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**Tuesday, 1 November 2022**

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

**Members of the Committee:**

**Councillor M Brock  
Councillor R Crowe  
Councillor A Freeman  
Councillor L Goff  
Councillor Mrs R Holloway  
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, 10 November 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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18. Exclusion of the Press and Public	

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.



## 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, 6 October 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)

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

APOLOGIES FOR ABSENCE: Councillor Mrs L Dales (Vice-Chairman) and Councillor S Saddington (Committee Member)

### 38 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor M Skinner declared a Non-Registerable Interest regarding Planning Application Item No. 22/00936/FUL, Community and Activity Village, Lord Hawke Way, Newark, as he was a Council appointed Director for Active4Today..

Councillor T Wildgust declared a Non-Registerable Interest in Application No. 22/00891/FUL, Land off Manor Close, Walesby, as he had been in discussions with residents, but would keep an open mind.

Councillors I Walker and K Walker both declared a Non-Registerable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

### 39 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.

### 40 MINUTES OF THE MEETING HELD ON 11 AUGUST 2022

AGREED that the Minutes of the meeting held on 11 August 2022 were approved as a correct record and signed by the Chairman.

### 41 LAND OFF MANOR CLOSE, WALESBY - 22/00891/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site visit, which sought the demolition of five existing garages and erection of one, two-bed bungalow with two parking spaces.

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

Members considered the application acceptable, although the Local Ward Member commented that he had been involved with local residents and had got a design

which was favourable to residents. The Parish Councils view was that the village had enough two bedroomed properties, but not enough larger properties for families, which may cause issues keeping communities growing including school intakes.

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

42 GRANGE FARM, GAINSBOROUGH ROAD, GIRTON - 22/00937/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to residential and the erection of a garage.

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

Members considered the application acceptable.

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

43 LAND AT ALLIANCE STREET, NEWARK ON TRENT - 22/00489/FUL

The Committee considered the report of the Business Manager – Planning Development, following a site visit, which sought the erection of two flats and additional parking provision, following the demolition of a garage block.

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

A schedule of communication was tabled at the meeting, which detailed correspondence received from the neighbour.

The Planning Case Officer had proposed an additional condition and a variation of condition 09 as detailed within the Schedule of Communication and as follows:

“Given the concern raised regarding boundary treatments and security, the following additional Condition and variation of Condition 09 (Construction Method Statement) is recommended:

Additional Condition:

Prior to the installation of any new boundary treatments, elevation details of these treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the approved details.

Reason: In the interests of visual amenity.

Variation of Condition 09:

Additional bullet point

- Details of how the western boundary of the site is to be made secure through-

out the construction period following demolition of the garage block.

Matters of possible subsidence and repairs of existing drainage pipes are not material to the consideration of this planning application”.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report and the additional condition and variation of Condition 09.

44 COMMUNITY AND ACTIVITY VILLAGE, LORD HAWKE WAY, NEWARK ON TRENT - 22/00936/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of stands (seated and standing) and installation of turnstiles to the existing stadia pitch.

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

Members discussed the application and it was commented that whilst they supported the application, concern was raised regarding the car parking and highways, as this area was very congested with traffic.

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

45 LAND ADJACENT TO FOSSE ROAD, FARNDON - 22/01331/FUL

Application 22/01331/FUL had been withdrawn from the agenda at the Planning Officers request. The Government had provided an update regarding Flood Risk, the report however did not reflect the changes of that update. A revised report would be submitted to the November 2022 Planning Committee.

46 LAND AT SOUTHWELL ROAD EAST, RAINWORTH - 22/00783/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a one, two bedroom bungalow.

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

Members considered the application acceptable with an additional condition requiring a construction method statement.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report and the additional condition requiring a construction method statement.

47 HILL HOUSE, CHAPEL LANE, EPPERSTONE - 22/01659/S73

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of conditions 8 (landscaping) and 16 (drainage design) to revise the wording of each condition attached to planning permission 21/02533/FUL.

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

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Secretary of State (SoS), confirming that the SoS did not wish to call in this application, they were content that the application should be determined by the Local Planning Authority.

Members considered the application acceptable.

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

48 LAND AT FERNWOOD SOUTH - 16/00506/OUTM

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

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development and reference to matters within previous reports for this application for clarity.

A schedule of communication was tabled at the meeting, which detailed correspondence received from Nottinghamshire County Council (NCC) Planning Policy; Neighbouring Party; and the Planning Case Officer.

The Planning Case Officer had recommended that in addition to Appendix 2 for clarity- in the trigger points column of the affordable housing section the following should be added: A viability review shall be undertaken at 80% occupation of dwellings within each phase respectively.

Members considered the application acceptable subject to the amendments contained within the Schedule of Communication, including the amendments to Appendix 2 to include the verbal update regarding the draft agreement securing either the financial contribution towards the primary school or the provision of the

construction of a school on site by the developer with transfer of land for either scenario.

AGREED (unanimously) that:

- (a). planning permission be approved subject to conditions contained within the report ;
- (b). subject to the Planning Case Officers recommended amendment to Appendix 2 to include that a viability review shall be undertaken at 80% occupation of dwellings within each phase respectively in the trigger points sections of affordable housing;
- (c). subject to amendments in the Schedule of Communication including the amendments to Appendix 2 to include the verbal update regarding the provision of the construction of a school on site or the financial contribution towards primary education made; and
- (d). the completion of a Section 106 agreement.

49 APPEALS LODGED

AGREED that the report be noted.

50 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.11 pm.

Chairman



Report to Planning Committee 10 November 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner, ext. 5329

Report Summary			
<b>Application Number</b>	22/01331/FUL		
<b>Proposal</b>	Erection of Four Bedroom Bungalow		
<b>Location</b>	Land Adjacent to Fosse Road, Farndon, NG24 3UB		
<b>Applicant</b>	P Palmer Construction - Mr P Palmer	Agent	Mr Clive Davies
<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>	12.07.2022	Target Date	06.09.2022
		Extension of time	11.11.2022
<b>Recommendation</b>	Refuse, for the reason set out in Section 10.0		

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.

The application was removed from the agenda at October Planning Committee at the discretion of the Business Manager. This report includes an update to the original report seen by Members in the previous agenda. The text in **bold** type is the updated sections.

## 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;  
Flood Risk Assessment July 2022

#### **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.

Site visit 10 August 2022

#### **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 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 4 bedroom bungalows is not the highest need for the area. The greatest need is for 4 or more bedroom dwellings (35.8%) with 3 bedroomed houses next (20.2%), followed by 1-2 bedroomed 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 bedroomed dwellings, and 3 and 4 bedroomed 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. **The Planning Practice Guidance states 'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the ...decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.'** (Paragraph: 023 Reference ID: 7-023-20220825).

Applying the Sequential Test however is normally applied District wide and for that the Council has a proven 5-year housing land supply whereby it would not be reliant on the use of such land for the supply of housing. However, the Planning Practice Guidance states **'the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.'** (Paragraph: 027 Reference ID: 7-027-20220825). Although this isn't defined by the PPG it provides examples such as the catchment area for a school or where the development is needed to sustain the existing community. The proposal is for a 4 bedroomed dwelling where it could reasonably accommodate children. Having consulted with Nottinghamshire County Council they state that the local primary school, St Peter's Cross Keys C of E Academy, has a surplus of places over the next five years. However, this one dwelling alone is not considered necessary to sustain the local community and tip the balance of acceptability in the planning balance. Farndon is a well-established community with many local facilities and by applying the Sequential Test to the settlement alone to benefit the school, would not result in such overriding benefit to the community. The proposal would bring about a 4 bedroomed bungalow, which although is not of greatest need within the location would contribute to a clear need for bungalows within Farndon, but again this is not an overriding need to allow the development.

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.

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 area 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.

### Impact on design and housing density

**Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.**

**Paragraph 130 of the NPPF (2021) states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.**

**Overall, I consider that the design and the use of the materials on the proposed dwelling would have a neutral impact and the design of the dwelling itself is not dominating within the locale, thus resulting in being acceptable.**

**The scale of the plot is approximately 0.24hectares in area. Core Policy 3 of the Council's Amended Core Strategy states densities on unallocated sites should be of 30 dwellings per hectare. At this density the site should provide 4 dwellings. The proposal is below this recommended density and would result in an underutilisation of the land. However, given that half the site is in flood zone 2 and the proximity of the surrounding residential**

development, this density may not be acceptable to ensure the safety of future occupants and acceptable amenity for existing residents. However, 1 dwelling is proposed within flood zone 1 (apart from the access through zone 2), which for the reasons outlined in the above report, is not considered acceptable.

## 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, design, 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 and contribution to the local school, does not outweigh the harm identified and would represent unsuitable development in my view. **In addition, the proposal is for one dwelling within an already well established community, and one dwelling is not considered to provide such a necessary and meaningful contribution that it would sustain the local services.** Therefore, the proposal is considered to be contrary to paragraphs identified within the NPPF (2021) and PPG, 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 advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

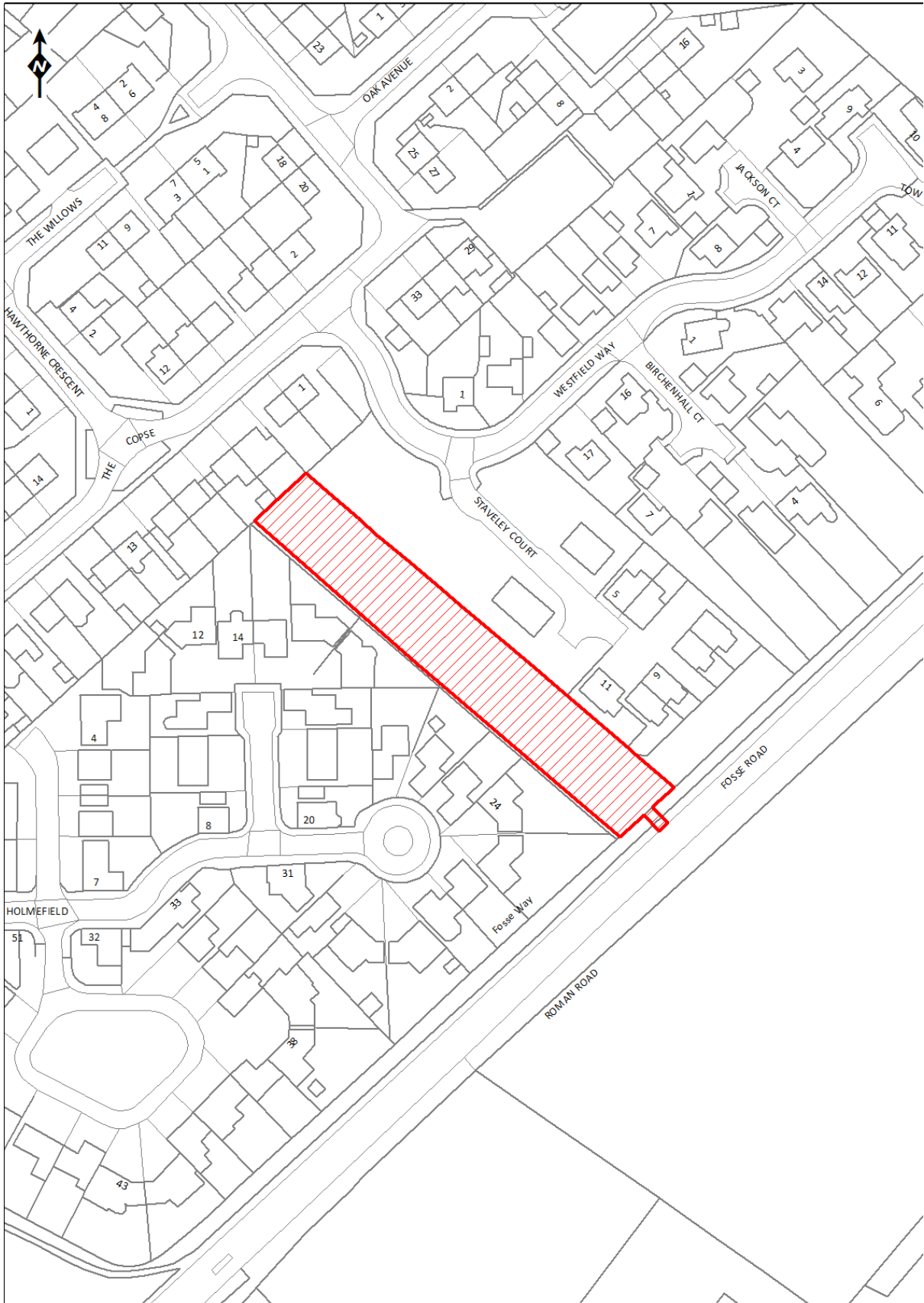
03

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 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
<b>Application Number</b>	22/01573/FULM		
<b>Proposal</b>	Erection of a new packing building		
<b>Location</b>	Featherstone House Farm, Mickledale Lane, Bilsthorpe		
<b>Applicant</b>	Strawson Ltd - Mr Strawson	Agent	Fisher German LLP - Mr James Borley
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01573/FULM">22/01573/FULM   Erection of a new packing building   Featherstone House Farm Mickledale Lane Bilsthorpe (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	11.08.2022	Target Date	10.11.2022
		Extension of Time	14.11.2022
<b>Recommendation</b>	Approve, subject to the conditions set out in Section 10.0 following the expiry of the consultation period and subject to any additional consultation responses not raising new material planning considerations		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as it represents a departure from the Development Plan where the Officer recommendation is one of approval.

## 1.0 The Site

The application site relates to an L-shaped plot of land of roughly 0.93 hectares in extent which forms part of a wider established agricultural business for the storage of grain and crops alongside workshops, offices and a vegetable packing and storage operation. As is demonstrated by the submitted site location plan, the wider business and areas of nearby agricultural land are within the ownership of the applicant.

The site has a number of agricultural style buildings already located on site, some more modern than others. To the north and east of the proposed building there are various agricultural buildings sited including a building used for offices/reception area. Immediately

adjacent to the application site is a large modern building (constructed of pale green metal sheet profiling) which has recently been extended.

The site is outside of the village envelope for Bilsthorpe and therefore within the open countryside albeit it is in close proximity to the edge of the settlement. The opposite side of Mickledale Lane (the point of access for the site) features residential development which falls within the village envelope. The rest of the settlement to the east is intervened by an agricultural field and Rainworth Water (which forms the eastern boundary of the wider site).

Part of the site access falls within Flood Zone 3 according to the Environment Agency maps albeit this does not affect the area of the site where built form is proposed.

## **2.0 Relevant Planning History**

The planning history for the site is extensive spanning back to the 1970s:

18/01202/FULM - Extension of an agricultural building. Approved 08/08/2018

16/00574/FULM - Erection of a new cold storage unit within grounds of established agricultural site. Approved 30/06/2016.

08/00063/FUL – Proposed single storey office extension (to front of site) approved 27/03/2008.

04/00393/FUL – Extension to vegetable grading and storage building. Approved 19/04/2004.

99/50141/FUL – Variation of condition 1 of OUT/931139 – Approved 17/04/2000

95/50160/FUL – Erect garage and storage building. Approved 28/07/1995

74860085 – Erection of general purpose agricultural storage building. Approved 26/03/1986.

74890473 – Formation of soil bank for planting. Approved 23/05/1989.

747952 – Construct a steel portal framed structure cladding asbestos etc for general purpose storage of farm produce and machinery. Approved 03/04/1979.

742171 – Grain and potato store with grain dryer. Approved 22/03/1982.

74880760 - Erect buildings for the production and storage of grain and potatoes. Approved 12/08/1988

74850114 – Grain store extension to existing building. Approved 02/04/1985

74871018 – Steel framed agricultural building for potato storage and general farm use. Approve 23/12/1987

7477187 - Erect steel portal framed structure clad in asbestos for storage of farm produce.

Approved 26/04/1977

### **3.0 The Proposal**

The application proposes a new packing building measuring 114.2m by 31.6m creating approximately 3,608.7m<sup>2</sup> of additional floor space. The building would measure around 10.6m to the ridge and be positioned to the west of an existing building within the site. It would be clad using the same materials as the existing adjacent building. The building would be used for the packaging of carrots.

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

- Supporting Planning Statement by Fisher German;
- Flood Risk Assessment dated June 2022 – 22124-FLD-0101 Rev. A;
- Site Location Plan – 133464-001-001-A;
- Existing and Proposed Block Plan – TEC-3541 Rev-1;
- Elevations – TEC-3541 Rev-1.;
- Proposed Packing Extension – QD27166.

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

Occupiers of 11 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press.

Site visit undertaken on 25<sup>th</sup> August 2022.

### **5.0 Planning Policy Framework**

Spatial Policy 3: Rural Areas  
Spatial Policy 7: Sustainable Transport  
Core Policy 6: Shaping our Employment Profile  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character

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

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside  
Policy DM 9 – 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)

## **6.0 Consultations**

**Rufford Parish Council** – Consultation expiry 17<sup>th</sup> November 2022 due to late consult. Any comments received after agenda print will be reported to Members through the late items schedule.

**Bilsthorpe Parish Council** – Noted. No notes.

**NCC Highways** - On the basis that the proposed building would house a new function (cleaning & packing), for produce which is already delivered to the site and which would not result in any further staff above and beyond what the site has previously employed, the Highway Authority offer no objections.

**NCC Flood Team** – No objection subject to condition.

**No letters of representation have been received.**

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

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

### Principle of Development

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

The NPPF supports a prosperous rural economy which states that planning decisions should enable sustainable growth and expansion of businesses in rural areas through conversion of existing buildings and well-designed new buildings.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub- Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages (of which Bilsthorpe forms one of). At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). SP3 goes on to confirm that,

development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses certain uses as outlined by Policy DM8.

The site lies in the open countryside albeit close to (on the very edge of) the settlement of Bilsthorpe. The site is an existing business based on agriculture which operates as a storage and distribution centre for crops which are supplied to the major supermarkets. The rationale behind the application submission to provide a new packing building for the packaging of carrots. Currently the carrots are supplied dirty but due to changes in supermarket requirements this building is required to clean and package the carrots. It is stated that the building will not increase the tonnage of carrots from the site but will add additional value to the operation already taking place, supporting the existing farming enterprise. A total of 10-15 new jobs are likely to be created to support this process.

