature of the dwelling and the orientation of the dwellings, it is not considered that the proposed bungalow would create amenity harm to the dwelling to the southeast.

In regard to the amenity provisions for the proposed bungalow, area of outdoor amenity space is proposed to the northeast and southwest of the dwelling. This is considered sufficient for a two bedroom bungalow. Furthermore, the provision of a 1.8m high fence surrounding the rear garden with hedge on the northeast and southwest would ensure a degree of privacy.

Nevertheless, in order to ensure that any future alteration or extensions are sympathetic to the original design, layout and the impact to the other neighbouring dwellings is appropriately considered, some permitted development rights are recommended are removed from this new dwelling. Those recommended for removal comprise Classes A (extensions) and B (roof alterations) as these could, potentially, have the greatest impact.

With the above in mind, a single storey dwelling could be accommodated within this site without significantly impacting upon existing neighbouring amenity and an acceptable garden area for any future occupiers could be provided commensurate with the size of the dwelling in accordance with Policy DM5 of the Allocations and Development Management DPD.

#### Impact upon Highway Safety

Spatial Policy 7 states that 'the Council will encourage and support development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. In particular the Council will work with the County Council and other relevant agencies to reduce the impact of roads and traffic movement, to support the development of opportunities for the use of public transport, increase rural accessibility and to enhance the pedestrian environment.'

Policy DM5 of the DPD states that 'Provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible. Parking provision for vehicles and cycles should be based on the scale and specific location of the development.'

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Council has recently adopted a residential cycle and car parking standards SPD. For a one bed property in Rainworth the parking requirement is for one space, this proposal would provide a minimum of 2 spaces of appropriate dimensions. It also requires for electric vehicle charging facilities to be provided. Building regulations require new dwellings to have these

facilities and it is not therefore considered necessary to condition this requirement in this instance.

The proposed will require a dropped kerb from Southwell Road East for the allocated parking space, which is not an unusual practice on this part of Southwell Road East.

Consultation has been undertaken with NCC as the Highways Authority. Their comments raise no objections subject to conditions which can be reasonably imposed. The movements associated with a two bed dwelling would not have a perceivable impact on the overall highways network which would warrant concern. The proposal is considered to be in accordance with Spatial Policy 7 of the Amended Core Strategy DPD and Policy DM5 of the A&DM DPD.

### Landscape and Biodiversity

The proposed site is former residential garden. Information regarding landscaping and biodiversity has been provided, shown on the Revised site location & site block plan ref: 597 SGA 270 SL DR A 00001 P6 and the biodiversity statement.

This includes:

- 2 bat boxes built in to the gable end of the bungalow at high level.
- 2 bird boxes located in the rear garden
- Planting 14m of new hedgerow to the rear of the garden.
- Planting 3 cherry blossom trees within the garden of the new build bungalow.
- Planting 1 cherry blossom tree within the garden of no11 of the adjacent council owned bungalows (the tenants have been consulted with agree to the tree planting) The tenants have also requested that the 4 conifer type trees be removed as they are impacting on the amenity of the tenants.
- Incorporate 3 hedgehog highways through the new boundary fences.

Additional planning within the wider community is also offered with the proposal as part of offsetting for biodiversity net gain. This additional planting, together with the planting of the tree in the garden of number 11 cannot reasonably be sought by way of condition. Conditions need to relate to the development proposed and the above landscaping within the application site is considered appropriate for the development. Notwithstanding this, it is likely as a public body, the Council will do its best in relation to landscaping and biodiversity. NDSC landscape officer confirmed the mitigation put forward is agreeable subject to condition to secure for a 10-year period.

### Flooding/surface water run-off

Policy DM5 'Design' of the Allocations & Development Management DPD requires new development proposals to pro-actively manage surface water including the use of Sustainable Drainage Systems. New mapping has been released by the Environment Agency on surface water flood risk. This surface water mapping provides a useful indication of low spots where water is likely to 'pond', where surface water flooding is deeper or shallower, direction and approximate speed of flowing water (indicating flow paths) and the spatial location of surface water flood risk in relation to sites.

The proposed dwelling would replace some parts of the existing permeable green area with impermeable built form thus potentially affecting surface water run-off. The Planning Statement submitted with the application states that surface water would be disposed via a sustainable drainage system or soakaway determined by engineer.

Sustainable drainage is an important consideration and one that Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) advises on where necessary. However, in accordance with relevant guidance and legislation, the LLFA are only a statutory consultee for applicable major developments, which this development is not.

No details on surface water drainage have been submitted. However, given the site's location in an area prone to surface water flooding it is considered details of surface water drainage could be adequately dealt with through an appropriately worded condition.

### Waste Management

The proposed dwelling would have a paved area to accommodate bins away from the access paths. It is considered the proposed layout plan to be acceptable in relation to bin storage.

### 5 Years Housing Land Supply and Affordable Housing Stock

This proposal will make a small but nonetheless positive contribution to the Council's 5 year housing land supply and a valuable contribution to affordable housing provision through social rent. It should be noted that a scheme for 1 residential unit would not require any affordable dwellings in policy terms albeit this is welcomed. However, given that the scheme is acceptable in any event, it is not considered that it is necessary to secure the housing as affordable units and this does not need to be weighed in the balance.

## **8.0 Conclusion**

The proposal would provide a single 2 bed dwelling in a highly sustainable area. This will be offered for social rent as there is an identified need for this type of property.

Having regards to the above, it is considered that the proposal is acceptable in principle, relates well to the surrounding properties; that the proposal development would provide affordable housing, when there is a need for such accommodation District wide. The development would have an acceptable impact on the character of the area, neighbouring amenity and highway safety subject to the recommended conditions. It is therefore recommended that planning permission is granted.

## **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, documents and shown on the drawings as listed below:

- Revised Proposed site and block plans ref: received 597-SGA-270-SL-DR-A-00001 Rev P7, received on 18 August 2022
- Revised Proposed visibility splays ref: received 597-SGA-270-SL-DR-A-00005 Rev P03, received on 30 June 2022
- Proposed floor plan and elevation of house type C ref: 597-SGA-270-ZZ-DR-A-00002 Rev P1, received on 19 April 2022
- Arboriculture report received 21 June 2022
- Biodiversity Statement received 08 Aug 2022

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

03

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

Reason: To ensure the satisfactory appearance of the completed development in the interests of visual amenity.

04

The dwelling hereby permitted shall not be occupied until visibility splays of 2.4m x 120m as shown on drawing no. 00005 Rev P3 received on 30 June 2022 titled Visibility Splays are provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: In the interests of highway safety.

05

The dwelling hereby permitted shall not be occupied until the driveway and parking area has been provided and surfaced in hard bound material for a minimum distance of 5m to the rear of the highway boundary and has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard bound surfacing and measures to prevent the discharge of surface water shall thereafter be retained for the life of the development.

Reason: In the interests of highway safety.

06

The dwelling hereby permitted shall not be occupied until the driveway is provided with a dropped vehicular footway crossing, constructed in accordance with the Highway specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

07

Prior to first occupation of the development hereby approved, the biodiversity mitigation, hard and soft landscape works as details in the biodiversity statement received on 08 August 2022 and shown on drawing ref: 597 SGA 270 SL DR A 00001 P7 received on 18 August 2022 shall be implemented in full on site and retained for a minimum period of ten years from occupation.

Reason: In the interests of visual amenity and biodiversity.

08

Any trees/shrubs and hedges which, within a period of ten years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

09

Prior to any works commencing on the construction of the foundations of the dwelling, full details of the manner in which surface water is to be disposed of from the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be maintained for the lifetime of the development.

Reason: To ensure that the site is drained in a satisfactory manner.

10

The bin storage facilities/area shown on the approved plan reference 597-SGA-270-SL-DR-A-00001 P7, shall be provided prior to first occupation of any of the dwelling hereby approved and retained for the lifetime of the development.

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

11

Notwithstanding the provisions of the Town and Country planning (General Permitted Development 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.

Reason: To ensure that any proposed further alteration or extensions are sympathetic to the original design and layout in this sensitive location.

### **Informative**

01

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

02

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

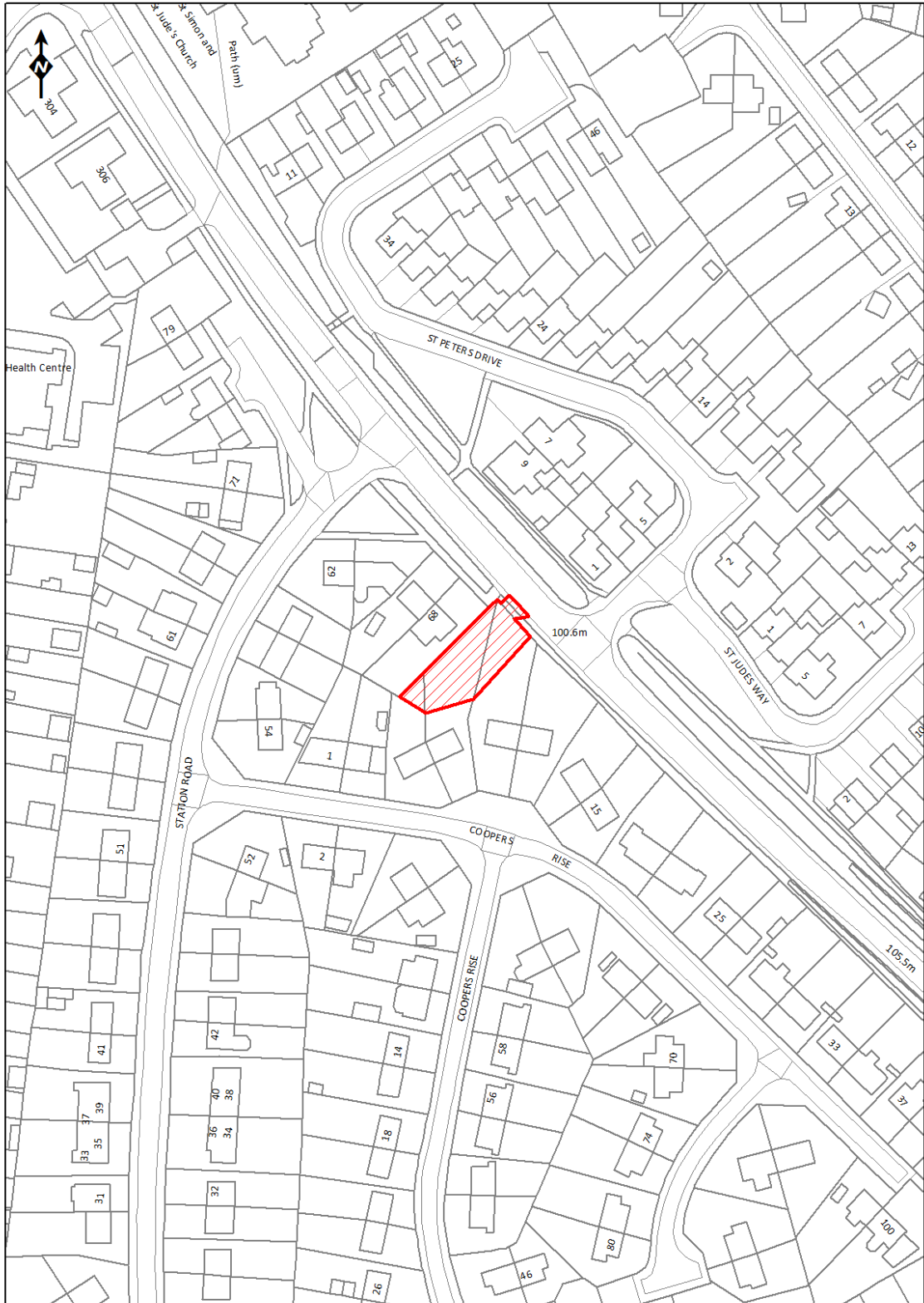
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to arrange for these works to take place.