Policy DM8 outlines a number of criteria whereby it may be appropriate to allow development in the open countryside including agricultural development requiring planning permission and rural diversification amongst others. In respect of agricultural development there is a requirement for proposals to demonstrate the need for the development, its siting and scale in relation to the use it is intended to serve.

The applicant has been asked to provide further explanation to the scale of the proposed building and confirm that none of the other buildings on site could serve the proposed purpose. A plan of the internal machinery layout has been provided which Officers accept justifies the scale of the building.

There is no doubt that the purpose of the building would be connected to agricultural practises. However, clearly it would be part of a wider agricultural enterprise which represents rural diversification. Policy DM8 is support of proposals to diversify the economic activity of rural businesses where it can be shown that they can contribute to the local economy but also that they are complimentary and proportionate to the existing business in their nature.

The application submission confirms that the proposal would amount to the creation of 10-15 jobs and allow the business to meet the changing requirements in suppliers demands. On this basis it is accepted that the proposal would contribute to the local economy and that the practises within the building would be complimentary to the existing business.

The matter of proportionality is difficult to assess on a site such as this where the business has clearly evolved significantly over the years. Taking on face value against the existing floor space on site, the new building, despite its significant footprint could be considered as a proportionate addition (estimated at an approximate 15% increase). However, as is detailed in the planning history above, there have already been recent approvals for large scale buildings within the site.

Overall, the increases over the years are not considered proportionate to the scale of the original business. This is perhaps unsurprising noting that the business was established in the 1970s and clearly agricultural practises and their associated enterprises have evolved significantly since that time. Taken purely on a footprint basis, the proposal would not represent a proportionate expansion when compared to the original operations and

therefore would not be supported as an expansion of a rural enterprise through Policy DM8. The proposal has been advertised as a departure on this basis.

It is noted that the agent disagrees with this approach based on the aforementioned advice within the NPPF (in respect to the growth of rural businesses). It is noted that the NPPF postdates Policy DM8, however the NPPF relates to the *sustainable* growth and expansion of businesses in rural areas. It is implicit that in order to be sustainable, the expansion would need to be proportionate as per the requirements of Policy DM8. I therefore do not consider that the policy requirements of DM8 run contrary to the NPPF.

Notwithstanding the above, taking a pragmatic approach and as an alternative means of assessment, proportionality could also be considered in the context of the proposed use of the building. As is described by the additional information provided, the size of the building is considered reasonable to allow for the business to expand to meet supermarket demands. The outcome of the process (cleaning and packing of carrots) would be proportionate to the wider enterprise on the site however I am mindful that once approved it would be difficult to control exactly what the building were to be used for.

The scale of the building is significant and thus in my view cannot reasonably represent a proportionate expansion in footprint terms when compared to the scale of the original business. Whilst there is merit in assessing proportionality by other means, overall, it is considered that strictly speaking the development would be contrary to Policy DM8 in principle. Nevertheless, it remains to assess the proposal against the remainder of the Development Plan in order to inform an appropriate balancing exercise.

#### Impact on Landscape and Character

The site is located within the Sherwood Policy Zone 9 (Old Clipstone Estate Farmlands) landscape character area which generally has an undulating topography where landscape condition and sensitivity is described as moderate giving a landscape action of 'conserve and create' as per the Landscape Character Assessment which is an evidence base for Policy CP13.

The proposed building would be to the west of existing buildings within the site but would not encroach further westwards than existing buildings positioned to the north. Nevertheless, the site and thus the proposal would be potentially visible in the wider landscape including from the A614 to the west.

The building would be located within the confines of the existing complex in the sense that it would be on an existing area of hardstanding and adjacent to an existing large storage building on an area of hard standing. There is existing mature vegetation surrounding the site particularly to the south-east where there is a dense belt of trees etc. between the wider site complex, and the adjacent field and to the west the existing bunding and vegetation affords good screening. The overall height of the proposed building would be marginally lower than the adjacent buildings to the east. Thus, in vantage points where the building is visible, its impact would be similar to the established landscape impacts of the existing buildings within the wider site.

In terms of the materials, it is proposed that these would match the existing building and therefore would assimilate well within the site.

I consider therefore that the impact on the landscape to be minimal and conclude that the proposal would conserve the landscape character as required by CP13. In terms of the 'create' element of the policy this looks for opportunities to secure areas of heathland and small woodlands where appropriate. I do not consider it would be appropriate or proportionate in this instance to require this given the existing vegetation surrounding the site. I therefore consider the proposal accords with CP13 and DM5 in this regard. Likewise, I consider the impact on ecology would be negligible and the proposal accords with CP12 and DM7 and CP12.

### Impact on Highways

SP7 requires developments to minimize the need for traffic, provide safe and convenient accesses for all and be appropriate for the highway network in terms of volume of traffic and the nature of the traffic amongst other things. The submitted Supporting Statement confirms that the development will potentially create 10-15 new employees but that the overall impact on the employment within the site will be comparable to pre-brexit levels (when the site had more manual processes).

The access arrangements are to remain as existing. There is ample space within the wider site for parking for the additional employees (and indeed sustainable modes of transport would be available noting the proximity to Bilsthorpe). I have identified no adverse impacts to the highways network which would warrant concern.

### Other Matters

The site lies within flood zone 1 which is at lowest risk of flooding although the access to the site is within Zone 3, at highest risk. Due to its size a Flood Risk Assessment was submitted with this application. The building itself would take place in Zone 1 and would be a 'less vulnerable' use according to the NPPF. The FRA shows that the fluvial flood risk is very low and acceptable. I consider that the proposal accords with CP10 and the NPPF in flood risk terms. NCC as the Lead Local Flood Authority have raised no objections subject to a condition seeking further details of surface water drainage. The agent has responded to these comments stating that surface water will be collected by the existing site wide drainage infrastructure. However, NCC have confirmed that this is insufficient detail for a major scheme and continue to recommend the condition is imposed.

## **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 proposal is to erect an additional building in line with the agricultural enterprises within the site. When noting the significant size and scale of the proposed building, it is not considered that the proposal would represent a proportionate expansion of the existing rural enterprise and therefore the proposal would be contrary to Policy DM8.

However, the building would be positioned within the existing confines of the site on an area of existing hardstanding and would follow the design principles of existing large scale buildings within the wider site. The practises within the building would not have a material impact on the highways network. No specific harm other than the in principle objection has been identified.

The proposal would lead to the creation of 10-15 jobs which is significant in rural employment terms particularly when acknowledging the proximity of the site to Bilsthorpe. On balance, the support for rural employment is considered enough to outweigh the in principle objection. This judgement is made on this site specific basis in that the operations within the building are considered proportionate to the wider practises within the site even if the size and scale of the building itself are not.

## **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 out except in complete accordance with the following approved plans reference:

- Existing and Proposed Block Plan – TEC-3541 Rev-1;
- Elevations – TEC-3541 Rev-1.
- Location Plan 133464-001-001-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.



04

Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the premises to be used in connection with the existing agricultural enterprise operating from the site (for the cleaning and packing of agricultural products) and for no other use or purpose.

Reason: In the interests of amenity and to afford control over matters such as HGV vehicle movements that may be more intensive with alternative uses.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy., has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

### Informatives

01

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

02

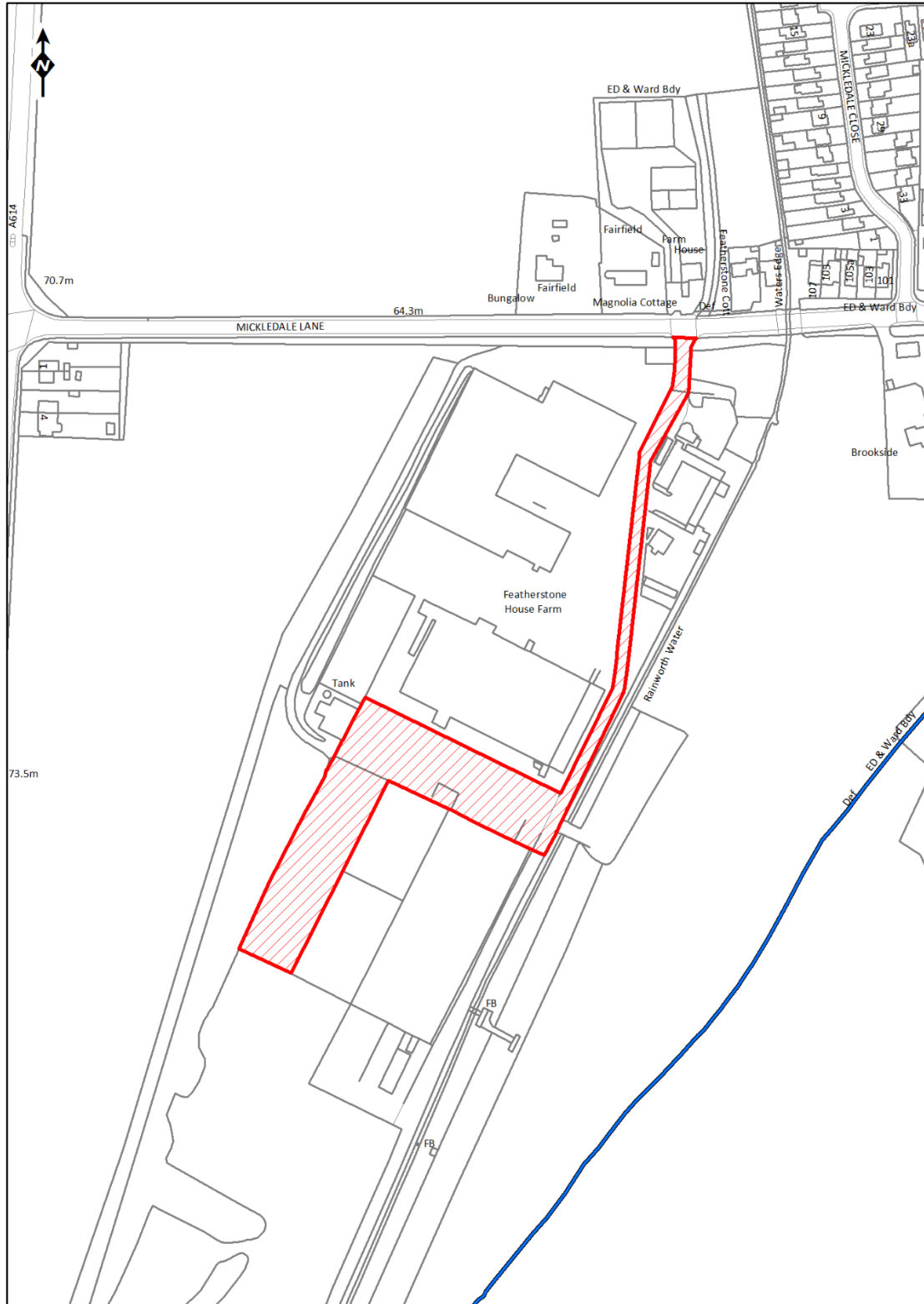
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) The proposed 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 - 22/01573/FULM



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Report to Planning Committee 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/01328/FUL		
<b>Proposal</b>	Conversion to 5 no. flats. Remodelling of outbuilding. New secured bin storage. Communal garden area and 7no parking spaces.		
<b>Location</b>	94 North Gate, Newark On Trent, Nottinghamshire, NG24 1HF		
<b>Applicant</b>	Newark & Sherwood District Council - Mr Kevin Shutt	<b>Agent</b>	SGA Mrs Karolina Walton
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01328/FUL">22/01328/FUL   Conversion to 5 no. flats. Remodelling of outbuilding. New secured bin storage. Communal garden area and 7no parking spaces.   94 North Gate Newark On Trent Nottinghamshire NG24 1HF (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	13.07.2022	<b>Target Date:</b>	07.09.2022
		<b>Extension Agreed To:</b>	17.11.2022
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the Applicant is Newark & Sherwood District Council.

## 1.0 The Site

The application site comprises 94 North Gate which is a large dwelling in multiple occupation (HMO) that lies to the NW side of the plot enclosed by boundary fencing to the sides and rear and an approx. 2m high boundary wall to the highway on Lovers Lane. On Lovers Lane the area is predominately residential in nature with no prevailing uniformity in the street scene. Residential properties also exist to the NE on Edwin Place. However, to the west is a large commercial unit occupied by Halfords with other commercial uses to the north. Whilst no. 94 is visible in glimpses from the Halfords car park it is not immediately visible from Lovers Lane given the setback positioning and trees/vegetation present within the eastern side of the site.

No. 94 is a traditional style dwelling which has architectural merit and is considered to be a non-designated heritage asset (NDHA).

It is understood that no. 94 is currently used as an 8 bed HMO property but was formerly operated as a guest house. The site lies within land identified as Flood Zone 2 by the Environment Agency Flood Maps. Approx. 28m to the NW is the boundary of Newark Conservation Area.

## **2.0 Relevant Planning History**

No relevant site history.

## **3.0 The Proposal**

The application seeks permission for the conversion of the existing building to 5 no. 1 bed 2-person (1B2P) flats. The scheme includes the remodelling of the existing outbuildings on the NE side of the property including a new secure bin store 2.4m x 2.1m, 2.7m to ridge and 1.7m to eaves. A communal garden area would be provided to the front of the building in addition to 7 parking spaces. The existing access would be widened to 6m wide with the existing gates permanently fixed open.

External alterations to the main building on site are limited to the insertion of 2 rooflights in the rear (NW) elevation to serve Flat 5.

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

- Design & Access Statement
- Arboricultural Report
- Flood Risk Assessment
- Site Location and Block Plan – Ref. 0001 P8
- Existing Ground and First Floor Plans – Ref. 0002 P1
- Existing Second Floor and Roof Plan – Ref. 0003 P1
- Existing Front and Side Elevations – Ref. 0004 P1
- Existing Rear and Side Elevations – Ref. 0005 P1
- Existing Illustrative Images – Ref. 0006 P1
- Proposed Ground and First Floor Plans – Ref. 0007 P1
- Proposed Second Floor and Roof Plans – Ref. 0008 P2
- Proposed Elevations Front and Side – Ref. 0009 P1
- Proposed Elevations Rear and Side – Ref. 0010 P2
- Proposed Illustrative Images – Ref. 0011 P1
- Flat 5 Kitchen Extension Proposal – Ref. P0012 P1
- Existing Site Plan – Ref. 0013 P1
- Trees Constraints Plan – Ref. 0015 P3
- Amended Proposed Street Lighting and Doors to Outbuildings – Ref. 0019 P2
- Amended Proposed Plans and Elevations Outbuildings – Ref. 0017 P2
- Boundary Wall Details – Ref. 0018 P2

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

Occupiers of 57 properties have been individually notified by letter.

Earliest Decision Date: 05.08.2022

Site Visit undertaken: 03.05.2022

#### **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

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

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)

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Housing Needs Survey 2020

#### **6.0 Consultations**

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

**Newark Town Council** – Support the application.

**NSDC Conservation Officer** – No objection subject to conditions.

**NSDC Tree Officer** – No objection subject to conditions.

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

## **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 DPD (2019) and the Allocations and Development Management Policies DPD (2013). The 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 within the urban boundary of Newark, the 'Sub-Regional Centre' of the district and therefore the principle of residential development or use on this site is acceptable. In addition, the provision of much needed affordable housing is welcomed in line with CP1.

### **Housing Mix and Density**

The application is for the conversion of an existing building to apartments, all of which would be 1B2P units. The site falls within the Newark sub area where the predominant affordable housing need (42%) is for 2 bed bungalows followed by 1 bed bungalows (32%). Whilst the 1 bed flats proposed would not align with the greatest affordable need in the Newark Area there is an 11% need overall in this sub area for 1 bed affordable flats and thus the development proposed would still contribute to meeting an identified need in the sub area.

### **Impact on the Character and Appearance of the Area**

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. Chapter 11 of the NPPF also emphasises the importance of making effective use of land (and underutilised 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. 117).

94 North Gate is considered to be a Non-Designated Heritage Asset (NDHA) and following a public consultation that was carried out earlier the year with regards to proposed extension of the Newark Conservation Area, including extension along Lover's Lane (see Appendix 1 – Newark Conservation Area Review document), the proposal would also be situated in the forthcoming extension of Newark Conservation Area boundary. With regards to the proposed Conservation Area boundary extension, no.94 North Gate, its boundary walls and trees within the grounds will make a positive contribution to the character and appearance of the Conservation Area. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other matters, 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 alterations proposed are limited to the addition of two rooflights in the rear elevation and the re-modelling of the existing outbuildings on the NE side of the building which would see the removal of a small section of external wall and replacement with a small-scale outbuilding to provide secure bin storage within an internal courtyard area. The proposed outbuilding would be small scale and reflective of the architectural style of the main building. It would also be discrete and screened by the main building from any public vantage point. Alterations are also proposed to the site access which would see the widening of the existing gated access into the site and pinning back of the access gates. An area for parking would be provided within the front garden area along with a communal garden for future residents. To accommodate this, several smaller ornamental trees within the front garden would require removal.

The Conservation Officer (CO) has reviewed the application and advised that the proposed conversion and alterations to the building would sustain the architectural significance of the NDHA. They note that the proposal includes the partial demolition of the boundary wall along the highway to widen the access and provide visibility splays, given this boundary wall has some historic character this would result in a more suburban appearance which could result in a minor degree of harm on the setting and significance of the NDHA. They also note that the removal of vegetation within the centre of the site for parking provision would result in a loss of some greenery which makes a positive contribution to the secluded setting of the NDHA, however larger trees to the edges of the site would be maintained which would help retain the overall sense of seclusion. The CO concludes that the proposed development would have a minor harmful impact on the setting and significance of the Non-Designated Heritage Asset, however on balance, the historic and architectural integrity of the building would be maintained, and the proposed reuse would help conserve the building for future generations (in accordance with para. 203 of the NPPF and policy DM9 of the ADMDPD). As such they raise no objection to the proposal subject to conditions.

Overall, whilst the proposal would have a minor harmful impact on the setting of 94 Northgate as an NDHA, when considering this on balance it is considered that the overall historic and architectural integrity of the building would be maintained, and the proposed reuse would help conserve the building for future generations. More broadly it is not



considered that the proposed development would result in any adverse impact on the character or appearance of the area and therefore, given the assessment above, the proposal is considered to be acceptable in accordance with policies DM5 and DM9 of the ADMDPD and CP9 and CP14 of the Core Strategy in addition to the heritage advice contained within Section 16 of the NPPF.

#### Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 and requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

In terms of amenity provision for the proposed occupiers, internally the units would accord with the recommended 'Technical housing standards – nationally described space standard' (March 2015) for the type and size of unit proposed (50m<sup>2</sup> for 1B2P units). Externally the occupants would also share a communal garden area within the site and would have access to other areas of public green space within the town. All of the units would be served by adequate sources of natural light, noting that roof lights are proposed to be added to improve natural light provision for Flat 5 (which would be served by dormer windows in addition to roof lights). As such it is considered that the proposal would be acceptable in relation to the amenity of future occupiers.

Furthermore, given the existing separation distances with development and the application building (which is already understood to be in residential use) it is not considered that there would be any unacceptable overlooking impacts. It is noted that the area has a mix of uses including commercial businesses, however residential use is not uncommon in this location and any future occupier would be aware of this situation prior to occupation. The building has also previously been used for residential accommodation as a HMO with no complaints in relation to noise. Overall, I therefore consider the proposal to accord with policy DM5 in this regard.

#### 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. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

In terms of vehicular access, the existing site access off Lovers Lane would be utilised and widened by approx. 1.5m with the access gates pinned back. The site lies in the area identified as 'Inner Newark' within the Council's Parking Design SPD which means there is a requirement for 1 vehicular and 1 cycle parking space on site per residential dwelling. The 5 flats would be served by 7 onsite parking spaces which exceeds the requirements of the SPD with space for secure cycle storage also within the site.

The Highway Authority (HA) have commented on the application raising no objection subject to conditions. The HA noted that width of the access shown on the proposed plans would need to be increased by 0.2m to accord with the highway design guide and this has been amended on the proposed plans. They also commented that whilst details of visibility splays have not been provided, given the proposed use would not generate a significant amount of additional traffic compared with the current use, and that the access is proposed to be increased, the scheme would result in a betterment in terms of vehicular and pedestrian visibility. The HA made further recommendations as to how visibility splays could be further improved, however given the Conservation Officer has raised concerns with any significant removal of the existing boundary wall this has not been pursued. It is also noted that the HA have not required this alteration and state that the access as amended (a minimum width of 5.8m) is acceptable.

It is therefore considered that the development would accord with policies SP7 and DM5 in this regard, subject to conditions.

### Impact on Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

The site lies within Flood Zone 2 meaning it has a medium risk of flooding from fluvial sources. Residential development is defined as 'more vulnerable' within Table 2 of the Technical Guidance to the NPPF. The NPPG advises that the Sequential Test is not applicable for applications of change of use and as such the conversion of the existing building to 5 flats does not require the application of the Sequential Test in this case, however the PPG is clear that applications still need to demonstrate how future occupiers would be kept safe from flood risk through a Flood Risk Assessment (FRA).

As such the applicant has submitted a Flood Risk Assessment to accompany the application which considers the risk to users of the site and third parties. It is not considered that the proposal at hand would result in an increased flood risk to third parties given the level of additional development is minimal, the existing site context and use, in addition there would remain ample amounts of permeable surfacing on the wider site for water to permeate. Overall, it is not considered that the proposed development is likely to result in any increased levels of flood risk for users of the site or elsewhere subject to the incorporation of the flood resilience measures outline on page 20 of the FRA. Subject to a condition requiring the inclusion of flood resilience measures I consider the development would be in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF in this regard.

## Impact upon Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes opportunities to incorporate biodiversity in and around developments should be encouraged.

During the course of the application's consideration, a number of small ornamental trees within the front garden area of the building have been removed to facilitate the clearance of the site. Consent was not required for their removal given the site does not currently lie within a Conservation Area and none were protected by TPO. Nevertheless, these trees were not visually imposing trees to the character of the surrounding area compared to the larger trees which are sited around the boundary of the site and shown to be retained.



Given the level of vegetation here the loss of the smaller ornamental trees within the site has not had any perceivable impact on the character and appearance of the area. Since these works the Council's Tree Officer has confirmed that they raise no objection to the development. They have however suggested that given detail within the tree report is lacking in relation to tree protection measures, arboricultural method statement, soft landscaping etc. a number of conditions are attached to the permission.

Overall, I consider subject to conditions, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy 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 Conclusion**

The principle of the conversion of the building to flats is considered to be acceptable in this sustainable location and would make efficient use of an existing building whilst adding to the much-needed affordable housing stock in a form that would align with the local affordable housing need. The alterations proposed to the site would be sympathetic to its character and appearance and would respect the building's NDHA status as well as preserving the character and appearance of the area. There would be no undue harm to residential living conditions, ecology, flood risk or highway safety. I therefore recommend this application be approved.

## **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 out except in complete accordance with the following approved plan references:

- Site Location and Block Plan – Ref. 0001 P8
- Proposed Ground and First Floor Plans – Ref. 0007 P1
- Proposed Second Floor and Roof Plans – Ref. 0008 P2
- Proposed Elevations Front and Side – Ref. 0009 1
- Proposed Elevations Rear and Side – Ref. 0010 P2
- Flat 5 Kitchen Extension Proposal – Ref. P0012 P1
- Amended Proposed Street Lighting and Doors to Outbuildings – Ref. 0019 P2
- Amended Proposed Plans and Elevations Outbuildings – Ref. 0017 P2
- Boundary Wall Details – Ref. 0018 P2

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.

## 04

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:

- i) 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;
- ii) measures for the protection of existing tree and hedgerows shown as being retained on approved plan no. 0001 Rev. P8 during construction;
- iii) means of enclosures (including details of access gates);
- iv) hard surfacing materials and construction specification (including specifications, where applicable for: a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs)).

Reason: In the interests of visual amenity and biodiversity.

## 05

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 unless otherwise agreed in writing by the local planning authority. 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.

## 06

No trees within the site which are shown as being retained within the Site Location & Site Block Plan - Ref. 609 SGA 352 SL DR A 0001 Rev. P8 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

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

## 09

The development hereby permitted shall incorporate the flood resilience and resistance measures detailed at Section 9 (page 20) of the Flood Risk Assessment dated August 2022 submitted with this application. These measures shall be implemented prior to the commencement of the use hereby permitted and shall be retained for the lifetime of the development.

Reason: To safeguard users of the site against the risk of flooding.

## 10

Prior to first occupation of the development hereby approved:

- a) the access and driveway shall be widened to 5.8 metres for a minimum distance of 8.0 metres behind the highway boundary in accordance with the approved drawing no. 0018 P2.
- b) the private driveway shall be surfaced in a bound material (not loose gravel) for a minimum distance of 8.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard-bound material for the life of the development.
- c) the access driveway shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway with any proposed soakaway (if applicable) located at least 5.0m to the rear of the highway boundary. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
- d) the parking areas shall be provided in accordance with approved drawing no. 0001 P8. The parking areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.
- e) The gates at the access point shall be fixed back, i.e. for decorative purpose only, in accordance with the approved plans and shall be retained fixed back for the life of the development.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.). To ensure surface water from the site is not deposited on the public highway causing dangers to road users. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area., all in the interests of Highway safety. In the interests of the safety of users of the Highway using the footway immediately adjacent to the boundary wall.

## **11**

The outbuildings as shown on approved drawing no. 0017 P2 shall be provided and made available for use for cycle and bin storage prior to the first occupation of the flats hereby permitted in accordance with the approved details and retained for the lifetime of the development.

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

### 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 Councils 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**

Notes from the Highway Authority:

Access widening: The widening of the existing dropped kerb crossing requires works in the highway, which is land outside the applicant's control. Please note that a planning consent is not a permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk) before any off-site works commence.

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

Prevention of Mud on the Highway: 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.

04

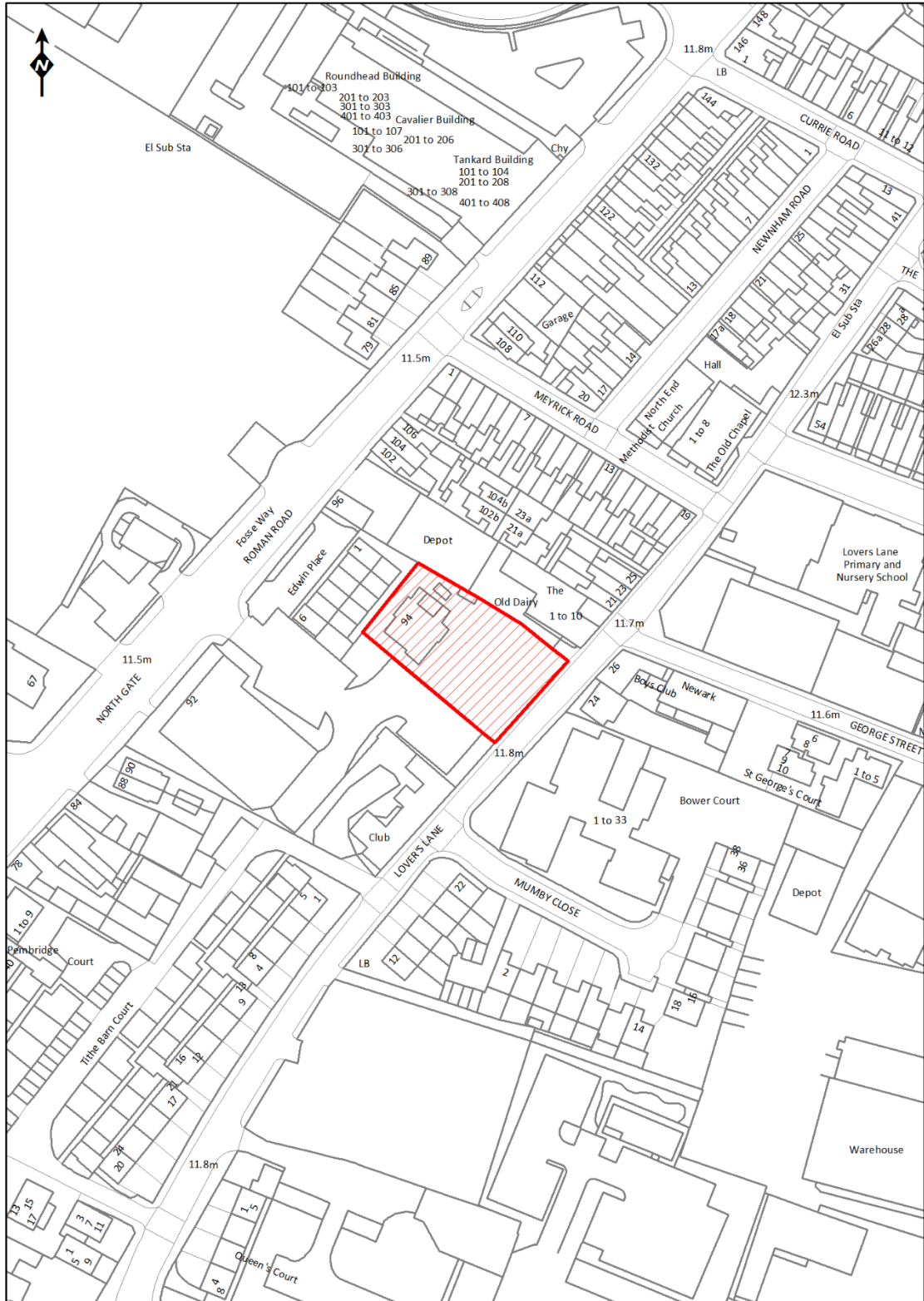
The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01328/FUL



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Report to Planning Committee 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
<b>Application Number</b>	22/01769/FULM		
<b>Proposal</b>	Partial change of use of agricultural land to mixed agricultural and equestrian, including erection of timber hay barn (on agricultural land) and new fencing and gates.		
<b>Location</b>	Plot Numbers 6, 7 And 8, Land North of Ricket Lane, Blidworth, NG21 0NG		
<b>Applicant</b>	Mr and Mrs Booth	Agent	Mrs Helen Broadhurst - Vale Planning Consultants
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01769/FULM">22/01769/FULM   Partial change of use of agricultural land to mixed agricultural and equestrian, including erection of timber hay barn (on agricultural land) and new fencing and gates.   Plot Numbers 6, 7 And 8 Land North Of Ricket Lane Blidworth NG21 0NG (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	09.09.2022	Target Date	09.12.2022
<b>Recommendation</b>	Refuse, for the reason set out in Section 10.0		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Blidworth Parish Council have no objections to the scheme which is contrary to the Officer recommendation and the proposal is a major development.

## 1.0 The Site

The application site is a rectangular plot approximately 3.9 hectares in extent to the north of Ricket Lane. The Robin Hood Activity Centre is on the opposite side of the lane. Development in the surrounding area is otherwise sparse in nature.

The site is washed over by the Nottingham Derby Green Belt. A public right of way runs alongside the western boundary of the site.

The boundary with Ricket Lane is formed of dense hedgerow with interspersed trees albeit there is an existing access / opening of the hedgerow in the south eastern corner. There is a gentle gradient within the site falling slightly in a southerly direction. There are dispersed trees along the boundaries but the site itself is predominantly laid to pasture.

## **2.0 Relevant Planning History**

There is no planning history to the site itself. Land to the east has recently been granted approval for a change of use to equestrian use including perimeter fencing (22/01146/FULM).

## **3.0 The Proposal**

The proposal seeks permission for various elements including the change of use of approximately half of the site (the eastern half) for equestrian use. The submitted site plan shows that this half of the site would be divided into four paddocks divided by 1.2m high post and rail fences. Fencing would also surround the perimeter of the site at 1.4m in height with gated access in the south eastern corner.

It is also proposed to erect a hay barn towards the south eastern corner of the site to serve the part of the site which would be retained in agricultural use. The barn would be split into three bays; two being open hay stores and the other being an enclosed equipment and tool store. The building would be approximately 5.4m by 9.3m with an overall pitch height of 3.35m. It would have a clad finish.

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

- Location Plan (unreferenced received 8<sup>th</sup> September 2022);
- Site Plan (unreferenced received 8<sup>th</sup> September 2022);
- Proposed Floor Plan, Roof Plan and Elevations reference LT dated 31/08/2022;
- Gate Details (unreferenced received 8<sup>th</sup> September 2022);
- Horse Fence Information – R13/120/5;
- Planning and Design Statement, including Assessment of Flood Risk dated September 2022.

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

Occupiers of 3 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press.

Site visit undertaken on 23<sup>rd</sup> September 2022.

## **5.0 Planning Policy Framework**

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

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 4A – Extent of the Green Belt  
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

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

DM5 – Design  
DM7 – Biodiversity and Green Infrastructure

### **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  
Landscape Character Assessment SPD 2013

### **6.0 Consultations**

**Blidworth Parish Council** – No objections.

**NCC Rights of Way** –There are no public rights of way recorded over the proposed development site. Suggested informative due to site being adjacent to Blidworth Bridleway 9.

**Ramblers Association** - No comments received.

**One letter of representation has been received supporting the application. One letter of objection has been received on behalf of Mansfield and District Scout Council, details of which can be summarised as follows:**

- The change of use and building is likely to have no detrimental impact;
- There are concerns re: the arrangements for the vehicle access close to the entrance to the Robin Hood Activity Centre which can be busy during group arrival and departure;
- Horse boxes could reduce visibility and manoeuvrability for vehicles turning in and out of the activity centre;
- There is no reference to the management of surface water drainage.

### **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 outside of the main built-up area of Blidworth, within the Nottinghamshire-Derby Green Belt. In accordance with Spatial Policies 1 and 4b, development within the Green Belt will be assessed in line with national guidance.

Chapter 13 of the NPPF (2021) emphasizes the importance which the Government attaches to Green Belts with the fundamental aim to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraphs 149 and 150 of the NPPF (2021) list the types of development which may form an exception to the presumption of keeping land open, including buildings for agriculture and material changes in the use of land (such as changes of use for outdoor sport or recreation). However, the latter exception is caveated on the need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

The application includes various elements including a proposed building to be used as a hay and equipment store for the part of the site retained for agriculture. It is stated that this part of the site will be used for the production of hay, some of which will be used as additional food for the horses, with the remainder sold locally. The building would store a small tractor and square baler.

The term agriculture is defined within Section 336 of the Town and Country Planning Act 1990 as follows:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*

“Agricultural land” is defined within Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended as *“land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of trade or business, and excludes any dwelling house or garden”*. It is acknowledged that this application has not been advanced as development under Part 6 of the GPDO, however, the statutory definition of “agricultural land” is relevant in so far as it clarifies that there must be a commercial/production aspect in order for land to be considered in use for agriculture.

The agent has been asked to clarify the dimensions of the equipment proposed for storage and also to confirm the proportion of hay to be sold vs the proportion to be used as food for the horses.

It is stated that a tractor has not yet been purchased but an example of a model that would be suitable to serve the needs of the land has been provided which would fit within the dimensions of the building. In terms of the hay bale production the following explanation is offered:

*As depicted on the Site Plan submitted with the Application, approximately 4.5 acres of the overall landholding will be cut for hay. On average, this will provide ca. 10 bales per acre each year, thereby equating to 45 bales on an annual basis. Of this, the three horses will consume ca. 2 bales per month (possibly 3 for a couple of colder months) = 24 - 26 bales each year. This leaves ca. 19 - 21 bales each year to be sold to others (an approximate 55 / 45 percentage split)*

*As you'll be aware, this is not a significant amount, and given the small scale nature of this enterprise, it is anticipated that these 'left over' bales will be sold locally and within the local equestrian 'community'. This will not therefore, create a formal business enterprise or commercial agricultural operation, but rather will form part of an informal equestrian / agricultural exchange type arrangement.*

On the basis of the evidence provided, it is not considered that the building would be required strictly for agricultural purposes. The majority of the hay produced would be for feed for the horses and even the excess to be sold would still have connections to equestrian uses rather than being a true agricultural enterprise. The building would therefore fail to meet an exception listed by paragraph 149 and would therefore be inappropriate development in the Green Belt.

The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no definitive list for what constitutes very special circumstances, but the threshold is high and turns on the facts and circumstances of individual applications.

No very special circumstances have been advanced with this application, nor are any considered to exist therefore, the proposed building is considered contrary to the relevant provisions within the NPPF, and Spatial Policy 4B.

Notwithstanding the above, the proposal also includes the part change of use of part of the site to equestrian purposes. As above, in order to be potentially acceptable in principle this requires an assessment on the impacts of the Green Belt as explored further below.

Paragraph 138 outlines that Green Belts serve five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*

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

The closest conflict arising from the change of use would be with point c) relating to safeguarding the countryside from encroachment.

The change of use from agriculture to equestrian is likely to represent a more formalised use of the site. However, as has been described by the information submitted to support the application, the equestrian use would be personal to the applicant. Crucially, the application does not include any stable buildings and it is stated that additional paraphernalia such as horse jumps will not be required. In terms of the equestrian part of the proposal, the actual impacts on the ground are likely to be largely unperceivable compared to land used for grazing horses which would class as agriculture.

It is appreciated that the Local Planning Authority would have no control of features such as horse jumps being brought onto the land at a later date but taken on good faith based on the information provided at this stage, the proposal is not considered to represent encroachment into the open countryside. The proposal would therefore not conflict with the purposes of including land within the Green Belt. It is fully appreciated that permission goes with the land and therefore this could change in the future without the need for planning permission (given that the structures are unlikely to constitute development). Even in this scenario the associated character impacts are likely to be relatively low key in the wider landscape.

The proposal also includes operational development in the form of boundary fences and fences within the site and towards the site access. The type of fencing proposed is post and rail and stock proof fencing of relatively modest heights between 1.2m and 1.4m. These would not be particularly foreign features in the landscape. The plans show that the perimeter fencing would be inside the retained hedgerows.

Given the low key nature of the fences it is not considered that they would adversely affect the openness of the site. It is material that the majority of the fences could be built without planning permission with the exception of the fence at the south eastern corner which exceeds 1m adjacent to the highway. There is therefore a strong fall back position that if the part of this fence which abuts the highway was reduced by 0.4m in height, the fences would not require planning permission.

When taken as a whole, the proposal would represent inappropriate development in the Green Belt on the basis that the building proposed is not considered to be truly required for agricultural purposes.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. In the context of this application, an amenity assessment would primarily relate to the potential for increased noise and disturbance.



The nearest neighbouring dwelling is over 175m away to the east. The Design and Access Statement confirms that the proposed use would be for personal equestrian use.

The area is established with walkers / horse riders and cyclists due to the public rights of way network in the area. The movements associated with the proposed use are therefore unlikely to be perceivable to the neighbouring properties and therefore no harm has been identified against the relevant provisions of Policy DM5.

#### Impact on the Highways Network

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

The proposal relies on the positioning of an existing access towards the south of the site. There is space for on-site turning within the site. It is stated that the equestrian use would necessitate around 2 vehicle movements per day which could be accommodated within the existing highways network without imposing highways safety harm.

There is a public right of way alongside the western boundary of the site but the proposal would not affect the useability or legibility of the footpath and thus there are no concerns in this respect.

#### Other Matters

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible. The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM7. The access to the site is existing and there is no suggestion to remove any existing trees or hedges. There is an intention to plant additional hedges and trees which would be welcomed in ecological terms. No harm has therefore been identified in respect of the ecological value of the site.

The site is within Flood Zone 1 and at very low risk of surface water flooding. The majority of the site will remain as grassland / porous materials and therefore there are no concerns in respect to flooding or drainage.

### **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 development represents inappropriate development in the Green Belt which by definition is harmful. No very special specific circumstances to outweigh this harm have been identified and therefore the development is recommended for refusal.

## **10.0 Reason for Refusal**

01

The site is located within the Nottinghamshire-Derby Green Belt. Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt are inappropriate, with some exceptions listed. In the opinion of the Local Planning Authority, the development does not benefit from any of the relevant exemptions outlined in Paragraph 149 of the National Planning Policy Framework (NPPF) in that it is not considered that the proposed building would be for genuine agricultural purposes. The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in such instances planning permission should only be granted where very special circumstances that outweigh the harm exist which have not been advanced or considered to exist in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Spatial Policy 4B (Green Belt Development); Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Amended Newark and Sherwood Core Strategy 2019 as well as Policy DM5 (Design) of the Allocations and Development Management Development Plan Document 2013 and the associated Landscape Character Assessment Supplementary Planning Document (2013).

### Notes to Applicant

01

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

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

03

- Location Plan (unreferenced received 8<sup>th</sup> September 2022);
- Site Plan (unreferenced received 8<sup>th</sup> September 2022);
- Proposed Floor Plan, Roof Plan and Elevations reference LT dated 31/08/2022;
- Gate Details (unreferenced received 8<sup>th</sup> September 2022);
- Horse Fence Information – R13/120/5;
- Planning and Design Statement, including Assessment of Flood Risk dated September 2022.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01769/FULM



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Report to Planning Committee 10 NOVEMBER 2022  
 Business manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Yeung Browne – Planner x 5893

Report Summary			
<b>Application Number</b>	22/01591/FUL		
<b>Proposal</b>	Development of 5 bungalows and associated external works including installation of new dropped kerbs.		
<b>Location</b>	77C Eton Avenue, Newark On Trent, NG24 4JH		
<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>	16.08.2022	<b>Agreed extension of time</b>	16.11.2022
<b>Recommendation</b>	Approve, subject to the conditions set out in Section 10.0		

**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 application site was the former Newark and Sherwood District Council housing office with parking facility, located on the corner of Eton Avenue and Devon Road, Newark. The office building is currently closed and due for demolition (22/00629/DEM), and the site is currently fenced off from both Eton Avenue and Devon Road.

The site is predominantly surrounded by residential development with some commercial properties to the north-west.

The proposed site is approximately 2000m<sup>2</sup>, broadly triangular in shape, current vehicle access is from Devon Road. To the northern boundary there are private garden areas from dwellings off Devon Road and a local pharmacy off Eton Avenue. An existing Gas Governor is positioned adjacent to Devon Road, access will be required from both sides.

## **2.0 Relevant Planning History**

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

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

19/02249/FUL – Demolition of existing building and development of 6 no. 1-bed flats. Application withdrawn on 14<sup>th</sup> January 2020

22/00629/DEM – Demolition of former NSDC Housing Office. Prior approval required and granted on 13.05.2022

## **3.0 The Proposal**

The proposal seeks permission for five bungalows set to the east of Eton Avenue, with principle elevations of the bungalows facing Eton Avenue. Eleven parking spaces would be created within the site access from both Eton Avenue and Devon Road; 7 of the parking spaces would be allocated for the bungalows, two for visitors and the remaining two would be allocated for maintenance vehicles for Gas governor.

The proposed 5 bungalows would comprise of two designs, 3x 1B2P (one bedroom for 2 people) in the middle and bookended by 2x 2B3P (two bedrooms for 3 people).

The block of bungalows would have a total width of 39.027m, and 8.54m in depth, standing at eaves and ridge of 2.235m and 5.538m. Each bungalow would have a gable end feature on its front elevation facing Eton Avenue, standing at 3.6m to the ridge.

Each dwelling would have its own garden areas; the rear garden areas would have timber fencing at 1.8m in height with a bin storage area. Existing trees within the landscaped area on the junction of Eton Avenue and Devon Road will be retained.

The proposal also includes drop kerbs from Eton Avenue and sections of Devon Road.

Materials proposed are brick (Cadeby Red Multi or Forterra Tame Valley Red) with roof tiles to be Russell Grampian slate grey, three of the gable end front porches on 1B2P bungalows would be rendered in Parex Monorex GM in off white.

The following documents have been submitted with the application:

- Existing site Location Plan ref: 529-SGA-35-SL-DR-A-00010 P3 Rev P1, received on 11 August 2022
- Revised Proposed site and block plans ref: received 529-SGA-35-SL-DR-A-00010 Rev P3, received on 14 October 2022
- Revised Proposed floor plans ref: received 529-SGA-35-OO-DR-A-00011, Rev P2, received on 15 August 2022
- Revised Proposed elevation ref: 529-SGA-35-XX-DR-A-00012, Rev P2, received on 15 August 2022
- Design and Access Statement received 11 August 2022

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

Occupiers of four properties have been individually notified by letter. A site notice was placed near to the proposed site on 02 September 2022.

Site visit undertaken on 02 September 2022.

#### **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
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- NAP1 – Newark Urban Area

##### **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

National Design Guide

Housing Needs Survey 2020

Residential Cycle and Car Parking Standards SPD 2021

#### **6.0 Consultations**

**Newark Town Council** – has no objection to the proposal subject to a full phased contamination condition as suggested by the NSDC Environmental Services.

**Caden Gas** – do not object to the proposal, an informative note required with the permission.

**NCC Highway Authority** – [further to previous comments] on 13 October 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 Environmental Health**– stated that the previous desktop study identified potential on site sources of contamination, recommended a full phased contamination condition.

**No representations have been received from interested parties.**

## **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 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 within the urban boundary of Newark, the 'Sub-Regional Centre' of the district and therefore the principle of residential development on this site is acceptable.

### Housing Mix and Density

Core Policy 3 confirms that the Local Planning Authority will normally expect development densities of no lower than an average of 30 dwellings per hectare. The provision of five dwellings on an overall site area of 0.2 hectares would lead to a density of approx. 25 dwellings per hectare which is considered agreeable in this site.

The site falls within the Newark sub area where the predominant affordable housing need (42%) is for 2 bed bungalows followed by 1 bed bungalows (32%). I therefore have no objection to the provision of these types of units, which would broadly align with the most up to date evidence in accordance with CP3.

### 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”.

The site is broadly a triangle place of land on the junction of Eton Avenue and Devon Road with some trees and shrub area which adds welcome greenery to the street scene. The site is within an area which is characterised by two storey terraced and semi-detached properties of similar design, construction and layout. Whilst their design does not hold any specific architectural merit, their uniformity does give a sense of place.

The bungalows would be constructed of red brick with concrete tiles. The application site is within an established residential area. The proposed site plan shows a row of 5 of bungalows which would front onto Eton Avenue, occupying the corner of the junction to Eton Avenue and Devon Road. The properties would have an open frontage, similar to other dwellings within the streetscene. The design of the properties are considered to reflect the local character overall. The arrangement of the dwellings at an angle to the existing semi-detached properties on Devon Road would respond well to the context of the plot and the retention of the existing greenery to the junction is a positive element of the scheme which would help reduce any perception of overdevelopment at this site due to the higher density proposed. In this regard it is therefore considered reasonable to condition that the trees and shrubs shown as being retained are retained for the lifetime of the development.

It is acknowledged that the development would result in a reduced level of external amenity space compared with surrounding properties which would be somewhat out of character with properties in the immediate vicinity. However there are other examples of properties within the wider area with smaller rear garden areas such that this is not considered to be fatal to the scheme.

With regards to the aesthetics of the proposed bungalows, 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 dwellings 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

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 and requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

In terms of future occupiers, the National Government has published the 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. The standards have not been adopted by Newark and Sherwood District Council but they nevertheless form a useful benchmark. The 3 middle units with a single bedroom for two people would provide c. 55m<sup>2</sup> gross internal area (GIA); the two bookended units with two bedrooms for 3 people would provide c. 61m<sup>2</sup> GIA; both types of units would meet the minimum GIA and thus internally the units would be acceptable.

The closest dwelling to the northeast is a semi-detached two storey dwelling, approximately 10.5m from corner to corner. Taking account of the single storey nature of the proposal and the orientation of the dwellings, it is not considered that the proposed bungalows would create amenity harm to occupants of the dwelling to the north.

In regard to the amenity provisions for the proposed bungalow, area of outdoor amenity space is proposed to the northeast and southwest of the dwellings. This is considered sufficient for the 2-bedroom bungalows. Furthermore, the provision of a 1.8m high fence surrounding the rear gardens 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. These are extensions, outbuildings and alterations to the roof.

With the above in mind, the single storey dwellings 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 one and two bed properties in inner Newark area the parking requirement is for one space, this proposal would provide a single space for the one bed properties and 2 spaces the two bed dwellings, with the addition 2 parking bays for visitors and two allocated parking bays for the Gas governor from Devon Road. Building regulations require new dwellings to have electric vehicle charging facilities to be provided, it is not therefore considered necessary to condition this requirement in this instance.

The proposed will require a dropped kerb from both Eton Avenue and Devon Road for the allocated parking spaces. Consultation has been undertaken with NCC as the Highways Authority. Their comments raise no objections on the revised block plan subject to conditions which can be reasonably imposed. The movements associated with the bungalows 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.

#### 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 Planning Statement submitted with the application states that surface water would be disposed via a sustainable drainage system or soakaway determined by engineer. 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.

#### CIL

The Council has an adopted a Community Infrastructure Levy (CIL), however, as the site is located within the zero rated Devon ward, CIL is not charged in this case.

## **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 Conclusion**

Overall the principle of five new affordable dwellings in this urban, sustainable area is considered to be acceptable and welcomed, making efficient use of land whilst adding to much needed affordable housing stock. The design of these bungalows would not adversely impact the surrounding area and would cause no undue harm to residential living conditions or highway safety. No adverse impacts have been identified and I therefore recommend this application be approved.

## **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 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: 529-SGA-35-SL-DR-A-00010 Rev P3, received on 14 October 2022
- Revised Proposed floor plans ref: 529-SGA-35-OO-DR-A-00011, Rev P2, received on 15 August 2022
- Revised Proposed elevation ref: 529-SGA-35-XX-DR-A-00012, Rev P2, received on 15 August 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

No part of the development hereby permitted shall be occupied until the existing site access, which has been made redundant as a consequence of this permission and as shown on plan 529 SGA 35 SL DR A 00010 rev. P03 received on 14 October 2022 is permanently closed, and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the structural integrity of the highway and to allow for future maintenance.

05

No part of the development hereby permitted shall be brought into use until all dropped vehicular footway crossings to the proposed driveways with off-street parking bays are available for use and constructed in accordance with plans submitted to and approved in writing by the Local Planning Authority. The highway works shall then be implemented in line with these details to the Highway Authority specification to the satisfaction of the Local Planning Authority.

REASON: To allow vehicles to enter and leave the highway in a slow and controlled manner in the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until all parking areas are provided and surfaced in a hard bound material (not loose gravel) in accordance with details submitted to and approved in writing by the Local Planning Authority. The surfaced of all parking areas shall then be used only for parking of vehicles for occupiers and visitors of this development and be maintained in the approved hard bound material 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 and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

07

No part of the development hereby permitted shall be brought into use until the parking areas are constructed with provision to prevent the discharge of surface water from the parking areas to the public highway. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary or hard-bound permeable surfacing should be installed. The drainage scheme shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

08

Prior to the commencement of development, the off-site traffic management works comprising of double yellow lines across the frontage of the site along Eton Avenue, as indicatively shown on the submitted plan ref: 529 SGA 35 SL DR A 00010 rev. P03 received on 14 October 2022 shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and retained thereafter unless the highway authority deem their removal appropriate.

REASON: To protect an unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue all in the interest of highway safety.

09

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:

- i. 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;
- ii. measures for the protection of existing tree and hedgerows shown as being retained on approved plan no. 529-SGA-35-SL-DR-A-00010 Rev P3 during construction;
- iii. means of enclosures;
- iv. hard surfacing materials;
- v. minor artefacts and structures for example, secure storage sheds and play equipment

Reason: In the interests of visual amenity and biodiversity.

10

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 unless otherwise agreed in writing by the local planning authority. 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.

11

No trees within the site which are shown as being retained within the Site Location and Block Plan – Ref. 529-SGA-35-SL-DR-A-00010 Rev P3) shall be felled, uprooted, willfully damaged or destroyed, cut back in any way.

Reason: In the interests of visual amenity.

12

No development shall be commenced, 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 unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a phasing scheme for works to ensure existing residents have access to external amenity space throughout the construction period;
- viii. hours of construction.

Reason: In the interests of residential amenity.

13

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.

14

The bin storage facilities/area shown on the approved plan reference 529-SGA-35-SL-DR-A-00010 Rev P3 received on 14 October 2022 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.

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.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **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

Highway works including access reinstatement:

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 or obtain a licence from the Highway Authority, depending on the scale of works required. Please contact [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) or contact the Highway Authority by calling Nottinghamshire



County Council's Customer Services on 0300 500 8080 and ask for a Principal Officer for Newark and Sherwood area for more details.

04

Building Works shall not project over the highway:

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

05

Prevention of Mud on the Highway:

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.

06

Traffic Regulation Orders:

The proposed off-site highway works referred to in condition 5 above require a Traffic Regulation Order (TRO) before the development is occupied to provide off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) or alternatively you can contact Nottinghamshire County Council's Customer Services on 0300 500 8080 and ask for the Improvements Team in Via EM Ltd. Please note that this is a process due to public consultation being part of the procedure; therefore, the applicant is advised to arrange for the TRO process to commence at an early stage of the site redevelopment.

07

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.