### **BACKGROUND PAPERS**

Committee Plan - 22/00783/FUL



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Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/01659/S73		
<b>Proposal</b>	Application for variation of conditions 8 (landscaping) and 16 (drainage design) to revise the wording of each condition attached to planning permission 21/02533/FUL.		
<b>Location</b>	Hill House, Chapel Lane, Epperstone, NG14 6AE		
<b>Applicant</b>	Mr Jonathan Mould	<b>Agent</b>	Mr Matthew Oliver
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01659/S73">22/01659/S73   Application for variation of conditions 8 (landscaping) and 16 (drainage design) to revise the wording of each condition attached to planning permission 21/02533/FUL.   Hill House Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	23.08.2022	<b>Target Date</b>	18.10.2022
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 9 and the SoS Referral		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.**

## 1.0 The Site

This application site relates to an approx. 0.9 ha parcel of land situated on the western side of Chapel Lane in the northern extremities of the village of Epperstone. The plot includes Hill House, which is a large detached dwelling (estimated at 239.75m<sup>2</sup> footprint) in addition to a garage and shed (at 45m<sup>2</sup>), a disused tennis court which lies to the south-east of the dwelling and a large formal garden area. Access is taken from the north-east corner of the site off Chapel Lane past the dwelling known as ‘The Elms’. Hill House is set back in excess of 100 m within the site and is not immediately visible from the entrance into the site. The dwelling sits on an elevated position in the landscape where the topography increases from Chapel Lane



west further into the application site, however, given existing boundary vegetation the property can only be seen in glimpsed views from the surrounding area.

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

## **2.0 Relevant Planning History**

**21/02533/FUL** - Erection of a replacement dwelling and associated works and landscape enhancements – Approved 16.03.2022 subject to conditions (some of which have been discharged under references: 22/01287/DISCON Condition 13, 22/01411/DISCON Condition 10, and 22/01552/DISCON Condition 14)

## **3.0 The Proposal**

The application is a Section 73 application submitted to allow the variation of Conditions 08 and 16 attached to planning permission 21/02533/FUL to amend the wording of the conditions to allow demolition and construction works to commence prior to submission of the requisite information.

Condition 08 reads:

*No development other than demolition shall take place until full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and shall include:*

- *full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;*
- *existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;*
- *proposed finished ground levels or contours (should be shown in context of existing land levels);*
- *means of enclosure;*
- *car parking layouts and materials;*
- *hard surfacing materials;*
- *minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)*

*Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.*

The Applicant seeks to amend this to read: “**Prior to occupation** full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority [...]” due to the desire to commence construction prior to defining the set details of the hard and soft landscaping to assist in developing the detailed landscaping design with better understanding of the site context during construction.

Condition 16 reads:

*No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.*

*Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.*

The Applicant seeks to amend this to read: “No development **other than demolition** shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority [...]” to enable them commence demolition in a timely manner before defining the detailed drainage design which requires more detailed consideration in accordance with the overarching engineering concepts and sustainability strategy for the scheme.

No physical changes are proposed to the scheme. The application seeks only to amend the wording of the abovementioned conditions as described.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 14 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

The Council has also referred the application to the Secretary of State (SoS) as the original planning application represented a departure from planning policy and would result in a dwelling with floor space in excess of 1,000 square metres, in accordance with The Town and Country Planning (Consultation) (England) Direction 2021. The SoS referral period expires on 03.10.2022.

#### **5.0 Planning Policy Framework**

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

### **Epperstone Neighbourhood Plan, adopted December 2019**

EP 7: Trees and Hedgerows

EP 8: Biodiversity

EP 9: Distinctive Views and Vistas

EP 11: Design Principles

EP 16: Epperstone Conservation Area

EP 17: Epperstone Historic Character

### **NSDC Amended Core Strategy Adopted 2019**

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

### **Newark and Sherwood Allocation and Development Management DPD, adopted 2013**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 - Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021;
- Planning Practice Guidance (online resource);
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Landscape Character Assessment Supplementary Planning Document Dec 2013

## **6.0 Consultations**

*NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.*

**Epperstone Parish Council** – no comments received.

**Secretary of State** – *Comments to be referred to Members as a late item as the referral period expires on 03.10.2022 after the publishing of reports. For information, the SoS previously confirmed they did not wish to call-in the original planning application.*

**No comments have been received from any local residents/interested parties.**

## **7.0 Comments of the Business Manager – Planning Development**

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing 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 not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The 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 are minded to grant a new planning consent. Full planning permission was granted in March 2022 subject to conditions. The conditions to be varied in this application are Conditions 08 (Hard and Soft Landscaping Scheme) and 16 (Drainage Plans) to amend the wording of the conditions to allow demolition and construction works to commence prior to submission of the requisite information as set out in the description of the proposal. The wording changes to these conditions are very minor and would not result in any additional development or physical changes to the appearance of the scheme as approved. As a result, the scope of assessment in this case is limited to whether the timing of the submission of the details required by these conditions would impact the development as a whole. Each condition will now be taken in turn.

#### Condition 08 – Hard and Soft Landscaping Scheme

Condition 08 requires the submission of the detailed hard and soft landscaping plans for the site prior to the commencement of development other than demolition works (so before any construction of the new dwelling is commenced). The Applicant seeks to amend this condition to require submission of these details '*prior to occupation*' of the replacement dwelling to allow for construction of the dwelling to be commenced prior to defining the set details of the landscaping scheme. The Applicant has explained that this is to assist them in developing the detailed landscaping design with better understanding of the site context during construction.

The landscaping strategy for the development is a key element of the scheme, this was set out in detail in the Ibboston Studios Landscape section of the Design and Access Statement dated Nov 2021 (pages 52-66) and included on the approved plans ref. 069 02A, 03A, 04A and

05. In assessing the application, the Design Midlands: Review Panel (DRP) commended the proposed landscaping strategy and Officers gave weight to this as a positive element of the overall design approach (see pages 9-10 of the original committee report<sup>1</sup>). The parameters of the landscaping approach for the development, which carried positive weight in the assessment of the overall design and visual impact of the scheme, factored into the endorsement of the scheme by the DRP and the conclusion that the proposal would represent a scheme of outstanding design sufficient to constitute the very special circumstances required to justify inappropriate development within the Green Belt, have largely been set by the details included on the approved plans and within the Ibboston Studios Landscaping strategy.

It is appreciated that the Applicant wants to have a greater understanding of the context of the new dwelling within the site before defining the full details of the hard and soft landscaping scheme. As such it is not considered that delaying the submission of the more specific and detailed information required by condition 08 (such as the full planting specification, means of enclosure, specific hard surfacing materials and design of the minor artefacts shown on the plans) until construction has commenced on the replacement dwelling would undermine or compromise the overall design of the scheme. This is particularly given the level of detail that has already been secured through the approved plans and thus the security that the development will take the form envisaged through the original application submission. As such there is no objection to the variation as proposed.

#### Condition 16 – Foul and Surface Water Drainage Plans

Condition 16 requires the submission of details of foul and surface water drainage to be submitted prior to the commencement of any development on site. The wording of this condition precludes commencement of the demolition of the existing dwelling on site and the Applicant seeks to amend the wording of the condition to allow demolition works to commence prior to submission of these details in the interest of programming works and commencing on site in a timely manner.

The condition requires the drainage plans for the site to be developed in accordance with the drainage strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy included within the Design and Access Statement dated Nov 2021 (pages 67-81) to ensure the sustainability aims of the development are delivered. The Agent has explained that the desire is to commence with demolition on site before the winter months to ensure construction programming for the replacement dwelling can followed without delays. The Applicant has discharged all other pre-commencement conditions in preparation for commencement on site and it is understood that the detailed drainage plans require more technical preparation which could delay the project if required to be submitted prior to the commencement of demolition.

Officers see no reason to require the submission of the detailed drainage plans for the new dwelling prior to the commencement of demolition works as the drainage works would only be able to be undertaken once the existing dwelling has been demolished and before construction works commence on the replacement dwelling itself. Furthermore, the drainage

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<sup>1</sup> [21\\_02533\\_FUL--1277505.pdf \(newark-sherwooddc.gov.uk\)](#)

strategy for the development has already largely been defined by the approved details (as covered in detail on pages 23-24 of the original committee report<sup>2</sup>) and set out in the Buro Happold Strategy (which is secured by condition 07) to ensure the development takes the form envisaged through the original application submission. There would be no physical or technical implications on the scheme as a result of amending the condition in the manner described by the Applicant – as such there is no objection to the variation as proposed.

### Assessment of the remaining conditions

The NPPG 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.

Following the grant of permission in March the Applicant has submitted a number of discharge of condition applications in preparation of commencement of development on site (specifically for conditions 10, 13 and 14) – given details have been agreed as part of these applications these conditions can be re-worded accordingly. For ease of reference the conditions as originally imposed are listed in full below (see section 10) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording.

## **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

Only the very narrow scope of the matters of varying the conditions imposed are open for consideration in this assessment and in this case the amendments proposed to the conditions are relatively minor. No adverse impacts have been identified that would arise from the amendments as proposed and Officers do not consider the re-wording of the conditions to require the submission of the relevant details at different stages of the development than originally set by these conditions would materially alter the development that was originally approved. As such, Officers see no justification to resist the proposal and recommend that planning permission is granted subject to the conditions outlined below.

## **10.0 Conditions**

### **01**

The development hereby permitted shall not begin later than **16 March 2025** ~~three years from the date of this permission.~~

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<sup>2</sup> [21\\_02533\\_FUL--1277505.pdf \(newark-sherwooddc.gov.uk\)](#)

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

## **02**

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

- Site Location Plan – Ref. 217.08.10000.LP REV P1
- North and South Building Elevations – Ref. 217.08.31000.ELE REV P1
- East and West Building Elevations – Ref. 217.08.32000.ELE REV P1
- Site Plan Proposed – Ref. 217.08.12000.SITE REV P1
- Proposed Basement Plan – Ref. 217.08.20100.GA REV P1
- Proposed Ground Floor Plan – Ref. 217.08.20200.GA REV P1
- Proposed First Floor Plan – Ref. 217.08.20300.GA REV P1
- Proposed Roof Plan – Ref. 217.08.20400.GA REV P1
- Garden Layout – Ref. 069-02A
- Garden Sections 1-3 – Ref. 069-03A
- Garden Sections 4-5 – Ref. 069-04A
- Tree Strategy – Ref. 069-05

Reason: So as to define this permission.

## **03**

No development above slab level shall take place until manufacturers details (and samples upon request) of all external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority, including but not limited to:

- Bricks;
- Wall Coverings;
- Roof Coverings;
- Green Roofs (full installation and planting specifications);
- Cladding and Detailing Materials;
- Timber;
- Coping Materials;
- Balustrades;
- Windows and Doors (including glazing).

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

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

## **04**

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of

not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Balustrades;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Solar Panels (including number, positioning, inclination and specifications);
- Soil and vent pipes (if required);
- Any other external accretions.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

## **05**

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

## **06**

Prior to any development above slab level brick sample panels (of no less than 1sqm) showing the brick bond, mortar specification, pointing technique, and any architectural decoration (as detailed on the plans required by condition 05) shall be provided on site for inspection and subsequently agreed through written approval by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

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

## **07**

The construction of the development hereby approved shall be undertaken in strict accordance with the Buro Happold Engineering Concepts and Sustainability Strategy as



detailed on pages 67-81 of the Design and Access Statement dated November 2021 submitted in support of this application.

Reason: In recognition of the very special circumstances that support this development and to ensure that the development takes the form envisaged through the application submission.