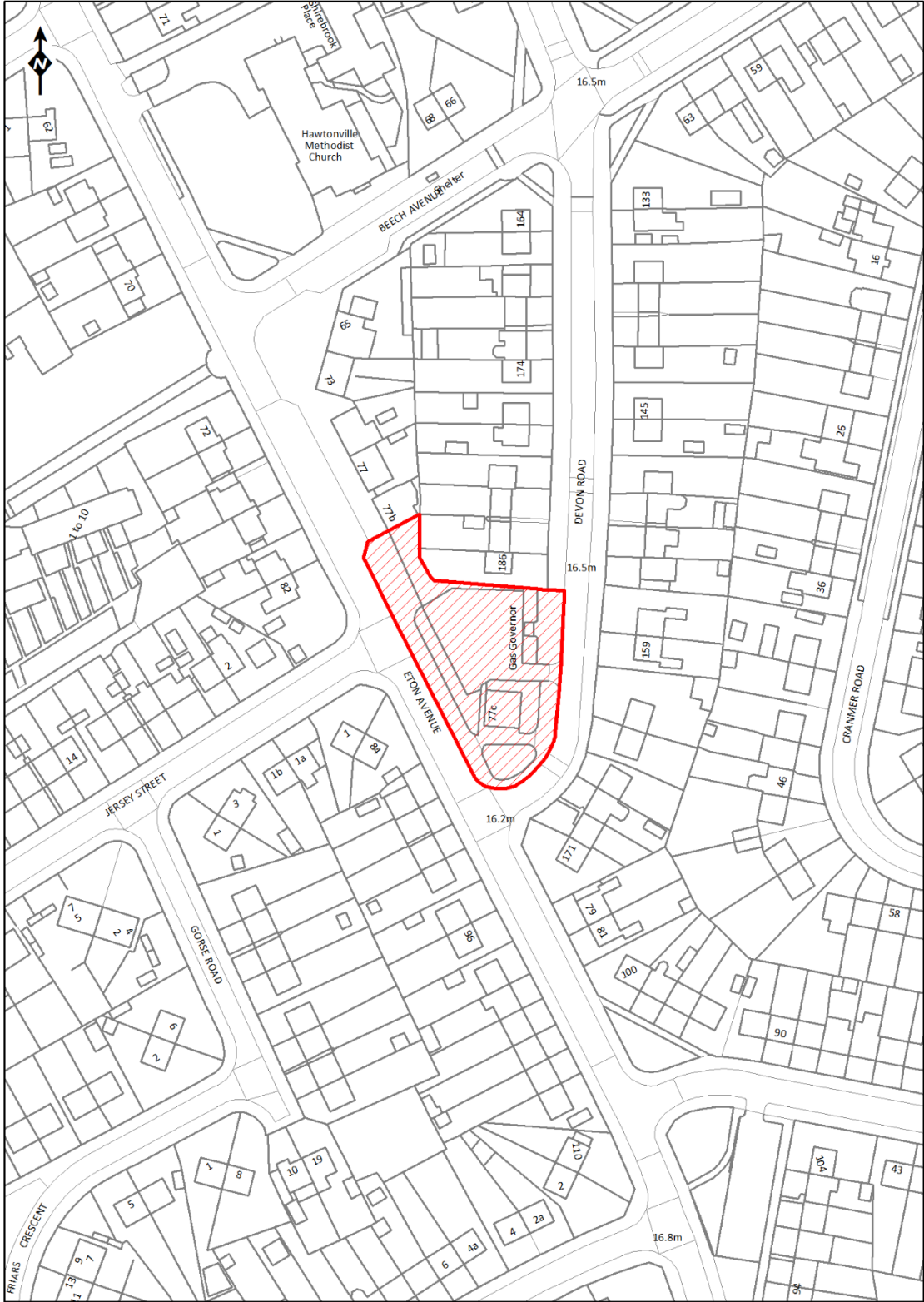
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### BACKGROUND PAPERS

Application file

Committee Plan - 22/01591/FUL



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Report to Planning Committee 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
<b>Application Number</b>	22/01712/FULM		
<b>Proposal</b>	Demolish single storey element on southern elevation of the dwelling. Extension and replacement roof of single storey element on the western elevation of the dwelling.		
<b>Location</b>	Stokeley, Cross Lane, Blidworth, NG21 0LZ		
<b>Applicant</b>	Mr & Mrs P Begley	<b>Agent</b>	Mr Colin Birch
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01712/FULM">22/01712/FULM   Demolish single storey front extension. Single storey front extension and replacement pitched roof over.   Stokeley Cross Lane Blidworth NG21 0LZ (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	08.09.2022	<b>Target Date</b>	08.12.2022
<b>Recommendation</b>	Refuse, for the reason set out in Section 10.0		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Blidworth Parish Council raise no objections to the application which differs to the professional officer recommendation and the application is a major development (due to the site area being over a hectare).

## 1.0 The Site

The site relates to a large detached two-storey dwelling with a large garden on the north side of Cross Lane within the Mansfield Fringe Area of the District. The dwelling is accessed via a driveway and is set back from the highway with mature trees and shrubs at the boundary. Neighbouring dwellings are sparse but are located to the north and southwest accessed also from Cross Lane.

The site is located approx. 2km to the north-east of Blidworth in the Nottingham-Derby Green Belt.

A bridleway (The Robin Hood Way) runs along the eastern boundary of the site and a Local Wildlife Site bounds the site on the eastern side.

## **2.0 Relevant Planning History**

**22/00614/FULM** - Two storey front and side extension



Application refused under delegated powers in July 2022 for the following reason:

*The proposal for a two-storey front and side-extension would result in an increase in footprint and floorspace of 132% and 135% respectively over that of the original dwelling which would represent a disproportionate addition and inappropriate development in the Green Belt which by definition would be harmful to the Green Belt. There are no very special circumstances which would outweigh this harm. In addition, the proposal would result in an unsympathetic addition to the application dwelling as a result of its inappropriate scale, form, massing and appearance, which would cause harm to the character and distinctiveness of the application dwelling. As such the proposal is contrary to Spatial Policy 4B and Core Policy 9 of the Newark and Sherwood Amended Core Strategy (2019), Policies DM5 and DM6 of the Allocations and Development Management Policies DPD (2013), the NPPG and Section 13 of the NPPF and accordingly the proposal is refused.*

08/02042/LDC - Use of land as domestic garden. Issued 12.12.2008

The property has been extended and altered over the past including the following:

- 2008 - Domestic detached double garage built using permitted development rights.
- Two-storey side extension and single-storey side extension built after 2007.
- Garage extension and canopy over west elevation of dwelling built after 2007.
- Replacement conservatory built after 2007.

## **3.0 The Proposal**

The proposal seeks permission for the demolition of an existing 'snug' amounting to approximately 10m<sup>2</sup> in footprint on the southern elevation. The existing garage is then intended for extension and conversion including the incorporation of a pitched roof.

The footprint of the existing garage is approximately 42m<sup>2</sup> with a roof height of around 3.2m.

The extended garage (proposed to be converted to a gym / family room albeit this element would not require planning permission) would have a footprint of approximately 52m<sup>2</sup> with a pitch height of around 6.3m. The increase in roof volume would not fall within permitted development as it would far exceed the maximum allowed increase of 50m<sup>3</sup> (being approximately 115m<sup>3</sup>) before other alterations to the original roof which have already taken place are taken into account.

The description of development has been amended from the application form which stated: *Demolish single storey front extension, conversion of flat roof over the garage to pitched with gable end.* The amended wording is considered to better describe the development as proposed. The agent has been asked on numerous occasions to confirm acceptance of the revised wording but to date no response has been received. Notwithstanding this, the changes are purely descriptive.

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

- Site Location Plan dated 11.02.22;
- Existing Elevations & Floor Plans dated 23<sup>rd</sup> March 2022;
- Proposed Elevations & Floor Plans dated 31<sup>st</sup> August 2022;
- Block Plan dated 11.02.22;
- Greenbelt Assessment received 8<sup>th</sup> September 2022.

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

Occupiers of 1 property have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press.

Site visit undertaken on 6<sup>th</sup> October 2022.

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

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

Spatial Policy 4A – Extent of the Green Belt  
Spatial Policy 4B– Green Belt Development  
Core Policy 9 -Sustainable Design

##### **Allocations & Development Management DPD (adopted July 2013)**

DM5 – Design  
DM6 – Householder Development  
DM12 – Presumption in Favour of Sustainable Development

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

National Planning Policy Framework 2021

## **6.0 Consultations**

**Blidworth Parish Council** – No objection.

**No letters of representation have been received.**

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

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

### Principle of Development

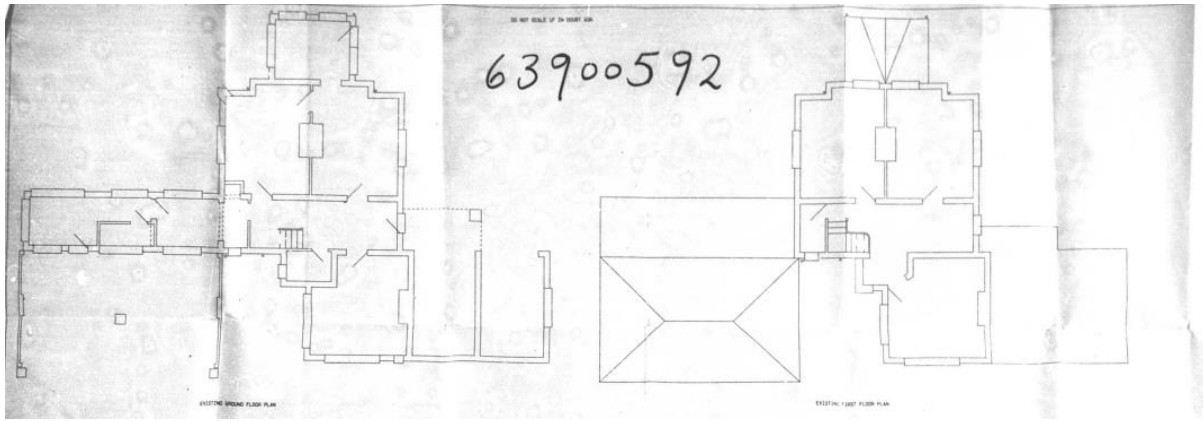
The extension of dwellings is accepted in principle by Policy DM6 subject to an assessment against a number of criteria including that there is no impact on the amenities of neighbouring uses including loss of privacy, light and overbearing impact. This policy goes on to state that the proposal should respect the character of the surrounding area including its local distinctiveness, landscape character and the open character of the surrounding countryside.

The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy which defers assessment to national green belt policy contained in the NPPF. The NPPF does allow for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149). As a guide, the local planning authority have previously accepted up to 50% increase from the original building. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

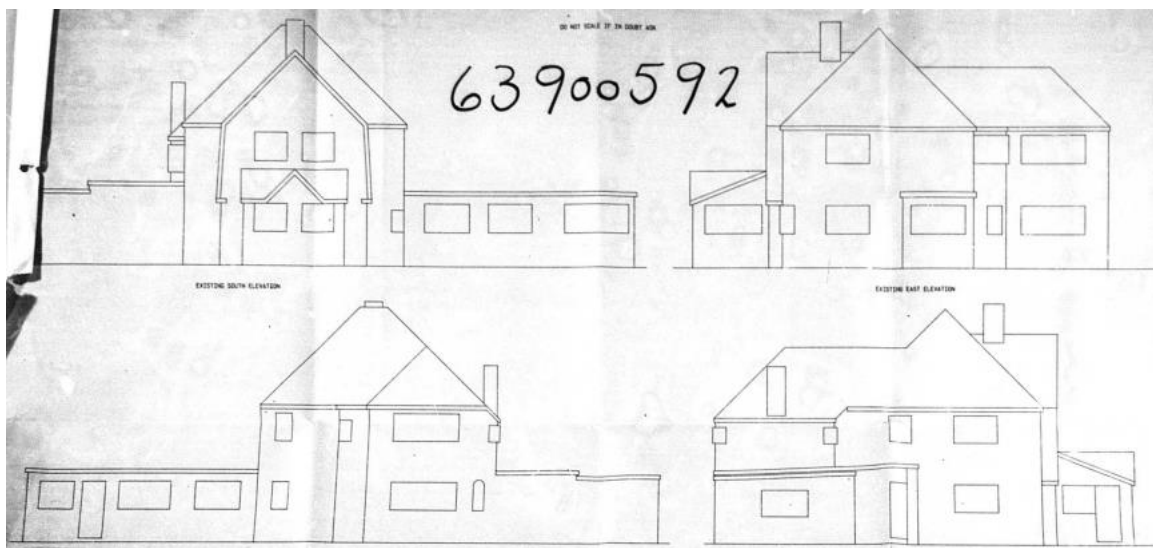
Notwithstanding that the current proposal is clearly materially different to the previously refused application (which proposed two storey development), the previous Officer assessment relating to the planning history of the site remains of relevance:

*The existing dwelling has been extended a number of times. I have reproduced the existing plans from the 1990 permission for a two-storey side extension (63900592) below.*

Existing Floorplans 63900592

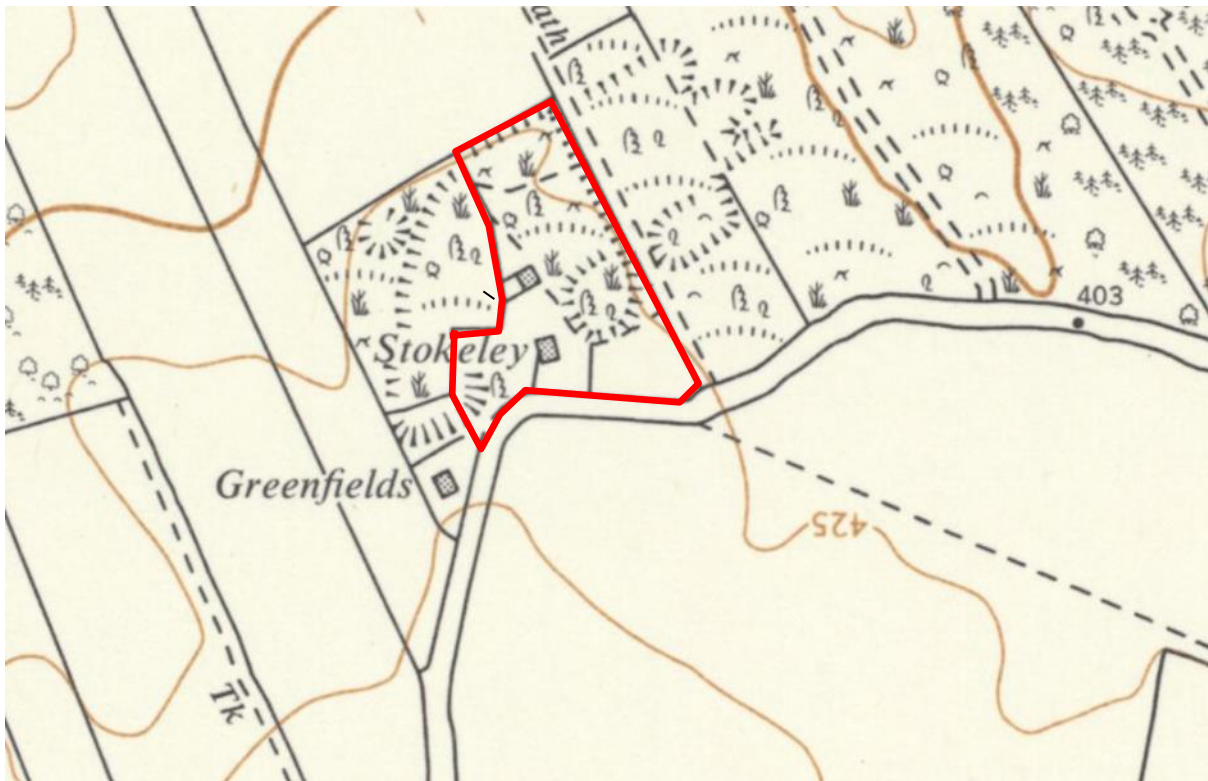


Existing Elevations 63900592

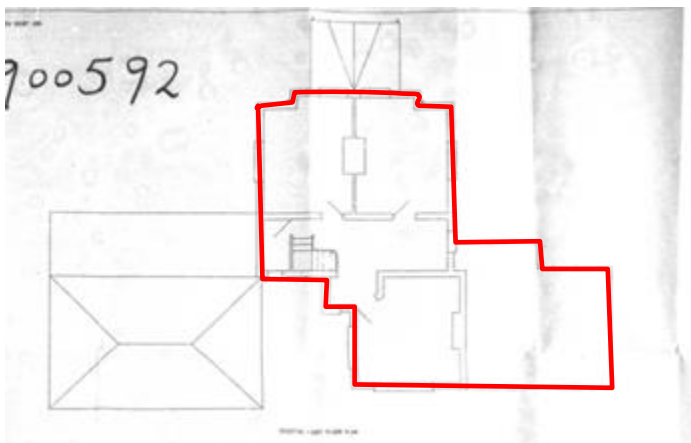


*Historical maps do not identify a dwelling, Stokeley, on the site until 1966 (the house does not appear on the 1958 OS map). I consider that it is likely that the single-storey side element on the east elevation of the main body of the house and the front single-storey element, shown on the plans for application 63900592, are later additions and that the original house comprised the two-storey main body of the house and a single-storey integral garage on the west elevation. The 1966 OS map is reproduced below with the red line of the current planning application superimposed. The footprint of the dwelling Stokeley on this map supports my assumption that the single-storey element to the east side and front are later additions, however I recognize that the OS map may not necessarily be relied upon to represent an accurate footprint of the dwelling in 1966.*





*However, I consider that the design of the single-storey elements to the east side and the front are rather incongruous and read as later additions rather than as an integral part of the original design. Although an off-shoot to the west is also not shown, I am willing to accept that the original dwelling comprised an integral single-storey garage to the east, given that this is a typical configuration of many houses of the era, however I consider that this has been enlarged since application 63900592 was submitted. For ease I have superimposed what I consider to represent the footprint of the original house onto the plans for application 63900592 below*



*It is not possible to measure the plans from application 63900592 because they exist as scans taken from the microfiche, however, I have superimposed the original footprint of the dwelling onto the proposed plans for the current application.*

The previous Case Officer concluded that the footprint of the original dwelling was approximately 126m<sup>2</sup> with a floor space of 108m<sup>2</sup>:



	<b>Original dwelling</b>	<b>Existing dwelling</b>	<b>% Increase (<i>compared to original</i>)</b>	<b>Proposed Dwelling</b>	<b>% Increase (<i>compared to original</i>)</b>
<b>Ground floor space <sup>2</sup></b>	108	233		233	
<b>First floor space m<sup>2</sup></b>	74	134		142	
<b>Total floorspace m<sup>2</sup></b>	182	367	101	375	106

In the opinion of the Local Planning Authority the dwelling has already been extended disproportionately above and beyond that of the original dwelling. Thus, any further extension of the dwelling would represent inappropriate development which could only be approved if very special circumstances exist that outweighs the harm.

The current application can reasonably be split into two elements: the extension (and conversion) to the existing garage and the replacement of the existing roof. In respect to the extension element, it is suggested that the current application would not lead to any increase in dwelling footprint or floor space due to the element of demolition included (which could be conditioned to occur before any new building if permission were to be approved). This argument appears to discount that the plans do indicate additional floor space in the form of a stairwell at first floor (the rest of the first floor plan in the extended element is marked as void). It is accepted that if the floor area were to be truly comparable (i.e. if the extension matched the element of demolition) then this could potentially be taken as a very special circumstance which would potentially allow the development. However, as identified, the proposal would lead to an increase in floor area and therefore this circumstance does not apply in the assessment of this proposal.

Moreover, the proposal includes the replacement of a flat roof garage with a pitched roof of considerably higher volume (as described in the description of development, the volume increase would be around 115m<sup>3</sup>). The Green Belt assessment submitted with the application includes no reference to the volume increase which would arise from the replacement roof and the agent has not responded to Officer emails raising this concern.

Despite a significantly lesser form of development than the previously refused application I consider that the dwelling has already been extended above and beyond what can be considered a proportionate addition in the Green Belt. The additional volume and marginal increase in floor space created through this application would further compound the disproportionality and therefore the proposal is an inappropriate form of development in the Green Belt. By definition the proposal would be harmful to the Green Belt. There are no very special circumstances which would outweigh this harm and none have been advanced by the agent and as such the proposal is not acceptable in principle.

I have carried out an assessment of other impacts below.

### Character and local distinctiveness

The NPPF states that good design is a key aspect of sustainable development and that decisions should ensure that developments are visually attractive and sympathetic to the surrounding built environment. 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 environments. Policy DM6 of the Allocations and Development Management DPD states that proposals should respect the character of the surrounding area including its local distinctiveness; and Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The original dwelling, although not built until after 1958 is somewhat arts and crafts in style with distinctive features such as Mansard projecting gables, overhanging eaves, tall chimney, corner windows and small arched window and entrance door. The application dwelling has been extended by a number of additions over the years and has been rendered, however the form and character of the original dwelling is still legible, and the extensions permitted by previous applications largely replicates this form and character. The roof form of both the original dwelling and the previous extension is hipped with a Mansard projecting gable to the front which is quite distinctive and positively contributes to the character of the dwelling. It is recognised that a later flat roof side extension has eroded the character somewhat, but this is relatively small in scale.

Flat roofs are not necessarily a design approach that is advocated and therefore the replacement of the existing flat roof is not disputed in principle. The proposed pitch roof would take a steep form in order to replicate the pitch of the existing roof forms. This would create large expanses of the roof being visible on the north and south elevations but would mean that the roof would largely correspond with the existing dwelling when viewed from the western elevation. The demolition of the single storey element on the southern elevation is also not disputed in principle.

Overall there are no objections to the design of the proposal presented.

### Neighbour Amenity

The NPPF seeks to create places which have a high standard of amenity for existing and future users. Policy DM6 of the Allocations and Development Management DPD states that planning permission will be granted for householder development provided it would not adversely affect the amenities of neighbouring users, in terms of loss of privacy, light and overbearing impact.

The proposal relates to single storey development which given the generous size of the site would be some distance from the boundaries. No adverse impact on neighbouring parties to warrant concern has therefore been identified.

## Impact on Highways

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

It is noted that the proposed plans indicate the conversion of a garage which would lead to a loss of parking. However, this element of the proposal does not require planning permission and in any case the site is of an ample size such that there would remain space for off street parking.

## **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**

Given the extensions and alterations which have taken place previously, in the opinion of the Local Planning Authority, the dwelling has already been disproportionately extended. The proposal would lead to an additional (albeit modest) increase in floor space of the dwelling and by replacing an existing flat roof with a pitched roof would also lead to an increase in volume.

Any further increase in size and volume of the dwelling is inappropriate development in the Green Belt which can only be approved in very special circumstances. No such circumstances have been presented, nor are any considered to exist with the application and therefore the development is contrary to Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) as well as the NPPF which forms a material planning consideration.

## **10.0 Reason for Refusal**

01

Given the extensions and alterations which have taken place previously, in the opinion of the Local Planning Authority, the dwelling has already been disproportionately extended. Despite the overall footprint of the dwelling remaining the same due to the proposed element of demolition, the proposal would lead to an additional (albeit modest) increase in floor space of the dwelling at first floor which cumulatively with previous extensions is considered to be harmful. In addition, by replacing an existing flat roof with a pitched roof would also lead to a significant increase in the volume of the roof having a harmful impact upon the openness of this part of the Green Belt.

Any further increase in size and volume of the dwelling is inappropriate development in the Green Belt which can only be approved in very special circumstances. No such circumstances have been presented with the application, nor are any considered to exist, and therefore the

development is contrary to Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) as well as the NPPF which forms a material planning consideration.

### 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. 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

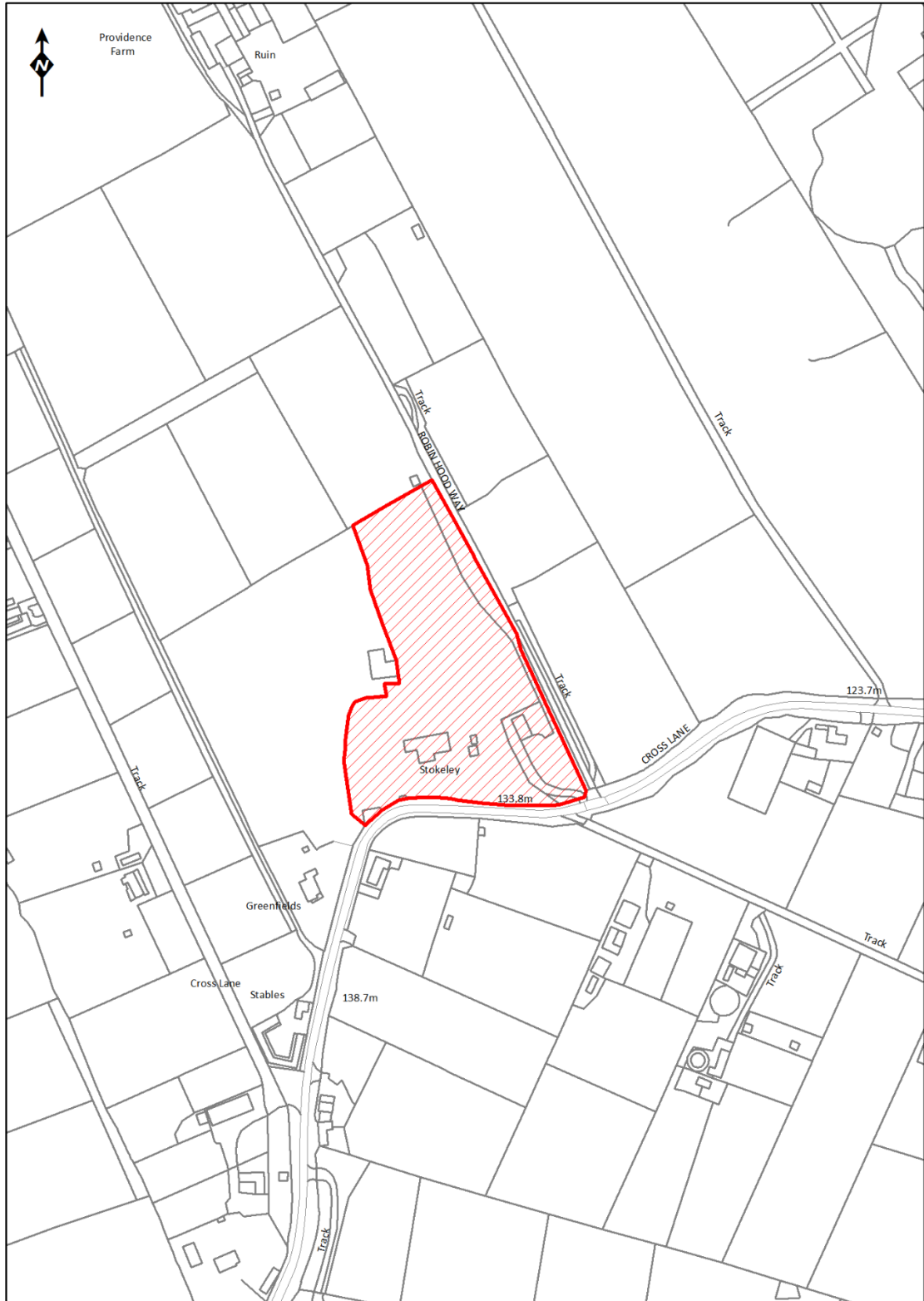
The application has been refused on the basis of the consideration of the following plans and documents:

- Site Location Plan dated 11.02.22;
- Existing Elevations & Floor Plans dated 23<sup>rd</sup> March 2022;
- Proposed Elevations & Floor Plans dated 31<sup>st</sup> August 2022;
- Block Plan dated 11.02.22;
- Greenbelt Assessment received 8<sup>th</sup> September 2022.

### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01712/FULM



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Report to Planning Committee 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Laura Gardner, Senior Planner, 01636 655907

Report Summary			
<b>Application Number</b>	22/01876/FUL		
<b>Proposal</b>	Installation of externally mounted roaster flue		
<b>Location</b>	1-3 Lombard Street, Newark On Trent, NG24 1XG		
<b>Applicant</b>	Mr Nick Peel - Stokes Tea & Coffee	Agent	Framework Architects Mr James Grogan
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/22/01876/FUL">22/01876/FUL   Installation of externally mounted roaster flue.   1-3 Travelodge Lombard Street Newark on Trent Nottinghamshire NG24 1XG (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	06.10.2022	Target Date	01.12.2022
<b>Recommendation</b>	Approve, subject to the conditions set out in Section 10.0		

**This application is being referred to the Planning Committee for determination as the Council has a lease interest in the site.**

## 1.0 The Site

The site relates to part of the former Robin Hood hotel which comprises three Grade II listed town houses at Lombard Street. At the Beaumont Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme. The site has undergone recent construction work in order to bring the buildings into a new use operated by the Travelodge hotel chain with retail units at the ground floor.

The site is within Newark Town Centre as well as the designated Conservation Area and historic core of the Town.

## 2.0 Relevant Planning History

The site is subject to a complex planning history albeit the most relevant application to the current determination is reference 18/01020/FULM:

*Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses.*

The application (and an associated LBC application) were approved in June 2019.

### **3.0 The Proposal**

The current proposal seeks permission for the installation of an external flue on the southern elevation of the building (a new modern element of the hotel). The flue would be positioned towards the corner of the building between one of the shop units and the Travelodge entrance.

The flue would have a total height of approximately 8m exceeding the height of the building by approximately 0.6m at the point of attachment (i.e. the building is taller than the flue elsewhere). It would be finished in a slate grey colour and would have a diameter of approximately 0.2m.

For the avoidance of doubt the proposal does not require listed building consent. The new glazed element forming the entrance to Travelodge is connected to the listed building, whereas the new retail units and accommodation wing to New Lane is separated from the listed building

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

- Site Location Plan – J2218 00101 A;
- Proposed Ground Floor Lease Plan – J2218 00103;
- Existing Ground Floor Plan – J2218 00107 A;
- Existing First Floor Plan – J2218 00108 A;
- Existing Roof Plan – J2218 00109 A;
- Existing Front Elevation – J2218 00110 A;
- Proposed Ground Floor Plan – J2218 00111 A;
- Proposed First Floor Plan – J2218 00112 A;
- Proposed Roof Plan – J2218 00113 A;
- Proposed Front Elevation – J2218 00114 A;
- Flue Details – Nova;
- Flue Riser Details – RT-0822-FRD;
- Plant Room Layouts – RT-0822-FPA;
- Heritage Impact Statement – RH/PL/J2218.

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

Occupiers of 4 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press. The overall consultation period expires on 3<sup>rd</sup> November 2022 so any comments received between agenda print and the meeting will be reported to Members through the late items schedule.

Site visit undertaken on 13<sup>th</sup> October 2022.

#### **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  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 8 – Retail & Town Centres  
Core Policy 9 -Sustainable Design  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM9 – Protecting and Enhancing the Historic Environment  
DM10 – Pollution and Hazardous Substances

##### **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

#### **6.0 Consultations**

**Newark Town Council** – Comments due by 3<sup>rd</sup> November (will be reported through the late items schedule).

**NSDC Conservation Officer** – The flue results in some minor adverse impact. In the context of the whole CA, this harm is relatively minor and falls within the lowest end of the ‘less than substantial harm’ category set out within the NPPF.

**NSDC Environmental Health** – No objections.

**One letter of representation have been received outlining support for the development.**



## **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.

As the applications concern designated heritage assets of the conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. This requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

### **Principle of Development**

The premise of the application is to support the occupation of one of the retail units at the ground floor of the building by a café/bar operation. The site is within the Town Centre where such uses are encouraged (and indeed the use has already been established). The proposal would support the aims of the Spatial Strategy and the occupation of the unit would lead to employment in line with the aspirations of Core Policy 6. The proposal is therefore supported in principle.

### **Impact on Character and Design**

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.

As set out by the policy context above one of the main considerations of the application is an assessment of the impact of the flue on setting of designated heritage assets including the Robin Hood hotel and the Conservation Area. The Heritage Impact Assessment acknowledges that the flue is a contemporary addition but that it would be positioned facing into a modern pedestrian friendly street scene comprising a mixture of uses and leading towards the equally modern Asda supermarket.

Colleagues in Conservation have reviewed the application and have offered the following comments:

*The proposed position of the flue is on the right hand side of the unit, close to the entrance of the Travelodge. The flue will therefore be quite prominent from Beaumont Cross junction.*

*It is accepted that the flue is not radically different in design to rainwater down pipes and soil pipes. The key difference is the diameter. The existing rainwater downpipes on the retail units, visible further along New Lane, are 110mm in diameter for example. The new flue will therefore be larger than existing rainwater goods. The flue will be quite noticeable at a higher level against the render band of the building.*

*The flue results in some minor adverse impact. In the context of the whole CA, this harm is relatively minor and falls within the lowest end of the 'less than substantial harm' category set out within the NPPF. In mitigation, the flue will have a dark grey finish to match existing rainwater goods. In addition, the pipe is located on modern building fabric and not unduly prominent within the setting of the former Robin Hood, a listed building.*

*Before a decision is made, further discussion should be undertaken as to why the flue could not be located on the left hand side of the unit. This would present a better location that would have less visual impact and potentially would cause no harm at all (the wall return of the next unit would significantly help reduce impact). However, we recognise that the business offer of the retail unit will contribute to wider economic and social objectives in the high street and might weigh favourably against the minor harm we have identified. Moreover, we accept that a suitably worded condition could be added to an approval stating that the flue must be removed once the coffee roasting use ceases on site.*

The agent has been asked to explain the proposed positioning of the flue (i.e. why it is not positioned further away from the corner of the building in a more discrete location as set out in the comments above). It has been explained that the position is governed by the internal layout of the unit. The unit has only one foul drainage pipe where all waste needs to discharge which essentially dictates the internal layout, i.e. where the coffee roaster machine can go (to which internal floor plans have been submitted to corroborate). Whilst this is unfortunate from an external design / heritage perspective it is understood and considered to be sufficient justification for the location of the flue externally.

As is set out by paragraph 200 of the NPPF, any harm to the significance of a designated heritage asset should require clear and convincing justification. In this case, the position of the flue has been adequately explained and the benefits associated with the development, namely bringing a vacant unit into a viable use, would be notable in both social and economic terms. In the context of the level of harm identified, the benefits of the scheme are considered sufficient to outweigh the harm subject to a condition (as suggested by Conservation colleagues) for the removal of the flue in the event that the need for it ceases.

## Impact on Amenity

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

The flue would be positioned on the southern elevation of the building and exceed the height of the building. It would be connected to the hotel use but residential properties are some distance away (the site opposite is the Doctors surgery). As such no concerns have been raised by Environmental Health and I have identified no specific amenity harm arising from the proposal.

## **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 proposal seeks for a relatively minor development being the addition of a flue to allow a café and associated coffee roastery to occupy a currently vacant unit in the Town Centre. The position of the flue close to a prominent junction in the Conservation Area would result in minor harm contrary to s.16 and 66 of the Act. With reference to the NPPF, this would be within the lowest end of 'less than substantial harm' (par.202) where clear and convincing justification has been provided. The wider economic and social benefits of the scheme in bringing the unit into a viable use are welcomed leading to a recommendation of approval.

## **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 out except in complete accordance with the following approved plans and documents:

- Site Location Plan – J2218 00101 A;
- Proposed Ground Floor Plan – J2218 00111 A;
- Proposed First Floor Plan – J2218 00112 A;
- Proposed Roof Plan – J2218 00113 A;

- Proposed Front Elevation – J2218 00114 A;
- Flue Details – Nova;
- Flue Riser Details – RT-0822-FRD;

Reason: So as to define this permission.

03

The development hereby approved shall be constructed entirely of the material details submitted as part of the application submission.

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

04

In the event that the associated coffee roasting use within the unit ceases, the flue shall be removed within three months from the last date of such use.

Reason: Due to the identification of minor heritage harm.