## 08

~~No development other than demolition shall take place until~~ **Prior to occupation of the dwelling hereby approved**, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours (should be shown in context of existing land levels);
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)

Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.

## 09

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

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

10

**The works/development hereby permitted shall be undertaken in full accordance with the Arboricultural Method Statement and Tree Protection details approved under application 22/01411/DISCON (dated 26 August 2022) as set out in documents:**

- **Arboricultural Impact Assessment, Report No: RT-MME-156654-02, Dated: November 2021, produced by Middlemarch Environmental**
- **Arboricultural Method Statement, Report No: RT-MME-157979-03-01 Rev B, Dated: August 2022, produced by Middlemarch Environmental**
- **Email form Matthew Oliver received 25.08.2022 regarding service installation.**

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

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

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

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

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

11

## Prohibited activities

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

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

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

## 12

The development hereby approved shall be undertaken in strict accordance with Mitigation, Compensation, Enhancement and Further Survey Recommendations outlined at Chapter 6 (pages 34-39) of the Preliminary Ecological Appraisal, Daytime Bat Survey, Bat Activity Surveys & Biodiversity Net Gain Assessment prepared by EMEC Ecology dated November 2021 submitted in support of this application.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

## 13

**The works/development hereby permitted shall be undertaken in full accordance with the Bat Mitigation Strategy approved under application 22/01287/DISCON (dated 11 July 2022) as set out in documents:**

- Letter from EMEC Ecology dated 23rd June 2022
- Confirmation of License Email from Natural England – dated 14.06.2022

**Reason: In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.**

~~No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS), agreed by Natural England, has been submitted to and approved in writing by the Local~~

Planning Authority. The approved BMS shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development. The BMS shall include:

- ~~Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;~~
- ~~A methodology of demolition~~
- ~~Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.~~

Reason: ~~In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.~~

14

The works/development hereby permitted shall be undertaken in full accordance with the Demolition and Construction Management Plan approved under application 22/01552/DISCON (dated 12 September 2022) as set out in documents:

- Substructure Removal – Ref. SSW.RA
- Removal of Asbestos, Mastic, Sealant, Beading, Fill, Putty or Fix – Ref. SSW.RA
- Removal of Asbestos Damp Proof Course – Ref. SSW.RA
- Removal of Asbestos Cement Products – Ref. SSW.RA
- Removal of Asbestos Gaskets and Ropes – Ref. SSW.RA
- Demolition of a Brick Built Structure – Ref. SSW.RA
- Construction Phase, Demolition Plan
- Construction Management and Traffic Plan (September 2022)
- Construction Traffic Management Plan and Health and Safety – Ref. 069 08
- Construction Traffic Management Plan and Health and Safety Management Plan

Reason: ~~In the interests of residential amenity.~~

~~No development shall be commenced, including any works of demolition or site clearance until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition and construction periods. The Statement shall provide for:~~

- ~~the parking of vehicles of site operatives and visitors;~~
- ~~loading and unloading of plant and materials;~~
- ~~storage of plant and materials used in constructing the development;~~
- ~~measures to prevent the deposit of mud and materials on the highway.~~
- ~~measures to control the emission of dust and dirt during construction;~~
- ~~measures to protect pedestrians using the public right of way;~~
- ~~a scheme for recycling/disposing of waste resulting from demolition and construction works;~~
- ~~Hours of working.~~

~~Reason: In the interests of residential amenity.~~

## 15

Prior to occupation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed. No external lighting shall be installed otherwise than in accordance with the specifications and locations set out in the approved scheme and shall be retained and maintained thereafter. No other external lighting shall thereafter be installed.

Reason: In the interests of residential amenity.

## 16

No development **other than demolition** shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.

## 17

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

- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.

- Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

### Notes to Applicant

#### **01**

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

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

#### **02**

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### **03**

Notes from NCC Rights of Way:

- The route of Epperstone Public Footpath No. 1 passes along the first section of the driveway to Hill House. The correct legal alignment of the public right of way can be checked by carrying out an official search, contact [row.landsearches@nottsc.gov.uk](mailto:row.landsearches@nottsc.gov.uk).
- The applicant will need to demonstrate how members of the public using the footpath will be kept safe during the demolition and construction phase of the proposal. A

Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

- The surface of the driveway and therefore the footpath is currently a crushed stone/gravel surface with some worn tarmac where it meets the 'adopted' Chapel Lane. The plans seem to show no indication of the proposed treatment of the driveway surface following construction. Given the sloping nature of the drive; the likely increase in volume, size and weight of vehicles using the driveway during construction; it is likely that the existing surface will experience a high degree of damage and wear.
- Any vehicular damage to the surface of the footpath will need to be repaired by yourselves. The applicant will need to indicate and obtain approval of any changes to the surface treatment of the drive/Public Footpath.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

#### 04

Notes from Cadent Gas:

- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
- Your responsibilities and obligations
- Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

#### 05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

#### 06

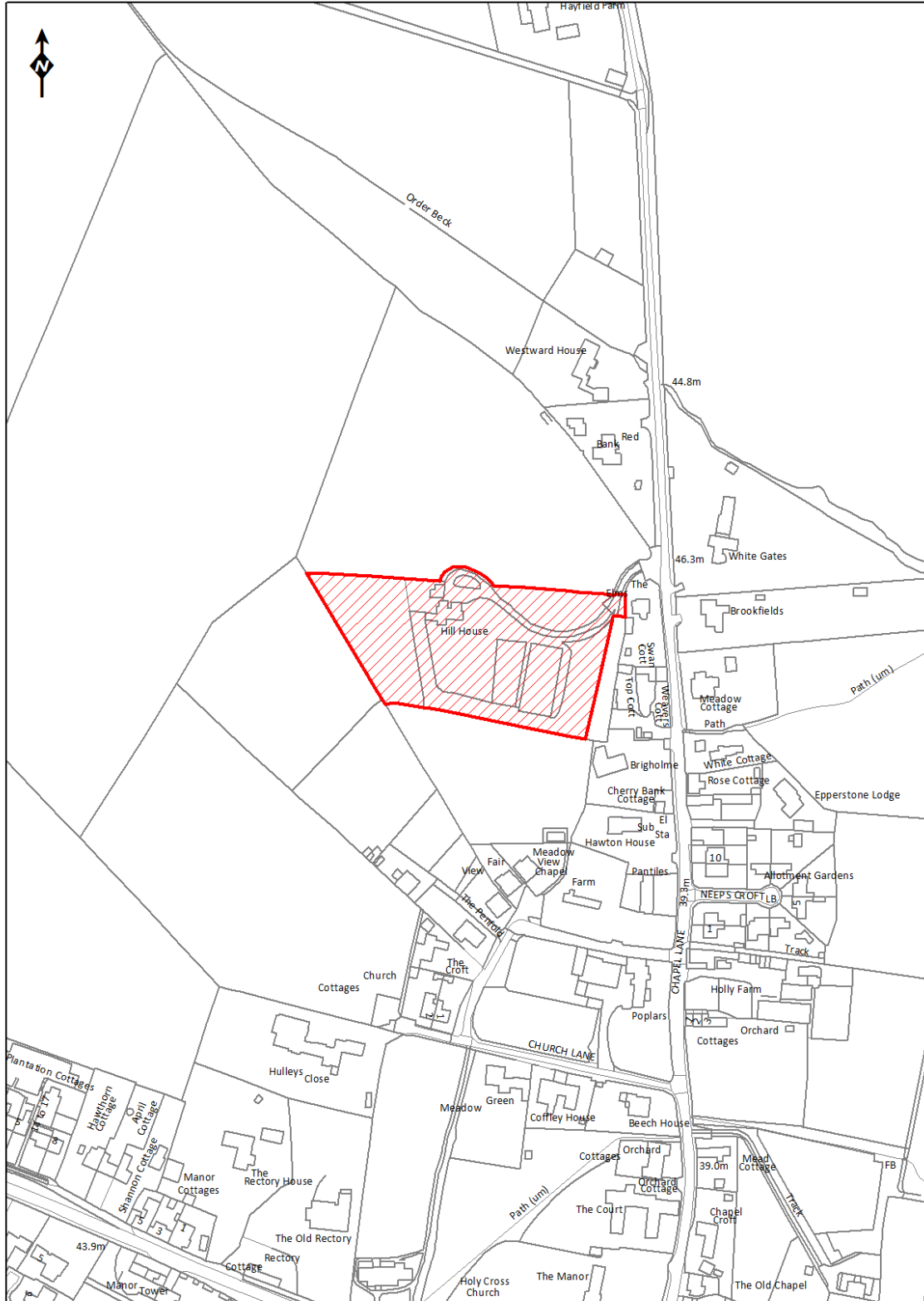
All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

#### BACKGROUND PAPERS

Application case file.



Committee Plan - 22/01659/S73



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Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
<b>Application Number</b>	16/00506/OUTM		
<b>Proposal</b>	Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), food and drink uses (not exceeding 115sqm), community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.		
<b>Location</b>	Land At Fernwood South		
<b>Applicant</b>	Persimmon Homes East Midlands		
<b>Web Link</b>	<a href="#">16/00506/OUTM   Outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.   Land At Fernwood South Nottinghamshire (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	20.04.2016	Target Date <i>(Extension of Time agreed in principle)</i>	10.08.2016

<b>Recommendation</b>	Approve, subject to the conditions at Appendix 1 and the completion of a Section 106 agreement in accordance with Appendix 2
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## **1.0 Application Process to Date**

The application has been presented to Members on five previous occasions.

The first was on 13<sup>th</sup> September 2016 with an Officer recommendation of approval. The second, was on 24<sup>th</sup> July 2018 where Officers outlined the original viability case presented by the applicant as well as outlining the changes which had occurred between 13 September 2016 and 24 July 2018 in respect of Section 106 negotiations and other changes in material planning considerations. The third was on 5<sup>th</sup> February 2019 where Officers presented a 'sense check' of their recommendation in the context of the revised National Planning Policy Framework (NPPF). The fourth was on October 6<sup>th</sup> 2020, where the applicant presented updated financial appraisals to make amendments to some of the triggers in the S106. The most recent occasion was on 7<sup>th</sup> September 2021 clarifying the position of Nottinghamshire County Council in relation to bus stop infrastructure.

Previous committee reports can be found on the application file in the link in the above table. At the outset it should be stated that on all occasions Members have resolved to approve the application subject to conditions and the sealing of the Section 106 agreement. The decision is yet to be issued due to discussions in relation to the Section 106.

## **2.0 Current Position**

Since the application was last brought before Members, discussions have been ongoing in respect to the associated Section 106 agreement. The purpose of the current report is to update Members on the proposed changes which differ in relation to the previous resolution.

### Section 106 Triggers

As set out above, the Section 106 triggers were last reviewed by Members in October 2020 where it was accepted that the applicant would need to undertake the viability review at 840 units (46.7%) and the second at 1,188 units (66%).

The applicant has now raised an issue with the above that essentially stems from Persimmon committing to the first phase and allowing the later phases to go to market. The Section 106 review mechanism as drafted currently offers no protection against cumulative completions across multiple phases triggering early reviews. It also leaves uncertainty for the marketing of the later phases as the exact amount of affordable provision will be unknown.

The solicitors (applicants and NSDCs) have been in discussion and the Council's appointed solicitor has suggested that a reasonable solution would be to have three review thresholds each triggered at 80% of those dwellings being occupied within each Phase respectively (i.e. not spread across the wider site). That way, viability would only be reassessed when occupation within a distinct phase is met meaning more accurate financial data would be available due to the existence of actual values. Liability would then be split such that the

owner/developer of Phase 1, 2 and 3 respectively would only be liable for the overage payable on their relevant phase and any additional contribution would be capped as a proportion to the numbers in that phase. For example, the maximum overage payable is circa £9.79 million for the 1800 units so based on the first phase of 840 units, the maximum overage payable for phase 1 would be circa £4.56 million.