#### 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.

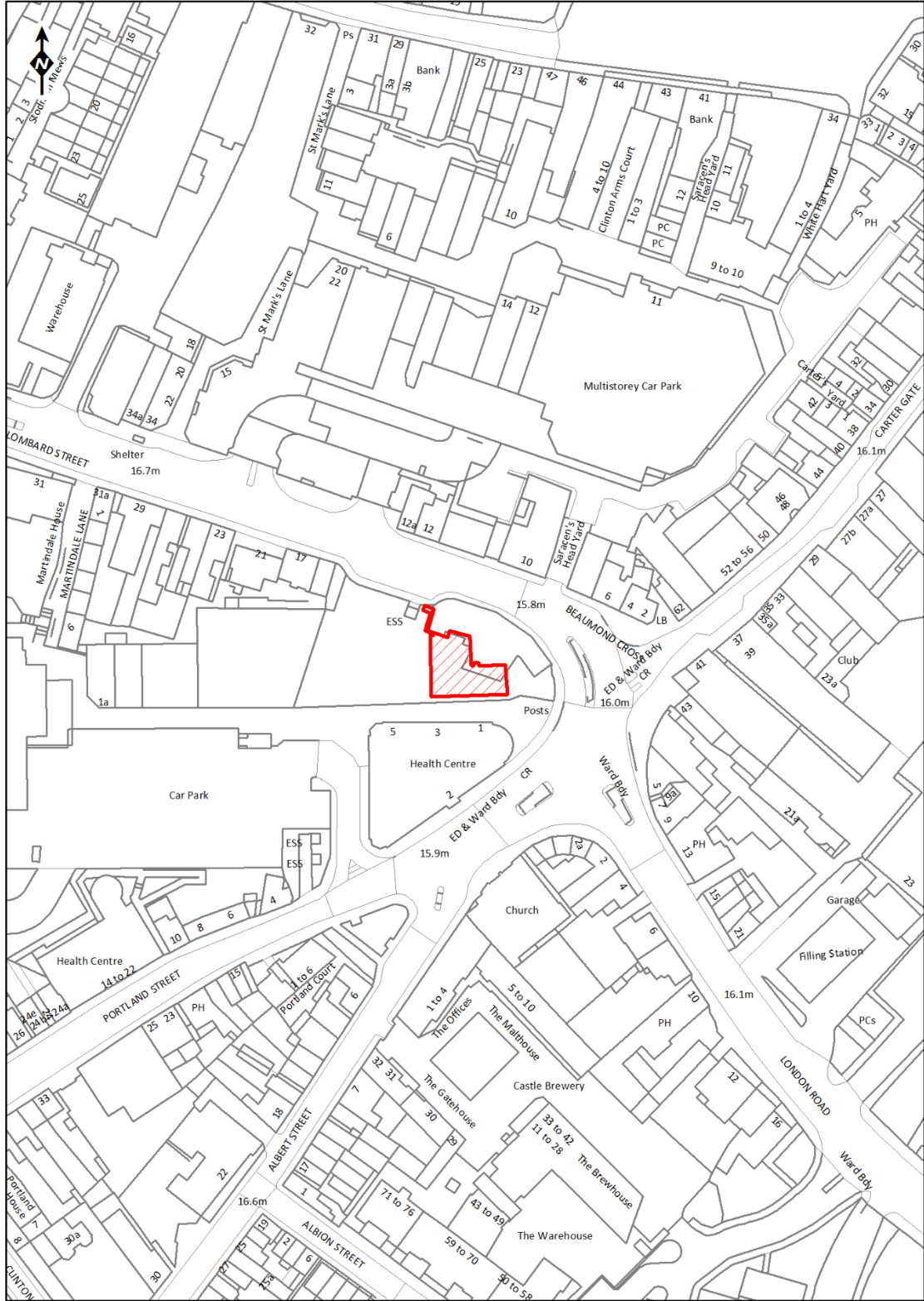
02

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

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01876/FUL



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Report to Planning Committee 10 November 2022

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x5565

Report Summary	
<b>Report Title</b>	Planning Application Validation Checklist
<b>Purpose of Report</b>	To provide an update on the review the adopted Planning Application Validation Checklist prior to undertaking consultation
<b>Recommendations</b>	<p>a) that the contents of the accompanying validation checklist is noted: and</p> <p>b) that the draft updated Planning Application Validation Checklist (as set out at Appendix A) be approved for an 8-week public consultation with statutory consultees, District Councillors and Town/Parish Councils, applicants/developers and neighbours.</p>

## 1.0 Background

Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):

- Completed application form
- Correct application fee
- Site Location Plan (showing the site in relation to the surrounding area)
- Ownership Certificate and Agricultural Land Declaration

In addition, a Design & Access Statement is required for certain planning applications. There are also specific requirements set out for outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement. In addition, some applications since 1 August 2021 require a Fire Statement to be provided.

Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was first adopted in 2007 and last amended in 2021.

Councils' are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.

These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above being complied with.

## **2.0 Proposal/Options Considered and Reasons for Recommendation**

Legislation sets out that a local list is required to be published on a Council's website and reviewed every 2 years. This report therefore seeks to start the process of the review to ensure it is up-to-date and can be relied upon for the submission of relevant information.

The checklist, attached at Appendix 1, is the same as the current one, although has been updated to provide further clarification where necessary and also provides some information for additional requirements that will come into effect before the checklist is reviewed once again – relating to biodiversity net gain.

It is proposed the amended checklist is consulted upon for a minimum of 8-weeks with Members, Parish and Town Councils and statutory consultees. Details will be provided on the Council's website enabling developers and interested stakeholders to respond as well as applicants and their agents, residents through planning application receipt and notification letters.

For clarify, the changes to the checklist are shown in appendix 1 in red.

## **3.0 Implications**

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

## **Background Papers and Published Documents**

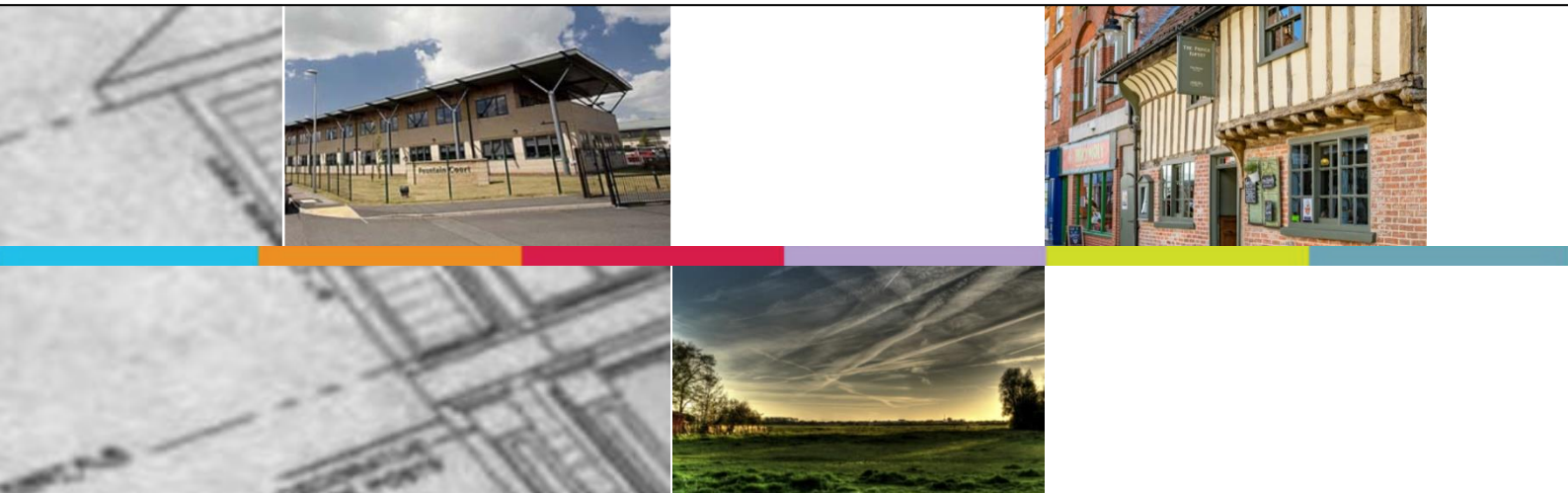
Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications





# Planning Application Local Validation Checklist

Adopted \*\*\*\*\*2023



Please visit our website for further information online guide to planning - [www.newark-sherwooddc.gov.uk/planning/](http://www.newark-sherwooddc.gov.uk/planning/)

This checklist was adopted by Planning Committee on xxxx, following public consultation between 1<sup>st</sup> March and 12 April 2021 with professional agents, consultees, Members, Town and Parish Councils, neighbours to planning proposals and via the website. This document has been amended to take account of responses where they related to the adoption of the checklist.

Welcome to the new look local validation manual for planning applications. The manual has been reviewed to make it easier to use, in order to get started simply click on the type of development that you want to know more about.

We have also put together a quick and easy to use 'matrix' showing the requirements for development type.

When making a planning application it is vital that it is supported by adequate and accurate information to enable the council, members of the public and other statutory bodies to understand the proposals, and allow a proper assessment of the potential impact of the development.

**Planning applications which are not submitted with the correct information as stated within these pages may be treated as invalid and will not be processed until such time as the required information has been submitted.**

If an application is found to be invalid the Receiving Officer will contact the applicant or agent by letter/email specifying the details required to validate the application with a reply date of 21 working days. If after 21 working days no further correspondence has been received, a follow up letter/email will be issued giving a further 7 working days.

After 7 days from date of the second letter/email, if either the required information has not been received or written confirmation of when the information will be submitted has not been received the application and any fees associated will be returned minus any administration fee – minimum of £25.00 or 5% of total fee whichever is higher.

Please note that in exceptional circumstances, further information for a specific application, above and beyond the requirements of the contents of these pages, maybe required. If this is the case one of our officers will be in contact with you directly to discuss this matter.

If you feel that the requested validation information does not meet the requirements set out in the Town and Country Planning (Develop Management Procedure) (England) Order 2015, then you have a right of appeal for non-determination.

If your application is found to be invalid, The Order allows you to send an "Article 10A" notice which must:

- i. set out which information or evidence you as the applicant either consider to be a reasonable requirement for the scale and nature of the development proposal or are not concerned with a matter which it is reasonable to think will be material in the determination of the application
- ii. state the reasons you as the applicant hold that view
- iii. request we waiver the requirement(s)

Once we have received your application we will notify you of the decision within 8 weeks, although for major this timescale is extended to 13 weeks.

Planning application documents are published on our website, however before publishing we are required by the UK General Data Protection Regulations (UK GDPR), related legislations and best practice to remove 'personal information'.

The following information is asked for on an application form:

- telephone number
- email address

- signatures

We will endeavour to remove this personal information before publishing. Telephone numbers and email addresses relating to professional agents will not be removed unless this is specifically requested.

There are occasions when other personal information is submitted within supporting documents, this personal information can include:

- financial information (except in the case of viability assessments)
- car registration plates
- photos of individuals
- a person's age
- physical or mental health information
- views on other individuals - such as their health or anything defamatory or libellous
- how long a person has resided at a property
- a person's employment history
- criminal record - including alleged offences
- children
- racial or ethnic origin
- religious or other beliefs
- political opinions
- membership of a trade union
- sexual orientation or how a person identifies
- and any other information which may identify an individual person or persons

Even if the applicant, or a person making comments on an application, wants the personal information to be published online, we must endeavour to remove it.

Therefore when submitting an application or comments please can you make sure that the above personal information is only submitted if it is a planning consideration, for example financial information which may support a change of use application from a business to a dwelling to show that a business is not viable or information to show that a fee is not required as the proposed development is for the sole use of a disabled person. We will endeavour to make sure this latter information is not published online.

If you submit personal information as set out above, please can you ensure that it is either referred to in a covering letter - or contained within a separate document to aid identification and removal from the documents that will be published on-line.

If you require any assistance in this regard, please email [planning@newark-sherwooddc.gov.uk](mailto:planning@newark-sherwooddc.gov.uk)

Whilst the local validation checklist has been prepared in line with Section 62(3) of the Town and Country Planning Act and the Town and Country Planning (Development Management Procedure) (England) Order 2015 and only applies to applications for planning permission, many applicants for other permissions – prior approval, listed building and advertisement consent for example will never have submitted an application previously. This checklist therefore has been drafted to assist such applications.

#### **Applications from Council Members or Staff**

If the application is from or on behalf an elected member or any employee of the Council or Senior officer (currently comprising Senior Leadership Team and Business Managers) or any officer who may have a direct involvement in the determination of the application, the application is required to be determined at Planning Committee. Most planning application forms will require you to identify this - however should this apply to your application please can you also refer to it in your covering letter.

This document is set out in five parts:  
Part 1 - National Requirements;  
Part 2 - Local Requirement Validation Checklist 2021;  
Part 3 - Statements and Reports;  
Part 4 - Application Types; and  
Part 5 - Development Types

### **Procedure for Reviewing Local Validation List**

With regard to the review and adoption of a local validation list, CLG guidance formally withdrawn in 2014, recommends a consultation period of not less than 8 weeks. This has now been replaced by guidance in the NPPG.

The current process is set out in paragraph 44 of the NPPG and involves the following three-step process:

#### **Step 1: Reviewing the existing local list**

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

#### **Step 2: Consulting on proposed changes**

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

#### **Step 3: Finalising and publishing the revised local list**

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website. With regard to Newark's Validation List, several changes to legislation and procedure especially the advent of the NPPF and associated NPPG and the DMPO provide an opportune moment to update and validation list.

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## Part 1 – National Requirements

### Statutory National Validation Requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) outlines what the mandatory national requirements are. This section provides more information on what should be included under the following headings:

- Application form
- Certificates
- Location plan
- ~~Site layout plan~~
- Detailed drawings (where applicable)
- Design and access statement (where applicable)
- Application fee (where applicable).

Please note that some requirements within this section are beyond what is set out nationally e.g. the provision of plans to an identified scale, direction of north etc. However, to assist applicants and to retain clarification of information requirements within one section, details are provided below and have been locally adopted by the Council. Applicants are encouraged by the Government to submit applications electronically. This can be done via the Planning Portal. There are several advantages to submitting your planning applications online; this includes smaller postage and printing costs and potentially a faster registration of your application. In addition a service will be available via the Planning Portal and the Council's website to print off particular forms and complete them off line.

The Planning Portal provides a useful guidance on their website to applicant's submitting applications through the [Planning Portal](#).

### Application Forms

Keep the description as accurate and concise as possible. However, for listed building applications a detailed description of the works is required, but long descriptions should be included as an attached schedule of works. We recommend you use both upper and lower case when completing all sections of the form.

For applications for changes of use, refer to what the use had changed from and what it is changing to. If the use class is known then please include this as well.

Only include elements of the proposal in the description that require permission.

When applying for permission, where development has already taken place, use the words 'retention of'.

When applying for a revision or amendment to an earlier approved scheme, make this clear in the description. The relevant application/file reference should also be included in the description where appropriate.

### Ownership Certificates

There are two types of certificates that are required to be completed when submitting most planning applications. These are a Certificate of Ownership and an Agricultural Holdings Certificate. Both certificates should accompany planning applications except for certain types of application which are detailed below.

The applicant (or agent acting on behalf of the applicant) is required to **sign and date all certificates**. By doing so they are confirming that the statements made are accurate to the best of their knowledge. It should be noted that there is a penalty for knowingly or recklessly completing a false or misleading Certificate required by Article 14 of the DMPO. The onus is on the applicant or agent to provide the correct information.

A Certificate of Ownership (Article 7 certificate) must accompany a planning application. This can be one of four certificates (explained below), which provides details of the ownership of the site. It is necessary to 'serve notice' on any owners and agricultural tenants when a proposed development is on or where it affects their land.

Under Section 65(5) of the Town and Country Planning Act 1990 and Section 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 it states that the Council must not entertain an application for planning permission unless the correct ownership certificates have been completed.

### **Types of Ownership Certificate**

- **Certificate A** should be completed if at the beginning of a period of 21 days before the date of submission of an application, you are the owner of all the land that the application relates to. If you are not the sole owner of all the land, to which the application relates, or there are tenants on the site which have a leasehold interest of 7 years or more then you will need to complete a different certificate (see below). You will also need to complete a different certificate if the application relates to alterations to a flat or where a development overhangs the boundary with an adjoining property, or any footings encroach onto adjoining land.
- **Certificate B** should be completed and Part 1 notice (see below) if you are not the owner(s) of the land, served where you know the names and addresses of all the owners of the land which the application relates to. The details of the names of the persons on whom notice has been served should be completed on this certificate.
- **Certificate C** should be completed if you are not the owner(s) of the land. However where you know the names and addresses of some of the owners of land to which the application relates, but not all of them. You are required to serve notice on all of the owners of the land explained above (Certificate B) and to carry out additional steps to trace the owners that are unknown as explained below (Certificate D).
- **Certificate D** should be completed if you are not the owner(s) of the land and do not know any of the owners of the land to which the application relates. You will need to provide evidence of the steps that you have undertaken to find the owners. This can include carrying out a planning history or land registry search. You will also need to advertise the proposed development in the local newspaper at least 21 days prior to the submission of the application. A copy of this advertisement should be submitted with the application.

### **Part 1 Notice**

A notice to the owners of the land, where the application relates, must be used if Certificate B or C has been completed. A copy of this notice should be served on each of the known individuals identified in the relevant certificate.

### **Agricultural Land Declaration**

Applications are required to be accompanied by an Agricultural Holdings Certificate. This certificate needs to be completed to indicate whether the site forms part of an agricultural holding. The certificate is required whether or not the site includes an agricultural holding. It is incorporated into the standard application form, and must be signed in order for the application to be valid.

This information should be indicated, on the forms, by crossing out any incorrect statements. If the land is part of an agricultural holding you are required to serve notice on the tenant of the holding. If the applicant is the sole tenant or owner then the first part should be crossed out and 'not applicable' inserted in the second part.

No agricultural land declaration is required for applications for:

- The approval of reserved matters;
- Renewal of temporary planning permission;
- Discharge or variation of conditions;

- Tree Preservation Orders;
- Listed building consent;
- Lawful development certificate;
- Prior notification of proposed agricultural or forestry development;
- A non-material amendment(s) to an existing planning permission; or
- Express consent to display an advertisement.

### Plans and Drawings

The DMPO specifies that a location plan is required to be submitted with all applications together with any other plans or drawings necessary to describe the development which is the subject of the application. This will include as a minimum a site layout plan.

In addition, there may be a requirement for additional plans to be submitted as detailed within the local list set out later in this document.

### Location Plan

One copy of the location plan must accompany every application for planning permission. The purpose of this plan is to show the location of the site and to identify any other sites, which may also be in the same ownership. We will accept location plans downloaded from the [Planning Portal \(www.planningportal.gov.uk\)](http://www.planningportal.gov.uk) so long as it meets the criteria set out below. Applications which have been submitted with unlicensed Ordnance Survey mapping will be accepted although any possible infringement with copyright laws may be identified to the agent, or applicant where there is not an agent.

The location plan should be based on an up to date Ordnance Survey map, at a scale of 1:1250 unless the site is very large and cannot be shown in its entirety on a single sheet of paper in which case a smaller scale may be used, e.g. 1:2500. It should be scaled to fit onto A4 or A3 size paper where possible. If the land is within a rural area for example, a plan at a scale of 1:5000 is acceptable. It shall include the following:

- The application site outlined in red and any land adjoining or close by owned by the applicant should be outlined in blue;
- The red line should include all land necessary to carry out the proposed development e.g. land required for access to the site from the public highway, visibility splays, landscaping, car parking and open areas around buildings;
- A north arrow;

Where possible, the location plan should include the following:

- At least two adjacent road names where possible; and
- The properties shown should be numbered or named to ensure that the exact location of the site where the application relates is clear.

### Design and Access Statements

Design and Access Statements are required for:

- (a) development which is [major development](#); or
- (b) development in a designated area [in our District this means a Conservation Area] where the proposed development consists of:
  - (i) the provision of one or more dwellinghouses; or
  - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more; or
  - (iii) applications for listed building consent.