The applicant has accepted this approach and therefore it is suggested that the Section 106 is amended to reflect these discussions.

### First Homes Requirement

First Homes are a specific kind of discounted market sale housing which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Although the Planning Practice Guidance sets out a number of transitional arrangements where their incorporation into a Section 106 would not be required, none of these apply to the current application. The affordable housing secured through the Section 106 will therefore require amending to include 25% of all affordable homes as First Homes.

Based on the previously agreed affordable housing contribution of 13%, there would be 234 affordable units on site. Officers have been in discussions with colleagues in Strategic Housing to understand the potential financial implications of the inclusion of First Homes. The applicant has raised concerns that a discount of 30% (rather than the agreed 25%) would affect the overall viability of the scheme.

However, if the agreement were to be continued on the basis of a 52 / 48 split of the remaining 75% affordable (i.e. less the First Homes) then it is the Council's view that to the contrary, the inclusion of less social / affordable rented could be financially beneficial to the applicant. The Council's Strategic Housing Officer has therefore calculated a revised mix as shown below which would have a comparable impact for the applicant financially.

Tenure	Previously Agreed		LPA suggestion	
	%	No. of Units	%	No. of Units
<i>Social / Affordable Rent</i>	52	122	43	101
<i>Discount for sale at 75% of Open Market</i>	48	112	32	75

<i>Value</i>				
<i>First Homes at 70% of Open Market Value</i>	0	0	25	58
<b>Total</b>	<b>100</b>	<b>234</b>	<b>100</b>	<b>234</b>

The applicant has accepted the revised mix as presented and therefore it is considered reasonable to complete the Section 106 on this basis.

### County Council Contributions

#### *Education*

Correspondence has been received from Nottinghamshire County Council (NCC) in respect to the currently drafted provision for education:

*“We are concerned that due to the considerable lapse in time since the original committee resolution (in 2018) and the ongoing finalisation of the S106 agreement, the original figure requested by NCC in 2016 is no longer sufficient to deliver a 2FE primary school. To illustrate, based on the costs per place published by the DfE most recently, the cost of delivering a two-form entry school would be £9,507,540 (£22,637 x 420). As such, the current draft S106 appears to seriously undermine the ability of the County Council to deliver a new primary school, should the developer elect to pay the contribution to NCC in lieu of delivering the school directly.”*

Further confirmation has been received that the relevant costings are updated when further evidence of typical build costs are published by the Department for Education (derived from actual build costs by authorities). These figures are used in NCC’S Developer Contributions Strategy which was adopted in December 2021. The figure currently within the Section 106 (£5,751,854) is based on pre-application discussions dating back to 2015 and understandably there have been several updates to build costs since that time.

A two form entry school would be the nearest viable school size relative to the scale of the development proposed. However, NCC have recognised that the proposal does not generate the full 420 pupils and based on the formula in their strategy for the pupils to be generated by the development, the contribution calculation would equal £8,556,786.

Officers have undertaken a sense check of how the original figure would have changed based purely on increased BCIS rates since the first Committee resolution in 2016:

#### **BCIS Rates :**

- Q3 2016 – 281
- Q4 2019 – 333
- Q3 2022 – 366

#### *Education*

- £5,751,854/281 \* 333 = £6,816,254

- $£5,751,854/281 * 366 = £7,491,738.66$

Based on the above, the current figure in the Section 106 would need to increase by £1,739,884.66 but to reach the latest figure requested by NCC it would need to increase by £2,804,932. Both sums are significant and both sums would again affect the overall viability of the scheme.

#### *Bus Service Provision*

Linked to the above discussion, NCC have raised issue with the bus service contribution seeking an increase from the original £525,000 in line with the increase in RPI. To be comparable to the above, Officers have again applied BCIS increases to understand the reality of what this increase would be:

#### *Bus Service*

- $£525,000/281 * 333 = £622,153$
- $£525,000/281 * 366 = £683,808$

RPI rates would lead to a slightly lower increase (£680,181) but both figures would be a notable increase from the original figure.

The LPA is now in an extremely difficult position in that to insist on the increased education and bus service contributions requested by NCC could potentially prevent the scheme coming forwards. However, to the contrary to continue with the drafting of the figures previously agreed in the Section 106 would potentially lead to a development which cannot be appropriately served (i.e., the funds simply would not be enough to build a school on today's costings).

Given the strategic importance of the development, Officers have been in discussions with the applicant with a view of reaching a compromised position. The applicant has confirmed that they would be willing to have the education contribution indexation to be backdated to the original September 2016 committee, i.e., it would increase to the £7,491,738.66 figure referred to above. Officers have presented this offer to NCC and their response will be reported to Members.

As decision makers, it is within the gift of Members to re-distribute the financial contributions within the Section 106. For example, as set out in Appendix 2, at the moment the drafting secures £1.7million towards healthcare provision. Members could determine that education is a higher priority than health and thus this money should instead be used to increase the education contribution (noting even this would still not be enough to build a full two form entry primary school but would cover the education contribution attributable to the development size).

Members could also choose to accept a lower than 13% affordable housing delivery on site but it should of course be noted that the affordable housing delivery is already significantly less than the policy required 30%.

### **3.0 Implications**

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

### **4.0 Conclusion**

The material changes since the latest resolution are set out above. Officers consider in respect to triggers and first homes that the changes detailed are appropriate and necessary to bring the matter to the legal agreement to a resolution and in turn allow the application to be granted.

The requests of NCC have been noted and the rationale behind them is appreciated. The applicant is agreeable to a compromised position to back date the education contribution indexation to be backdated to the time of the first committee meeting which based on BCIS figures will lead to a notable increase in the education contribution towards that being sought by NCC. There would still be a shortfall compared to the requested figure and the bus stop contribution would remain at the £525,000 figure as drafted.

Officers consider that the compromised position should be accepted without further reapportionment of the other contributions previously agreed due to the impact upon healthcare and/or affordable housing provision.

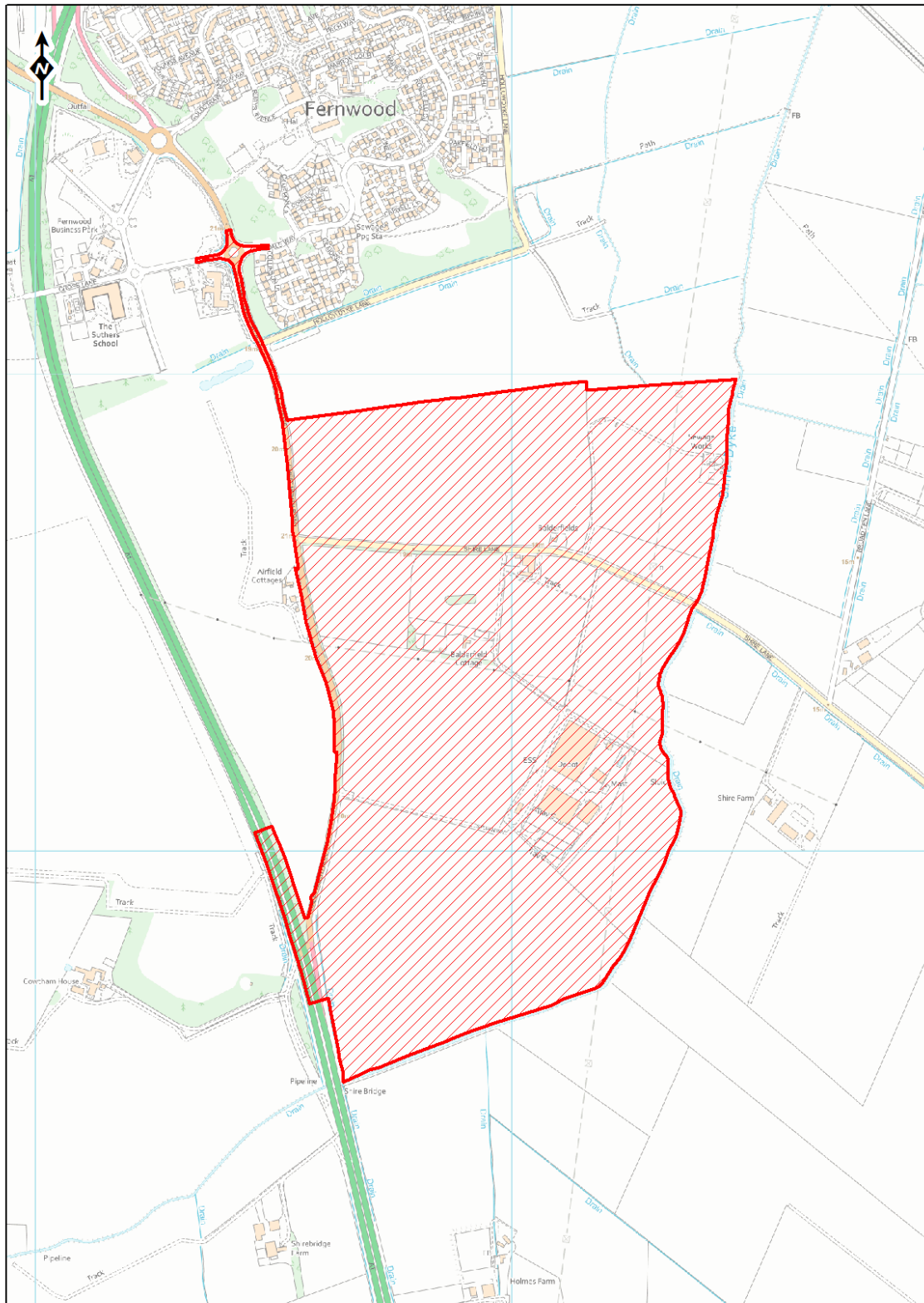
It is anticipated that this will allow the applicant to proceed to reserved matters stage and deliver the development in line with the strategic objections of the Development Plan.

#### **BACKGROUND PAPERS**

Application case file.

Appendix 1 – Conditions and Informatives

Appendix 2 – Developer Contributions



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**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

Commencement	01	<p>The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Time period	02	<p>The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of fifteen years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Reserved Matters	03	<p>Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development (pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of Town and Country Planning Act 1990, as amended by Section 51 of the Planning &amp; Compulsory Purchase Act 2004 and for reasons of sustainable travel and highway capacity.</p>
Phasing	04	<p>The development hereby approved shall be implemented in accordance with the Phasing Plan (drawing no. 6534-L-06) and each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:</p> <ol style="list-style-type: none"> <li>I. Development area or parcels, including broad areas, range of residential unit numbers and/or floorspace or non-residential uses.</li> </ol>

**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

		<p>II. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways and bus stop infrastructure.</p> <p>III. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management.</p> <p>IV. Timing and delivery of the associated Green Infrastructure with that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities);</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
Plans	05	<p>Reserved matters submissions for any phase or sub phase hereby approved shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Parameters Plan A Application Boundary FPCR Drawing Reference No. 6534-L-01</li> <li>• Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02</li> <li>• Parameters Plan C Residential Density FPCR Drawing Reference No. 6534-L-03</li> <li>• Parameters Plan D Access FPCR Drawing Reference No. 6534-L-04</li> <li>• Parameters Plan E Green Infrastructure FPCR Drawing Reference No. 6534-L-05 Rev A</li> <li>• Parameters Plan F Phasing FPCR Drawing Reference No. 6534-L-06</li> </ul> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
Design	06	<p>The submission of each reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated within the Illustrated Masterplan Ref 6534-L-07 rev. I and the Design and Access Statement. For the avoidance of doubt this should include changing facilities, toilets and car parking for the sporting provision to north of Shire Lane for the relevant phase or sub phase of the development.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>

**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

	07	<p>Each application for reserved matters approval for each phase or sub phase of the development shall include a statement detailing how the application responds to the design principles contained within the Masterplan and Design and Access Statement on the following matters, subject to revisions agreed in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Place making including build form, design, scale, height and massing;</li> <li>• Design, materials, detailing and boundary treatment;</li> <li>• Movement including street hierarchy, connectivity and design principles; and</li> <li>• The design and function of landscaping, green infrastructure and open space</li> </ul> <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p>
Development Quantum Residential	08	<p>The development hereby permitted authorises the erection of no more than 1800 dwellings falling within Use Class C3.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Development Quantum    Local Centre	09	<p>The development hereby permitted authorises no more than 0.75ha gross floor space falling within Class E (a, b, c, e, f) or Class F1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) or any provision equivalent to that Class and for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Order 2015 permitted development rights will not apply to the 0.75 ha floor space referred to in this condition and which are to be provided within a Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02. Any reference to a Lawful enactment referred to herein includes any subsequent modification of said Lawful enactment.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>

**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

Development Quantum Specific Uses	10	<p>Within the Local Centre as indicated on Parameters Plan B Land Use FPCR Drawing Reference No. 6534-L-02, food retail uses shall not exceed 420sqm (gross floor area) with non-food retail not exceeding 115sqm, community uses not exceeding 1,413sqm and sports pavilion not exceeding 252sqm.</p> <p>Reason: To define the planning permission and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Land Contamination	11	<p>Unless otherwise agreed by the Local Planning Authority, development in any relevant phase or sub phase which has potential sources of contaminants as identified by the Preliminary Risk Assessment undertaken by RSK and dated December 2014, other than that required to be carried out as part of an approved scheme of remediation, 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.</p> <p>Part A: Site Characterisation</p> <p>An investigation and risk assessment for the relevant phase or sub phase of the development, 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:</p> <ul style="list-style-type: none"> <li>(i) a survey of the extent, scale and nature of contamination;</li> <li>(ii) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>• human health;</li> <li>• property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;</li> </ul> </li> </ul>

**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

		<ul style="list-style-type: none"><li>• adjoining land;</li><li>• ground waters and surface waters;</li><li>• ecological systems;</li><li>• archaeological sites and ancient monuments;</li></ul> <p>(iii) an appraisal of remedial options, and proposal of the preferred option(s).</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.</p> <p>Part B: Submission of Remediation Scheme</p> <p>A detailed remediation scheme for the relevant phase or sub phase of the development 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.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the relevant phase or sub phase of the development, other than that required to carry out remediation and 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.</p> <p>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.</p>
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**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

		<p>Part D: Reporting of Unexpected Contamination</p> <p>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.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared for the relevant phase or sub phase of the development, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.</p> <p>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.</p>
Parking and Management Plan	12	<p>The reserved matters application for the relevant phase or sub phase of the development relating to the delivery of the primary school shall include a parking and management plan (including appropriate provision to utilise car parks associated with the Local Centre and a school safety zone which shall include appropriate signing, lining, traffic calming, coloured surfacing, and parking restrictions) and shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.</p>
Construction Management Plan	13	<p>No development shall take place on any phase or sub phase of the development until a Construction Environmental Management Plan (CEMP) for that phase or sub phase of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of the development. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:</p>

**Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

	<ul style="list-style-type: none"><li>• the parking of vehicles of site operatives and visitors including manoeuvring arrangements;</li><li>• loading and unloading of plant and materials;</li><li>• storage of plant and materials used in constructing the development;</li><li>• the proposed site compound;</li><li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li><li>• wheel and vehicle body washing facilities;</li><li>• provision of road sweeping facilities;</li><li>• measures to control the emission of noise, dust and dirt during construction;</li><li>• a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works;</li><li>• a Materials Management Plan (MMP) to address the storage and handling of materials;</li><li>• a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work;</li><li>• the means of access and routing strategy for construction traffic;</li><li>• details of construction traffic signage;</li><li>• management and procedures for access by abnormal loads;</li><li>• a strategy to control timings of deliveries to avoid the morning and evening peak travel times;</li><li>• hours of construction work;</li><li>• a construction Travel Plan;</li><li>• management of surface water run-off, including details of a temporary localised flooding management system;</li><li>• the storage of fuel and chemicals;</li><li>• the control of temporary lighting;</li><li>• measures for the protection of retained trees, hedgerows and watercourses as identified in Tree Survey and Constraints Report dated 19<sup>th</sup> October 2015;</li><li>• Appropriate controls for the storage of hazardous materials and fuel storage and filling areas</li></ul>
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		Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2C and in line with the ES.
Phased Noise Attenuation submitted with each RMA	14	<p>Each reserved matters application for each phase or sub phase of the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or sub phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that noise levels, specifically from the A1 Trunk Road are appropriately mitigated and that the mitigation measures are implemented in a timely manner. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.</p>
Noise of plant	15	<p>All new buildings containing plant and/or machinery or fixed external plant should be attenuated to achieve the noise criteria of 5dB below the measured background (L<sub>90</sub>) at adjacent dwellings' (with an acoustic feature correction applied).</p> <p>Reason: To protect the amenity of the occupiers of the proposed development.</p>
Phased Archaeology	16	<p>No development shall take place within each phase or sub phase of the development hereby approved (pursuant to Condition 4) until an Archaeological Scheme of Treatment Work for the relevant phase or sub phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development in any relevant phase or sub phase shall be implemented in accordance with the approved Archaeological Scheme for Treatment Work.</p> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2C.</p>



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Bird protection	17	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: To safeguard protected species and to accord with the objectives of the National Planning Policy Framework and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p>
Habitat Creation & Management Plan	18	<p>No development (pursuant to Condition 4) shall take place within each phase or sub phase until a Habitat Creation and Management Plan which relates to the green infrastructure associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable.</p> <p>Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the National Planning Policy Framework as well to take account of the Nottinghamshire Local Biodiversity Action Plan. Management of Habitat with monitoring element and POS to be included in the S106.</p>
Operational phase external lighting scheme to accompany RMA	19	<p>Applications for reserved matters approval for each phase or sub phase shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.</p>

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		Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.
Foul Sewage Disposal	20	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>
Detailed Surface Water Drainage Scheme	21	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until a detailed surface water drainage scheme for that Phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase.</p> <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p>
Suspended Solids	22	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.</p> <p>Reason: To reduce the risk of surface water pollution.</p>

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Flood risk	23	<p>The finished floor levels of residential development identified in the 2d Flood Depths within drawing 6534-L07 rev. I submitted to accompany the letter from RSK dated 8th August 2016 are to be set 600mm above the predicted 1% 2015 flood level based on the flood risk depths.</p> <p>Reason: To reduce flood risk to the proposed development.</p>
Travel Plan	24	<p>No development shall commence within each phase or sub phase until a scheme of implementation for the details within the Framework Travel Plan dated March 2016 and prepared by Milestone Transport Planning has been submitted to an approved in writing by the local planning authority. The Travel Plan shall be updated if required as part of each Reserved Matters submission for each phase or sub phase of development. The scheme shall be implemented as approved. For the avoidance of doubt the scheme shall include the following:</p> <ul style="list-style-type: none"> <li>• Timing and means of delivery for the revenue contributions towards the additional costs to support the bus provision;</li> <li>• Timing and means of delivery for on site bus infrastructure;</li> <li>• Timing of delivery for the temporary terminus / turn-round point for the extended bus service to the site;</li> <li>• Details of appointment and job description of the Travel Plan Coordinator in line with Table 6.1 of the Framework Travel Plan dated March 2016.</li> </ul> <p>Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>
Management Company	25	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a brochure outlining management arrangements and associated charges relating to that phase or sub phase shall be submitted to and approved in writing by the local planning authority. Thereafter potential residential purchasers will be provided with the approved brochure by the developer prior to completion of sale.</p> <p>Reason: To ensure future residents are aware of the management arrangements and obligations and to deliver a satisfactory development.</p>

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Marketing Brief	26	<p>Prior to the occupation of 300 dwellings, a Marketing Brief for the Local Centre to include the mix and disposition of uses, access and circulation, public realm, parking, and urban design principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure consistency with the Design &amp; Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.</p>
Highways England	27	<p>Prior to the commencement of any part of the development hereby approved, details of the form of the A1 / B6326 junction (as shown in Milestone drawing <i>14106/037</i>, and <i>14106/027 revision C</i>) shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>
	28	<p>Prior to the occupation of 100 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing <i>14106/037</i>) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>
	29	<p>Prior to the occupation of 900 dwellings, improvements to the A1 / B6326 junction (as shown in Milestone drawing <i>14106/027 revision C</i>) are complete and open to traffic, subject to Detailed Design and Road Safety Audit.</p> <p>Reason: To ensure that the A1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.</p>

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NCC Highways	30	<p>Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see <a href="http://www.leics.gov.uk/index/6csdg">www.leics.gov.uk/index/6csdg</a>) and be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>
	31	<p>Prior to the occupation of Phase 2 (pursuant to Condition 4) of the development hereby approved improvements to the B6326 Great North Road/ Sylvan Way shall be delivered and made available to traffic as illustrated by drawing 14106/026 Rev. A (or through a subsequent revised drawing agreed by the Local Planning Authority).</p> <p>Reason: In the interest of highway safety and capacity.</p>
	32	<p>Before occupation of the 50<sup>th</sup> dwelling, improvements to the B6326 Great North Road/ Shire Lane junction shall be delivered and made available to traffic as illustrated by drawing 14106/025 Rev. D (or through a subsequent revised drawing agreed by the Local Planning Authority).</p> <p>Reason: In the interest of highway safety and capacity.</p>
	33	<p>Prior to the completion of Phase 1 (pursuant to Condition 4) of the development hereby approved improvements to the C421 Shire Lane corridor shall be delivered and made available to traffic as illustrated by drawing 14106/018 Rev. E (or through a subsequent revised drawing agreed by the Local Planning Authority).</p> <p>Reason: In the interest of highway safety and capacity.</p>
	34	<p>Before occupation of the 50<sup>th</sup> dwelling, improvements to the B6326 Great North Road between Shire Lane and Dale Way shall be delivered and made available to traffic as illustrated by drawing 14106/016 Rev. D (or through a subsequent revised drawing agreed by the Local Planning Authority).</p> <p>Reason: In the interest of highway safety and capacity.</p>

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	35	<p>In the event that the Barratt/DWH development the subject of planning application LPA reference 14/00465/OUTM does not commence, and unless an alternative scheme has been approved in writing and thereafter completed to the satisfaction of the Local Planning Authority, before occupation of the 630<sup>th</sup> dwelling, improvements to the Goldstraw Lane/B6326 roundabout shall be delivered and made available to traffic as illustrated by drawing 14106/038 (or through a subsequent revised drawing agreed by the Local Planning Authority).</p> <p>Reason: In the interest of highway safety and capacity.</p>
	36	<p>No dwelling shall be occupied until the associated parking areas and manoeuvring areas for that dwelling have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety.</p>
	37	<p>Bus stop infrastructure shall be introduced throughout the build-out phases or sub phases of the development hereby approved in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To promote sustainable travel</p>
	38	<p>Prior to development commencing, a scheme to provide street lighting on the B6326 Great North Road between Dale Way and the A1 slip road, south of the development together with implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.</p> <p>Reason: In the interest of highway safety.</p>

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### Notes to Applicant

#### **01 (Conditions)**

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

#### *Condition 13 – Construction Management Plan*

The Noise Mitigation Scheme (NMS) relating to the construction phase of the development NMS shall be designed to minimise noise levels during construction work such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work, selecting the most appropriate plant, the use of localised hoardings where noise levels at noise-sensitive properties during certain specified periods of the construction, arrangements for liaison with local residents to inform them of periods where noise levels might be higher and any other appropriate measures.

#### *Condition 18 – Habitat Creation and Management Plan*

The Habitat Creation Plan shall include details of the following within each phase, as appropriate:

- The location and extent of all new habitats including all works required for the creation;
- For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and habitats specifically designed for the cinnabar moth, and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance, seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.
- Measures to enhance retained habitats;
- How public access will be controlled to limit disturbance to wildlife;

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- Ecological enhancements to include (but shall not be limited to) bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation) and longer term enhancements where appropriate;
- Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years;
- An implementation timetable for all elements.

In addition to the above each reserved matters application shall be accompanied by an updated Extended Phase 1 Habitat Survey together with any Protected Species Surveys identified as being required. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted. Any scheme of mitigation shall include a working design, methods statement and timetable of works to mitigate any adverse effects to protected species.

### *Condition 21 – Detailed Surface Water Drainage Scheme*

The scheme to be submitted shall include

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3<sup>rd</sup> party land are not acceptable.
- Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding as shown on the Environment Agency surface water flood risk plans.
- Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7<sup>th</sup> edition in terms of the criteria for pipe-full flows, surcharge and flooding;
- Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3<sup>rd</sup> party properties and should use public open space and highways.



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- All infiltration areas with supporting specification, calculations and construction details.
- Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information;
- Timetable for its implementation;
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
- In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities.

### **02 (S106)**

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

### **03 (NEAP expectations)**

The developer is advised that in respect of the NEAP, it is expected that this should be provided in accordance with the specification for a 'Neighbourhood Equipped Area for Play' taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'. Specifically it should include the following elements:(1) The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate; (2) it should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football); (3) a buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The buffer zone should include varied planting to provide a mix of scent, colour and texture; (4) it should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be

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a minimum of nine play experiences included; (5) seating for accompanying adults and siblings should be provided, together with one or more litter bins (6) the older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps (7) there should be a sign indicating that the area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP.

### **04 (Highways England)**

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on [david.steventon@highways.gsi.gov.uk](mailto:david.steventon@highways.gsi.gov.uk)

### **05 (EHO)**

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

#### **Natural England**

Block 6 & 7 Government Buildings

Chalfont Drive

Nottingham

NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: [eastmidlands@naturalengland.org.uk](mailto:eastmidlands@naturalengland.org.uk)

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### **Heritage England**

Ancient Monuments Inspector

44 Derngate

Northampton,

NN1 1UH

Tel: 01604 735400

Fax 01604 735401

E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

### **Heritage Planning Specialists**

Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

Tel: +44 (0)115 977 2162

Fax: +44 (0)115 977 2418

E-mail: [heritage@nottscc.gov.uk](mailto:heritage@nottscc.gov.uk)

to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - “The Protection of workers and the general public during the development of contaminated land”.

### **06 (National Grid)**

The following advice from National Grid should be noted:

‘BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.

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- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.'

### **07 (STW)**

The following advice from Severn Trent Water should be noted:

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

### **08 (Pro-active)**

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

### **09 (CIL)**

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

## Appendix 1 – Conditions and Informatives for 16/00506/OUTM

### **010 (Police Architect)**

The comments of the Police Force Architectural Liaison Officer should be noted in respect of the design presented at reserved matters stage.

### **011 (Hours of construction)**

Condition 13 requires consideration of hours of construction. These would be expected to be broadly with those outlined within the ES unless otherwise justified through the discharge of condition 13. For the avoidance of doubt the hours of construction referred to in the ES are: 0700 – 1900 Monday to Friday and 0700 – 1300 Saturday (and not at all on Sundays or Bank Holidays).

### **012 (NWT)**

The comments of Nottinghamshire Wildlife Trust should be noted in terms of the offer for further advice as to how drainage features can be designed with additional wildlife benefits.

### **013 (Natural England)**

Natural England offer the following advice:

‘It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green infrastructure, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.*’

### **014 (NCC Highways)**

Section 38 Agreement (Highways Act 1980)

## **Appendix 1 – Conditions and Informatives for 16/00506/OUTM**

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.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans on telephone number 01158 040015

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;
- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage.

**Appendix 2 – Developer Contributions for 16/00506/OUTM**

Contribution	Definition within S106	Formula / SPD Requirement	Anticipated Contribution	Trigger Points																		
<p><i>Affordable Housing</i></p>	<p>Affordable Rented, Discounted Low Cost Affordable Dwellings and First Homes as defined in Annex 2 to the NPPF (or any successor document or definition produced by HM Government or any agency thereof)</p>	<p>13% reflecting the following mix:</p> <table border="1" data-bbox="864 400 1205 1358"> <thead> <tr> <th data-bbox="864 400 1032 496">Tenure</th> <th colspan="2" data-bbox="1032 400 1205 496">LPA suggestion</th> </tr> <tr> <td data-bbox="864 496 1032 632"></td> <th data-bbox="1032 496 1111 632">%</th> <th data-bbox="1111 496 1205 632">No. of Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="864 632 1032 767"><i>Social / Affordable Rent</i></td> <td data-bbox="1032 632 1111 767">43</td> <td data-bbox="1111 632 1205 767">101</td> </tr> <tr> <td data-bbox="864 767 1032 1038"><i>Discount for sale at 75% of Open Market Value</i></td> <td data-bbox="1032 767 1111 1038">32</td> <td data-bbox="1111 767 1205 1038">75</td> </tr> <tr> <td data-bbox="864 1038 1032 1310"><i>First Homes at 70% of Open Market Value</i></td> <td data-bbox="1032 1038 1111 1310">25</td> <td data-bbox="1111 1038 1205 1310">58</td> </tr> <tr> <td data-bbox="864 1310 1032 1358"><b>Total</b></td> <td data-bbox="1032 1310 1111 1358"><b>100</b></td> <td data-bbox="1111 1310 1205 1358"><b>234</b></td> </tr> </tbody> </table>	Tenure	LPA suggestion			%	No. of Units	<i>Social / Affordable Rent</i>	43	101	<i>Discount for sale at 75% of Open Market Value</i>	32	75	<i>First Homes at 70% of Open Market Value</i>	25	58	<b>Total</b>	<b>100</b>	<b>234</b>	<p>234 (13%) affordable dwellings to be delivered on site:</p> <p>43% of units will be affordable rent provision owned and managed by a Private Registered Provider or the Local Authority</p> <p>32% of units to be Discount Open Market Value (DOMV) properties</p> <p>25% of units to be First Homes</p>	<p>Affordable Housing Scheme to be submitted prior to the commencement of development of each phase Construct Affordable Housing in compliance with the approved scheme (each phase will include Affordable units)</p> <p>No occupation of more than 60% of the individual completed properties constructed on the site within any phase until at least 45% of the Intermediate Housing within any phase has been completed and transferred to an Affordable Housing Provider</p> <p>No occupation of more than 90% of the individual completed properties within any phase until the remaining 55% of the Intermediate Housing within</p>
Tenure	LPA suggestion																					
	%	No. of Units																				
<i>Social / Affordable Rent</i>	43	101																				
<i>Discount for sale at 75% of Open Market Value</i>	32	75																				
<i>First Homes at 70% of Open Market Value</i>	25	58																				
<b>Total</b>	<b>100</b>	<b>234</b>																				

**Appendix 2 – Developer Contributions for 16/00506/OUTM**

				any phase has been completed and transferred to an Affordable Housing Provider
<i>Community Facilities</i>	The provision on site of a Community Hall which shall incorporate a badminton court having a total gross floor area not exceeding 1,113m <sup>2</sup> and a sports pavilion which shall include changing rooms having a total gross floor area not exceeding 252m <sup>2</sup>	Provision of new infrastructure from development proposals. Where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate.	Community Hall with badminton court within the Local Centre  Sports Pavilion within the Sports Hub	To be delivered in accordance with the phasing arrangements of the development  No development to commence within each phase to which community facilities are to be location until a Community Facilities Specification has been submitted and approved by the LPA
<i>Health Provision</i>	The sum of £1.71 million to secure Healthcare Provision	Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.  The Developer Contributions SPD requires a contribution of £950 per dwelling.	Pending a Healthcare Review the monies will either be contributed towards existing healthcare facilities at the following locations:  <ul style="list-style-type: none"> <li>• Balderton Health Centre</li> <li>• Lombard Medical Centre, Newark</li> </ul>	Prior to the occupation of the 700 <sup>th</sup> [still under review by Officers and applicant] dwelling, the owner, the District Council and the CCG will carry out a healthcare review in order to determine the most suitable means of addressing the healthcare needs of the development



**Appendix 2 – Developer Contributions for 16/00506/OUTM**

		£950 per dwelling would equate to a contribution of £1.71 million	<ul style="list-style-type: none"> <li>• Fountain Medical Practice, Newark</li> <li>• Bowbridge Road Surgery, Newark</li> <li>• Newark Hospital</li> </ul> <p>Or the healthcare provision will be delivered through an on site Health Centre with a maximum floor area of 300m<sup>2</sup> with associated car parking</p>	An area of land within the site will be reserved to accommodate the Health Centre pending the outcome of the Healthcare Review
<i>Education Provision</i>	<p>The sum of up to £7,491,738.66 to secure the provision of the Primary School</p> <p>2.2ha of the site identified for future development of the Primary School</p> <p>0.8ha of the site adjoining the Primary School site to be reserved for future possible expansion of the Primary School</p> <p>The detailed specification for the proposed Primary</p>	<p>A development of 1800 dwellings would generate 378 primary places</p> <p>The LEA require a new 2 form entry (420 place) primary school to be constructed on site. A site allowance of 2ha would be required. Build specification should meet DfE requirements and Education Funding Building Bulletin 103</p> <p>Site is required to be clear of contamination, level and</p>	<p>The delivering of a 2 form entry primary school and expansion land to allow for the creation of a 3 form entry</p>	<p>The triggers for the delivery of the 2fe primary school if the County Council was to design and build it would be as follows:</p> <ul style="list-style-type: none"> <li>• Transfer of the level, contamination free, serviced site to the County Council on commencement of the residential development;</li> <li>• 10% of the total costs to be paid on commencement of the residential</li> </ul>

**Appendix 2 – Developer Contributions for 16/00506/OUTM**

	<p>School to be produced by the County Council to include (where applicable) the proposed phasing for the construction of the Primary School</p>	<p>serviced prior to transfer to LEA/construction of school Secondary education is delivered through CIL</p>		<p>development (to cover the design, planning and procurement;)</p> <ul style="list-style-type: none"> <li>• 37% on occupation of the 30<sup>th</sup> dwelling;</li> <li>• 15% on occupation of the 330<sup>th</sup> dwelling</li> <li>• 23% on occupation of the 780<sup>th</sup> dwelling; and</li> <li>• 15% on occupation of the 1280<sup>th</sup> dwelling</li> </ul> <p>The triggers for the delivery of the 2fe primary school if it is to be construction by the developer would be as follows:</p> <ul style="list-style-type: none"> <li>• Phase 1: Infrastructure for 420 places <u>plus</u> 4 classrooms to be completed by the occupation of the 200<sup>th</sup> dwelling OR within 16 months of commencement of</li> </ul>
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**Appendix 2 – Developer Contributions for 16/00506/OUTM**

				<p>the residential development(First occupation) whichever is the sooner;</p> <ul style="list-style-type: none"> <li>• Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling;</li> <li>• Phase 3: 4 additional classrooms to be completed by the occupation of the 900th dwelling;</li> <li>• Phase 4: 4 remaining classrooms to provide 420 places to be completed by the occupation of the 1400th dwelling.</li> <li>•</li> </ul>
<i>Public Open Space</i>	The areas of open space comprising; Amenity Green Space; On-site Children’s Play Areas to include 2 LEAPs and 1 NEAP; On site Sports Facilities; Allotments and Community Gardens;	<i>Natural and Semi Natural Green Space</i>  Policy = 10ha per 1,000 population or all residents to live within 300m.	19.1 hectares alongside structural planting and landscape buffer areas totaling 6.7 hectares including allotments 6.4 hectares of amenity green space and provision	<p>To be delivered in accordance with the phasing arrangements of the development</p> <p>No development to commence within each</p>

**Appendix 2 – Developer Contributions for 16/00506/OUTM**

	<p>Natural and Semi-Natural Green Space</p>	<p>1800 dwellings = 43.2 ha policy requirement.</p> <p><i>Amenity Green Space</i></p> <p>Policy = 0.6ha per 1000 population</p> <p>1800 dwellings = 2.59 ha</p> <p><i>Children and Young People</i></p> <p>Policy = 0.75ha per 1000 population.</p> <p>1800 dwellings = 3.24ha</p> <p><i>Allotments and Community Gardens</i></p> <p>Policy = 0.5ha per 1000 population</p> <p>1800 dwellings = 2.16ha.</p>	<p>for children and young people include pocket parks, 2 LEAPs and 1 LEAP</p> <p>2 adult football pitches (one grass and one AGP)</p> <p>2 mini football pitches</p> <p>1 junior football pitches</p> <p>1 adult and youth cricket pitch</p> <p>1 adult rugby pitch</p> <p>Changing facilities north of Claypole Lane</p> <p>4 tennis courts</p>	<p>phase to which public open space are to be located until an On-site Open Space Scheme has been submitted and approved by the LPA</p>
<p><i>Bus Stop Infrastructure</i></p>	<p>The sum of £525,000 for the rerouting or extension of bus services or the provision of new bus services serving the development</p>	<p>Provision of new infrastructure from development proposals.</p>	<p>Monies contributed to existing or enhanced services</p>	<p>Not to occupy any dwellings until 20% of the bus service contribution has been paid to the Council and thereafter on each of the four subsequent anniversaries of</p>

**Appendix 2 – Developer Contributions for 16/00506/OUTM**

				first occupation to pay 20% annually until the full contribution is paid
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## **Planning Committee – 6 OCTOBER 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 25 July 2022 – 20 September 2022)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/33005 72	21/02677/FUL	Land At Main Street Maplebeck	Construction of a timber stable and manege for private use, including change of use of part of site from agricultural to recreational use.	Written Representation	Refusal of a planning application
APP/B3030/D/22/330107 1	22/00504/HOUSE	Home Farm Main Street Kirklington Nottinghamshire NG22 8ND	Proposed detached garage	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/22/33013 31	22/00558/OUT	Land Off Enfield Court Harby	Outline application for residential development to erect 4no dwelling houses with all matters reserved except access	Written Representation	Refusal of a planning application
APP/B3030/W/22/33017 87	22/00575/FULM	Plot 1 New Lane Blidworth	Change of use of paddock to equestrian use, erection of stable block, provision of hard standing, formation of new access to highway and parking area (part- retrospective)	Written Representation	Refusal of a planning application

APP/B3030/W/22/33020 21	22/00243/FUL	37 Cleveland Square Newark On Trent NG24 4HJ	Erection of a 3 bed detached dwelling (resubmission)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33020 44	21/02191/FUL	Glen Holt Gainsborough Road Girton NG23 7HX	Erection of two storey dwelling (retrospective application)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33025 64	22/00509/FUL	Greenoakes 1 Station Close Collingham NG23 7RB	Demolition of existing dwelling and construction of new dwelling.	Written Representation	Refusal of a planning application
APP/B3030/X/22/330265 2	22/00685/LDC	The Paddocks Southwell Road Halloughton NG25 0QP	Application for a Certificate of Lawful Development for proposed Swimming Pool-Gym-Art Studio outbuilding and Garage and domestic heating oil tank secure storage outbuilding.	Written Representation	Refusal of a planning application
APP/B3030/W/22/33027 75	22/00480/FUL	The Paddocks Southwell Road Halloughton NG25 0QP	Erection of 1 no. Self Build Dwelling in existing Rear Garden	Written Representation	Refusal of a planning application
APP/B3030/W/22/33028 04	22/00875/FUL	The Paddocks Southwell Road Halloughton NG25 0QP	Erection of a new dwelling	Written Representation	Refusal of a planning application



APP/B3030/D/22/330338 2	22/00728/HOUSE	Trent Holme Cottage High Street North Clifton NG23 7AR	Proposed replacement side and rear extension	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/22/33036 64	22/00408/FUL	Land To The Rear Of 74 And 76 Fosse Road Farndon Newark On Trent NG24 4ST	Construction of Residential Development Comprising Two Detached Dwellings on Land To The Rear Of 74 And 76 Fosse Road, Farndon (Re- submission of 21/01913/FUL)	Written Representation	Refusal of a planning application
	22/00024/FUL	11 Strawberry Hall Lane Newark On Trent NG24 2EX	Removal of existing double garage, erection of 2.No two bed bungalows and associated external works.	Written Representation	Refusal of a planning application
APP/B3030/D/22/330411 7	22/00615/HOUSE	Old Post House Main Street Gonalston NG14 7JA	Construction of first floor extension and replacement of a conservatory with a two storey addition	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/22/330577 0	21/00371/ENFB	Land Adjacent To Jesmondene Cottage Blidworth Bottoms Blidworth	a. Without planning permission, operational development on "the Land" comprising of the	Written Representation	Service of Enforcement Notice

			construction of field shelters (marked A, B, C, D, E, F, G on the attached Location Plan and identified within photographs 1 and 2). b. Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).		
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**Planning Committee – 6 OCTOBER 2022**

**Appendix B: Appeals Determined (between 25 July 2022 and 20 September 2022)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
20/00045/ENF	Old Hall Farm Greaves Lane Edingley NG22 8BJ	Without planning permission, development consisting of an engineering operation, that being the excavation of a lake/ reservoir (previously the subject of planning application ref 21/0114/FUL)	Enforcement Notice – Delegated Officer		Appeal Dismissed	31st August 2022
21/01616/FUL	Forge Cottage School Lane Kneesall NG22 0AE	Erection of a dwelling	Delegated Officer	Yes	Appeal Dismissed	14th September 2022
21/02245/FUL	Hutchinson Engineering Services Ltd Great North Road Weston NG23 6SY	Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods	Delegated Officer	Yes	Appeal Dismissed	5th August 2022
22/00230/LDC	The Paddocks Southwell Road Halloughton Nottinghamshire NG25 0QP	Application for Lawful Development Certificate for the installation of free draining sustainable urban drainage system, erection of 2 metre high brick wall, 1 metre high gate, 1.2 metre high fencing, and installation of two electric vehicle charging upstands.	Delegated Officer	Yes	Appeal Dismissed	7th September 2022
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.	Delegated Officer	Yes	Appeal Dismissed	23rd August 2022
22/00391/ADV	Land Opposite 44 To 26 Fosse Road Farndon	Display of 2no. free standing pole mounted signs	Delegated Officer	Yes	Appeal Dismissed	12th September 2022

22/00661/HOUSE	50 Sycamore Close Rainworth NG21 0FX	First floor side and rear extension	Delegated Officer	Yes	Appeal Dismissed	16th September 2022
22/00615/HOUSE	Old Post House Main Street Gonalston NG14 7JA	Construction of first floor extension and replacement of a conservatory with a two storey addition	Planning Committee	Yes	Appeal Dismissed	16th September 2022
21/02386/FULM	Staunton Industrial Estate Alverton Road Staunton In The Vale	Erection of commercial storage units and erection of new office with associated parking. (Resubmission)	Planning Committee	Committee Overturn	Appeal Allowed	8th September 2022
21/02506/HOUSE	Pine Lodge 5 Low Street Collingham NG23 7LW	Proposed ground floor rear extension, first floor rear and side extension above existing garage, new porch, external alterations	Delegated Officer	Yes	Appeal Allowed	8th August 2022
22/00333/FULM	Land Adjacent to Jesmondene Cottage Calverton Road Blidworth Bottoms Blidworth NG21 0NW	Proposed change of use of land from agriculture to equestrian and erection of mobile field shelters (retrospective)	Delegated Officer	Yes	Appeal Not Determined (Due to late submission by Appellant)	26th August 2022

### Recommendation

That the report be noted.

### Background papers

Application case files.

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

Liza Hughes  
Business Manager – Planning Development



## Appeal Decision

Site visit made on 2 August 2022

**by John Gunn DipTP, DipDBE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 September 2022**

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**Appeal Ref: APP/B3030/W/22/3294512**

**Midland Feeds, Staunton Industrial Estate, Alverton Road,  
Staunton In The Vale NG13 9QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Pete Norris, Pete Norris Ltd, Midlands Feeds Ltd against the decision of Newark & Sherwood District Council.
  - The application Ref 21/02386/FULM, dated 8 November 2021, was refused by notice dated 19 January 2022.
  - The development proposed is described on the application form as the 'Erection of commercial storage units and erection of new office with associated parking'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the Erection of commercial storage units and erection of new office with associated parking at Midland Feeds, Staunton Industrial Estate, Alverton Road, Staunton In The Vale NG13 9QB in accordance with the terms of the application, Ref 21/02386/FULM, dated 8 November 2021, subject to the conditions on the attached schedule.

### Main Issue

2. The main issue is whether the proposal is consistent with the objectives of local and national policy with regards to the location of employment development.

### Reasons

3. The appeal site is located adjacent to an established industrial estate approximately 750 metres north west of Staunton In The Vale. Immediately to the west of the site is the JP Concrete company, which is run from a number of large buildings, and incorporates outside storage facilities that reach up to, and in some instances overlap, the appeal site. Beyond the JP operation there are a number of large buildings that have been subdivided to accommodate a range of industrial and storage uses, including some operated by Midland Feeds. A recently erected chicken farm lies to the north and several agricultural barns occupy land immediately to the south. Notwithstanding the wide range of uses that operate from the industrial estate, and the surrounding land, both parties agree that the appeal site is located within open countryside.
4. The proposal is for the erection of a storage building and an office having a gross internal floor area of 1172.3 sqm, on a site of 1.0327 ha, according to

- the application form. Consequently, the proposed development is, by definition, major development<sup>1</sup>.
5. Spatial Policy 3 of the Newark and Sherwood Local Development Framework Core Strategy & Allocations - Amended Core Strategy (ACS), adopted March 2019, supports the rural economy. It sets the criteria against which new development, outside principal villages, will be considered, and makes specific reference to location, scale, need, impact and character. Insofar as rural diversification and rural uses are concerned, there is an expectation that proposals should be complimentary and proportionate to the existing business in terms of their nature and scale. It is supplemented by Policy DM8 of the adopted Allocations and Development Management Development Plan Document (DPD), which supports small scale employment development where it can be demonstrated that there is a need for a rural location and there would be an ongoing contribution to local employment.
  6. In this regard I find that the proposed development would not be 'small scale'. Furthermore, it would extend beyond the boundaries of the existing industrial estate. That said, the appellant has provided reasons as to why development in this rural location should be allowed. In particular they assert that the proposed development would be complementary to their existing business operation on the industrial estate and would provide a link to the cattle production that takes place on land immediately to the south. Moreover, contrary to the opinion of the Council, they claim that the proposed development would be proportionate to their existing operation.
  7. I accept that there would be benefits to the appellants in consolidating their operation onto the industrial estate, with easy access to cattle, which would provide an opportunity to test their products. Consequently, the need for a rural location, such as that provided by the appeal site, weighs in favour of the proposal.
  8. I note the alternative methods used by the main parties to assess the extent to which the proposed development would be proportionate. In this regard I find that both approaches could be considered appropriate. However, in the absence of a clear definition as to what is meant, I am required to make my own judgement on this matter. In this regard, I find that the proposed development would be proportionate when considered in relation to the floorspace of the appellant's current operation, and the area of the existing industrial estate when taken as a whole.
  9. I have also taken into account the availability of alternative locations. That said, I have no compelling evidence before me to indicate that other sites, including those suggested by the Council, would be suitable, or available, to meet the particular needs of the appellant. Indeed, evidence provided by the appellants would indicate that they do not meet their requirements. In this regard, I was also able to confirm, on my site visit, that all of the other properties on the industrial estate were occupied and therefore the opportunity to use an existing building in the immediate locality was not available.
  10. The proposed development would provide employment in a rural location. Whilst there may not be a net gain in overall employment, as a consequence of staff transferring from existing locations, the proposed development would help

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<sup>1</sup> Glossary to National Planning Policy Framework

to sustain the local rural economy. It would also provide short term benefits to the local economy during the construction of the proposed development.

11. I also note that, based on the evidence provided by the appellants, the staff that would be likely to be transferred already reside in the local area. However, I accept that there is no certainty that that situation would continue to be the case in the future.
12. Taking the above matters together, I find that evidence that has been provided to support the proposed development, outweighs any harm that would result from its scale and rural location. Consequently, the proposed development complies with Spatial Policy 3 and Core Policy 6 of the ACS and Policy DM8 of the DPD. These policies jointly seek, amongst other matters, to support the rural economy where it can be demonstrated that there is a need for a rural location, and there would be an ongoing contribution to local employment. They are consistent with paragraph 84 of the National Planning Policy Framework which supports, amongst other matters, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and the development and diversification of agricultural and other land-based rural businesses.

### **Other Matters**

13. In the absence of evidence, the Council has been unable to confirm that the grade of the agricultural land or quantify the impact of its loss. That said, I note that the land was restored from a previous quarry use and lies directly adjacent to an existing industrial estate. Moreover, on my site visit, I noted that outside storage, arising from the adjacent concrete works, was taking place on the site. Consequently, I agree with the Council that it is questionable that the land would be actively farmed in the future.
14. The existing industrial estate is set some distance away from Alverton Road and is screened to a degree by existing vegetation. There are also other farm buildings within the locality including the cattle barns and the chicken farm. Whilst the proposed development would be closer to the public highway than existing industrial activity it would, nonetheless, be seen against a backdrop of the existing buildings, including the J P Concrete works. Additional landscaping within the confines of the proposed development would further ameliorate any visual impact and could be secured by an appropriately worded condition. As a result, I find that the proposed development would not have a significant adverse visual impact on the landscape.
15. The Council indicate that sufficient car parking would be provided for a storage and office use, even if an element of ancillary retail use were to be provided. Furthermore, they accept that the proposed development would be unlikely to result in overspill parking that would impact the highway. Therefore, subject to an appropriately worded condition requiring the provision of the parking as shown on the submitted drawing, I agree with the Council on this matter.
16. The Lead Local Flood Authority have confirmed that they have no objections to the proposed development, and I have no reason to disagree with them on this matter.
17. I note that the Council has assessed the proposal against Natural England Standing Advice and have concluded that the appraisal undertaken by the

Appellant is fair, appropriate and in accordance with the development plan. The recommendations of the appraisal support the provision of high quality foraging opportunities for locally present bat and bird species, which can be secured via a suitably worded planning condition.

### **Conditions**

18. I have had regard to the conditions that were included in the report to the Planning Committee on 18 January 2022, as referred to in paragraph 7.1 of the Council's appeal statement.
19. I have imposed a condition to specify the relevant drawings as this provides certainty.
20. A condition relating to materials is necessary to ensure a high quality design that is sensitive to the surrounding context.
21. Conditions are required to ensure that a landscaping scheme is submitted, agreed and implemented in a timely manner.
22. A condition that ensures that the development is delivered in accordance with the sustainable drainage strategy is necessary.
23. A condition requiring the provision of parking and its retention for parking purposes thereafter is considered necessary.
24. I note the Council's request for a HGV routing plan as a condition. However, I find that the imposition of such a condition would be unreasonable in the absence of compelling evidence of potential adverse impacts, and information relating to restrictions imposed on other businesses that operate from the industrial estate. In any event this is a matter relating to the operation of public roads which can be managed using other legislation should the need arise.
25. Conditions are necessary to ensure that the proposed development contributes towards the enhancement of ecological conditions in the locality.
26. A condition is required to provide certainty with respect to the use the permitted buildings can be used for.
27. Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. Furthermore, a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company<sup>2</sup>. Consequently, I will not impose a condition limiting the use of the proposed development to Pete Norris Ltd/Midland Feeds.

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<sup>2</sup> PPG paragraph 21a-015-20140306



**Conclusion**

28. There are no relevant considerations, of sufficient weight, to indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

*John Gunn*

INSPECTOR

### Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in accordance with the following approved plans:
  - General arrangement, feed store 2 plans, elevations, sections, drawing no. 8952-CPMG-ooZZ-DR-A-2011 P02
  - General Arrangement, office plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DRA-2012 P01
  - General Arrangement external works, location plan, 8952-CPMG-oo-ZZ-DR-A-7001 P03
  - General Arrangement external works, proposed site plan, 8952-CPMG-oo-ZZ-DR-A-7010 P02
  - General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00- ZZ-DR-A-2013 Rev P1
3. The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.
4. Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
  - proposed finished ground levels or contours;
  - any means of enclosure;
  - car parking layouts and materials and other hard surface materials; and
  - other vehicle and pedestrian access and circulation areas.
5. The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-Balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.
6. The development hereby approved shall be carried out in accordance with the details contained within the Flood Risk Assessment and Drainage Strategy dated 12 March 2021 by BSP Consulting.

7. No part of the development hereby permitted shall be brought into use until the parking areas shown on the drawing 'General Arrangement external works' reference 8952-CPMG-oo-ZZ-DR-A7010 P02 are constructed in accordance with details agreed as part of Condition 4 of this permission and they are made available for parking. The provided parking shall be kept available for parking at all times and retained for the lifetime of the development.
8. No part of the development hereby approved shall be brought into use until an Ecological Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall build upon the recommendations set out in the Ecological Appraisal, by FPCR, dated December 2020, which formed part of the application, and set out details of how this will be managed. The approved enhancement measures shall be implemented on site prior to first occupation or to an alternative timetable embedded within the scheme and shall thereafter be retained for the lifetime of the development.
9. 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 for nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details, and the measures to reduce overspill and light pollution retained for the lifetime of the development.
10. The buildings hereby approved shall be used for offices and storage/distribution uses and for no other purpose, including any other use falling within class B1(a) and B8 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or in any provision equivalent to that Class or Order, or in any statutory instrument revoking and re-enacting that Order with or without modification).

END OF SCHEDULE



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# Appeal Decision

Site visit made on 2 August 2022

**by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

**Decision date: 8th August 2022**

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**Appeal Ref: APP/B3030/D/22/3301352**

**Pine Lodge, 5 Low Street, Collingham NG23 7LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Daniel and Katie Townsend against the decision of Newark and Sherwood District Council.
  - The application Ref: 21/02506/HOUSE, dated 26 November 2021, was refused by notice dated 21 April 2022.
  - The development proposed is for a ground floor rear extension, a first-floor rear and side extension above the existing garage, porch redesign, a 2 storey garage and external alterations.
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## Decision

1. The appeal is allowed, and planning permission is granted for a ground floor rear extension, a first-floor rear and side extension above the existing garage, porch redesign, and external alterations at Pine Lodge, 5 Low Street, Collingham, NG23 7LW in accordance with the terms of application 21/02506/HOUSE, dated 26 November 2021, and subject to the conditions set out in the attached schedule.

## Procedural Matters

2. The submitted site plan includes a detached two storey garage and office /gym in the southeast corner of the appeal site. Both main parties agree that this is no longer part of the application. I have determined the appeal accordingly. I have also amended the description of development in my decision.

## Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Collingham Conservation Area and its effect upon the setting of the adjacent listed wall and nearby listed buildings.

## Reasons

4. The appeal property is within the defined village envelope of Collingham and within the Collingham Conservation Area (CA), designated in 2006. It contains a mixture of buildings dating from the 16<sup>th</sup> to the 19<sup>th</sup> century, with many sited at the back of pavement and where there is a common use of reddish brick and

double pitched pantile roofs. The area is well landscaped with mature trees and green areas and there is an abundance of listed buildings, including the boundary wall (Grade II listed) to the front of the appeal site and dating from the late-18th century and constructed in blue lias with brick and ashlar dressings. All of these features add positively to the significance of the CA.

5. The appeal building is a 20<sup>th</sup> century addition and is set back from Low Road in an extensive plot. The local planning authority (LPA) considers that it is '*not a positive contributor to the Conservation area*', though by its simple style and palette of materials, these help to minimise its visual impact upon the setting and significance of the designated heritage assets. I agree, that by its more modern design and its location within a large curtilage, it stands out as being different to the general character and appearance of the properties in the area as described above.
6. Public views of the proposed development would be mostly from Low Road and from where the front elevation would be changed significantly by the incorporation of an asymmetric appearance to it and with an increase to its two-storey element. However, the front elevation would not be brought materially closer to Low Road and the maximum height of the building would also remain essentially the same. The proposed development and extensions to the rear of the property would not be significantly visible from the public domain and would be acceptable in design terms.
7. The proposed changes to the dwelling would add architectural interest to what is a somewhat bland exterior to the existing building. It would have a different appearance to the general character of the immediate area, but then so does the building in its current form. The dwelling would be set back within the curtilage in the same way as currently. Owing to the scale and position of the proposed extensions and modifications, they would not cause any harm to the settings of the listed buildings in the area or to the character and appearance of the CA. I find that the setting of the nearest listed building, being the boundary wall to the front of the appeal site, by its distance from the dwelling, would also not be harmed. I do not find that the loss of the perceived simplicity of the current dwelling would cause harm to any of the designated heritage assets.
8. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the CA and the settings of nearby listed buildings and the listed wall. It would therefore accord with policy 14 of the Newark and Sherwood Amended Core Strategy 2019, policy DM9 of the Allocations and Development Management DPD (2013), section 16 of the Framework and paragraph 13 of the Planning Policy Guidance, all of which stress the need to preserve and enhance the character and appearance of heritage assets.

### **Conditions**

9. I have taken into consideration the suggested conditions of the LPA in the event that the appeal is allowed.

10. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.
11. In the interests of the character and appearance of the CA, it is necessary to impose conditions relating to the use of external building materials, windows and doors.
12. In view of the location of the building, set back into the site, I have not found it necessary to impose a condition relating to external lighting. Furthermore, as the proposed development is set within spacious grounds, and taking into account its distances from its boundaries including the main road, I have not found it necessary to include a condition requiring obscure glazing.

**Conclusion**

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Steven Hartley*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall not begin later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in accordance with the following approved plans: -
  - i. Location and Site Plans received 31 March 2022 (Excluding the detached two storey garage and gym);
  - ii. Proposed Site Plan received 31 March 2022;
  - iii. Proposed Ground Floor Plan received 31 March 2022;
  - iv. Proposed First Floor Plan received 31 March 2022;
  - v. Proposed Roof Plan received 31 March 2022;
  - vi. Proposed Elevations (East and North) received 31 March 2022;
  - vii. Proposed Elevations (West and South) received 31 March 2022;
  - viii. 3D View Front Perspective received 31 March 2022 and
  - ix. 3D View Rear Perspective received 31 March 2022.
3. No development above damp-proof course shall take place until manufacturers' details of all the external materials, including details of windows and doors, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and development shall thereafter be retained for the lifetime of the development in accordance with the approved details.
6. All rooflights hereby permitted shall be conservation style rooflights and flush fitting within the roof plane.