The National Design Guide (Planning practice guidance for beautiful, enduring and successful places) (MHCLG, 2019) provides useful information in relation to how to consider design as part of a planning proposal. In

addition, whilst CABE no longer exists, its [Design and Access Statements: How to write, read and use them](#) is a useful document.

The Design and Access statement should:

- explain the design principles and concepts that have been applied to the development;
- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- explain how any specific issues which might affect access to the development have been addressed.

**Major Development comprises:**

10 or more dwellings, or  
site area for residential development is 0.5 hectares or more and the number of dwellings is unknown; or  
1000 square metres or more of floor space; or  
Development carried out on a site having an area of 1 hectare or more.

**Design and Access Statements for Listed Buildings**

Design and access statements for Listed Buildings are similar to other design and access statements, in respect of the need for a proportionate approach. However, the content will be different due to the nature of the applications.

Where a planning application is submitted in parallel with an application for listed building consent, then a single, combined statement, should be submitted. This will address both the elements required for a planning application, as well as the following for the listed building consent:

- Explanation of the design principles and concepts that have been applied to the scale, layout and appearance characteristics of a proposal (please note: Information on use, amount and landscaping is not required for listed building consent design and access statements that do not also accompany a planning permission);
- Description of the significance of the heritage assets affected and the contribution of their setting to that significance; and

Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed

Further details of what is required are set out in the National Planning Policy Framework, paragraph 189.

**Application Fee**

An application fee is required for all applications except for:

- Planning permission for relevant demolition in Conservation Area
- Hedgerow removal notices
- Listed building applications
- S211 notification of tree works in Conservation Areas
- Works to trees protected by a Tree Preservation Order

For other circumstances where fee exemptions or concessions apply please refer to [the Government's website](#). You can also use the [Planning Portal fee calculator](#) to work out how much you will need to pay.

## Part 2 – Local Requirements Validation Checklist 2023

### List of Local Requirements

This document identifies which documents it is considered are reasonable to request in order to validate a planning submission having regard, in particular, to the nature and scale of the development or works and matters likely to be a material consideration in the determination of the application. Accordingly trigger levels are quoted where relevant.

You are advised that whilst the information below is sufficient to allow validation, in considering the application we will need to consider any constraints on the site and how such constraints are to be addressed in order to ensure the proposed development can be implemented in an acceptable manner. For example these constraints may relate to (but are not necessary limited to) drainage, contamination, trees, rights of way and archaeology within the site. In some cases these issues require work to be undertaken before any building work is carried out. In such cases it may be necessary to attach pre-commencement conditions to ensure these matters are appropriately addressed. You are advised to consider whether there is any further information that might assist in addressing such constraints on the application. The Council is committed to making decisions in a timely manner and where permission is to be granted but there remain matters that cannot be addressed during the application process, a pre-commencement condition may assist in issuing decisions earlier. In such circumstances, the case officer will contact you to agree the terms of any pre-commencement conditions in accordance with legislation [www.legislation.gov.uk/uksi/2018/566/made](http://www.legislation.gov.uk/uksi/2018/566/made).

### Pre-application Service

We offer a comprehensive pre-application service. Engagement prior to any planning application being formally submitted can be critically important and should provide the applicant and the Council with the opportunity to gain a clear understanding of the objectives of and constraints on development. It also provides an opportunity for wider engagement, where appropriate, with other stakeholders, including the local community, which can deliver better outcomes for all parties.

Further information regarding the Council's pre-application service can be found on our [website](#).

### Contacting the Local Planning Authority

The Business Unit operates a duty planner service to answer general planning enquiries. In the first instance why not take a look at the information on our website as your question may have been addressed there. The service operates Monday to Friday from 2pm until 5pm. Please telephone customer services on 01636 650000 and ask to speak to the duty planner or email [planning@newark-sherwooddc.gov.uk](mailto:planning@newark-sherwooddc.gov.uk).

Please note, depending on what your enquiry is, a longer period of time might be required. We will inform you should this be the case.

### Site Plan (or block plan)

One copy of the site plan (or block plan) should accompany any application. The site plan should be at a standard scale e.g. 1:200 or 1:500. The site plan shall include the following:

- The direction north;
- The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries; and
- The position and crown spread of all trees (to scale) where applicable within the application site or within falling distance of the application site.

The site plan should also include the following, unless these would not influence or be affected by the proposed development:

- Identification of sufficient buildings and/or roads on land adjoining the site including access arrangements;

- All public rights of way crossing or adjoining the site;
- The extent and type of any hard surfacing; and
- Boundary treatments including walls or fencing where proposed.

### Existing Floor Plans

Required for all applications proposing alterations to buildings including demolition. Plans shall (where applicable):

- be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- clearly show the relationship between buildings, highlighting any structures to be demolished
- where existing buildings or walls are to be demolished these should be clearly shown
- for change of use applications (where internal alterations are proposed - must show existing and proposed layout of rooms
- show existing and proposed floor plans in the same orientation and scale as proposed floor plans
- include individual drawing numbers, and where applicable revision numbers
- include a scale bar or paper size

### Proposed Floor Plans

Required for all applications proposing new buildings. Plans shall (where applicable):

- be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- clearly show the relationship between buildings
- for change of use applications (where internal alterations are proposed - must show existing and proposed layout of rooms
- show proposed floor plans in the same orientation and scale as existing floor plans
- include individual drawing numbers, and where applicable revision numbers
- include a scale bar or paper size

### Existing Elevations

Required for all applications proposing alterations to the exterior of existing building(s), including changes of use where external alterations are proposed and proposals for demolition to listed buildings or developments within the Green Belt or Conservation Area. Plans should:

- be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- show clearly the proposed works in relation to what is already there and the height of building(s) above ground level
- clearly indicate the existing and proposed building materials and the style, materials and finish of windows and doors
- show any blank elevations; if only to show that this is in fact the case
- where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property
- show existing elevations in the same orientation and scale as proposed elevations
- include individual drawing numbers, and where applicable revision numbers
- If the application is for a change of use and no change is proposed to the external elevations, a statement must be included to state that no external changes are proposed
- include a scale bar or paper size

### **Proposed Elevations**

Required for all applications proposing new buildings or alterations to the exterior of existing buildings, including changes of use where external alterations are proposed. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly indicate the proposed building materials and the style, materials and finish of windows and doors
- d. show any blank elevations; if only to show that this is in fact the case
- e. where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property
- f. show proposed elevations in the same orientation and scale as existing elevations
- g. include individual drawing numbers, and where applicable revision numbers
- h. include a scale bar or paper size

### **Existing Roof Plans**

Required for all applications proposing alterations to existing buildings. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- b. show clearly what is already there
- c. clearly indicate the existing roof materials
- d. include individual drawing numbers, and where applicable revision numbers
- e. include a scale bar or paper size

### **Proposed Roof Plans**

Required for all applications proposing new buildings. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly
- b. show clearly the proposed works in relation to what is already there, if applicable
- c. clearly indicate the proposed roof materials
- d. include individual drawing numbers, and where applicable revision numbers
- e. include a scale bar or paper size

## Part 3 – Statements and Reports

<b>1. Affordable Housing</b>
<b>Threshold/Trigger</b> Where the proposal provides 11 or more new residential units or where 1000sqm or more residential floor area is proposed
<b>What should be included</b> The statement will need to include: <ul style="list-style-type: none"><li>i. The mix of private and affordable units with numbers of habitable rooms and/or bedrooms.</li><li>ii. If you are proposing different levels or types of affordability or tenure for different units you should explain this clearly and fully.</li><li>iii. If you are proposing affordable housing that is not policy compliant, a viability statement will need to be submitted</li></ul> You should also show the location of the affordable units and the number of habitable rooms and/or bedrooms, and/or the floor space of the units on the floor plans.
<b>Other Information</b> For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

<b>2. Agricultural Justification</b>
<b>Threshold/Trigger</b> Where the proposal relates to a new or replacement dwelling in the countryside for a rural worker (this is for both a permanent and temporary dwelling) or for an extension to an existing rural worker's dwelling.
<b>What should be included</b> For dwellings to serve new businesses, or new activities within established businesses, proposals will need to be accompanied by a business plan that demonstrates the following: <ul style="list-style-type: none"><li>i. Clear evidence of a firm intention and ability to develop the enterprise concerned. This could include significant investment in new buildings or permanently sited equipment;</li><li>ii. A functional need is demonstrated by showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products;</li><li>iii. Clear evidence that the proposed enterprise has been planned on a sound financial basis; and</li><li>iv. The functional need described at ii) could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.</li></ul> For dwellings to serve existing businesses on well-established units, applications will need to be accompanied by the preceding 3 years audited accounts. Proposals will also need to demonstrate: <ul style="list-style-type: none"><li>i. There is a clearly established existing functional need showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products;</li><li>ii. The need relates to a full-time worker and does not relate to a part-time requirement;</li><li>iii. The unit and activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and</li></ul>




- iv. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council’s costs in appointing an independent professional to evaluate the assessment submitted.

**Other Information**

For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

You can also download our Planning Application for an Agricultural Worker’s Dwelling - Supplementary Information form on our website.



### Planning Application for an Agricultural Worker’s Dwelling Supplementary Information

You can submit your completed form by email with any plans and details as an attachment to [planning@nsdc.info](mailto:planning@nsdc.info) or post to Planning Development Business Unit, Newark and Sherwood District Council, Castle House, Great North Road, Newark NG24 1BY

*Please complete in BLOCK capitals. If you provide us with an email address, this will be the preferred method of communication.*

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1) **Applicant’s details**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Postcode: \_\_\_\_\_ Daytime Tel: \_\_\_\_\_  
 Email: \_\_\_\_\_

2) **Agent’s details** (if applicable) to whom correspondence should be sent to  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Postcode: \_\_\_\_\_ Tel: \_\_\_\_\_  
 Email: \_\_\_\_\_

3) **Trading name of holding**  
 \_\_\_\_\_

4) **Applicants status** (i.e. Sole trader/Partner/Director: \_\_\_\_\_  
 Indicate the size of the site in hectares: \_\_\_\_\_

5) **Details of land farmed – Please attached a plan clearly showing boundaries**

Area	Size of area hectares	Location
a) Area of land owned		Outline boundaries in red on plan
b) Area of land tenanted		Outline boundaries in blue on plan
c) Grazing usually taken		Outline boundaries in green on plan
d) Grazing rights		
e) Area of mowing land		
f) Area of pastures		
g) Area of rough grazing		
h) Area of arable land		
i) Area of woodland		
j) Area of other land		

### 3. Agricultural Land Classification Study/Soil Testing

#### Threshold/Trigger

Studies will be required for major developments on green field land where that land will cease to be used or capable of being used for agricultural purposes including provision for solar panels

#### Details of what should be included

A desk-based study and field study is required to assess the quality of the land and to determine its agricultural classification. The survey should include the following:

- Site description

Soil resources within the site

- Map of survey observations including gradings
- Where applicable a soil management plan

#### Other Information:

National Planning Policy Framework, paragraph 174

Regional Agricultural Land Classification Maps - [Natural England Access to Evidence - Regional Agricultural Land Classification Maps](#)

### 4. Air Quality Assessment

#### Threshold/Trigger

An air quality assessment based on current best practice is required for:

i. Proposals likely to have an impact on air quality e.g. those requiring an EIA, industrial installations, biomass boilers, combined heat and power plants, where traffic flows will increase by more than 5% on roads with less than 10,000 annual average daily trips, where significant demolition or construction works are proposed etc.

#### Details of what should be included

Assessments should be proportionate to the nature and scale of development proposed and the level of concern about air quality and because of this are likely to be location specific. The scope and content of supporting information is therefore best discussed and agreed between the Local Planning Authority and the Council's Environmental Health Officers before it is commissioned. Air quality is a consideration in Environmental Impact Assessment, if one is required, and also in a Habitats Regulations Appropriate Assessment.

The following could be included in assessments and be usefully agreed at the outset:

- a description of baseline conditions and how these could change;
- relevant air quality concerns;
- the assessment methods to be adopted and any requirements around verification of modelling air quality;
- sensitive locations;
- the basis for assessing impact and determining the significance of an impact;
- construction phase impact; and/or
- acceptable mitigation measures.

### 5. Archaeological Assessment

#### Threshold/Trigger

Statements will be required for all proposals involving the disturbance of ground within an area of known archaeological interest. This includes:-

- Sites within historic cores, including Newark's Historic Core, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD maps
- Certain allocated sites, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD
- Sites in close proximity to a Scheduled Ancient Monument
- Sites in close proximity to the Battlefield at East Stoke
- Sites in close proximity to church yards

- Sites containing or close to known undesignated archaeological remains as identified on the Nottinghamshire Historic Environment Record

**Details of what should be included**

Assessments must be carried out by a suitably qualified person (a person accredited by the Chartered Institute for Archaeologists or equivalent).

National planning policy emphasises the need to carry out an appropriate desk-based assessment. A field evaluation may also be necessary.

The information should include plans showing historic features, listed buildings and structures, historic parks and gardens, historic battlefields & scheduled ancient monuments, an analysis of significance of archaeological, history and character of the building or structures, together with the principles of and justification for proposed work.

This will ensure that appropriate measures are put in place to manage the investigation, recording, analysis and preservation of any remains or otherwise mitigate the effect of the development on areas of archaeological interest.

The Chartered Institute for Archaeologists has published a list of standards and guidance for desk-based assessments which can be viewed on their website: [www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)

**Other Information:**

Planning Practice Guidance

Chartered Institute for Archaeologists - <https://www.archaeologists.net/codes/cifa>

**6. Bin/Waste Management Information**

**Threshold/Trigger**

All new full residential and commercial developments requiring waste management (collection of bins)

Proposals for hot food takeaway uses

**Details of what should be included**

For residential and commercial developments - scaled plans and information showing how the proposal complies with the Council's "[Guidance for New Developments, Waste Storage and Collection](#)".

For hot food takeaway uses, details setting out measures that will be put in place to reduce litter in the locality for the lifetime of the development

**Other information:**

Planning Practice Guidance - [Healthy and safe communities](#), Paragraph: 013 Reference ID:53-013-20220807

Revision date: 07 08 2022

**7. Biodiversity Net Gain**

**Threshold/Trigger**

Regulations detailing developments that will be subject to biodiversity net gain requirements are expected to be published by Government shortly ready for implementation in November 2023. When published, this section will be updated

**Details of what should be included**

To be completed once Regulations are published

**Other information**

[The Environment Act 2021](#)

## 8. Broadband Statement

### Threshold/Trigger

Residential developments of 10 units or more

### Details of what should be included

Written confirmation that the site will provide superfast broadband.

### Other information

Please see the HBF OpenReach letter dated 3<sup>rd</sup> February 2016 available to view at:

[www.gov.uk/government/publications/superfast-connectivity-in-new-homes](http://www.gov.uk/government/publications/superfast-connectivity-in-new-homes)

## 9. Coal Mining Risk Assessment

### Threshold/Trigger

Development within High Risk Areas (excluding householder development, listed building or advertisement consent, lawful development certificates, prior approvals/notifications, hazardous substances consent, trees or hedgerow works). However, any development within a coal mining area might be affected and it is advised that developer's read the document set out within the hyperlink in the next paragraph.

### Details of what should be included

A Risk Assessment report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable. Details of what should be provided are set out within [Coal Authority Guidance for Local Planning Authorities -England](#) with detailed information provided at pp. 18-21.

### Other information

Paragraphs 183 and 184 of the National Planning Policy Framework (NPPF) makes it clear that land instability issues should be considered as part of development proposals and that the responsibility for securing a safe development rests with the developer and/or landowner.

## 10. Climate Change Statement

### Threshold/Trigger

Should be provided for all new buildings excluding householder developments

### Details of what should be included

Information should be provided of measures to be incorporated within the development to promote energy generation from renewable and low carbon sources and/or energy efficiency measures

### Other information

Core Policy 10: Climate Change – Amended Core Strategy, Adopted March 2019

## 11. Community Infrastructure Levy (CIL) Forms

### Threshold/Trigger

CIL may be payable on development which creates net additional floor space, where the gross internal area of new-build exceeds 100 square metres. This includes development permitted by a 'general consent' (including permitted development). The 100 square metre limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self-builder'. However, the initial CIL forms should be completed at planning validation stage even if you intend to apply for a CIL Self – Build Exemption at a later date.

CIL will apply to all such buildings regardless of the type of permission.

Details of the CIL Rates and Charging Zones are set out in the CIL Charging Schedule which can be viewed on the Council's website at [www.newark-sherwooddc.gov.uk/cil](http://www.newark-sherwooddc.gov.uk/cil)

### Details of what should be included

To allow the Council to decide if your development is liable for CIL and if so how much, an information form entitled "Form 1 - Community Infrastructure Levy (CIL) – Planning Application Additional Information Requirement Guidance" should be completed and submitted with your application. and "Determining whether a Development may be CIL Liable" are CIL guidance is also available: These ~~This~~ should be completed. This includes

applications for householder development. ~~These forms~~ **This form** should be completed even if you intend to apply for a CIL Self – Build Exemption at a later date.

Whilst the Council will not invalidate your application for the lack of this form, its completion will assist.

**Where a CIL Liability Notice has been issued, an Assumption of Liability and Commencement Notice should be submitted prior to commencement, there are surcharges of up to £2550 for non-compliance. If you intend to apply for a CIL Self Build Exemption, forms are available on the above website which must also be submitted prior to commencement of development as a Self Build Exemption cannot be applied for retrospectively.**

## 12. Contamination Survey

### Threshold/Trigger

In many cases, a contamination survey can be a requirement of a planning condition after planning permission has been granted. However, there are some circumstances where a contamination survey is required at validation stage. These include:

- Certain allocated sites – see Newark and Sherwood District Council’s adopted Allocations and Development Management DPD for further information [www.newark-sherwooddc.gov.uk/adm/](http://www.newark-sherwooddc.gov.uk/adm/)
- Certain proposed land uses or development on sites where there may be the potential for contamination due to the former use of the land.

The following former or proposed land uses will require a quantitative risk assessment:

- Coal, mineral mining & processing, both deep mines & opencast
- Smelters, foundries, steel works, metal processing & finishing works
- Heavy engineering & engineering works, e.g. car manufacture
- Military/defence related activities
- Electrical & electronic equipment manufacture & repair
- Gasworks, coal carbonisation plants, power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture & use of asbestos, cement, lime & gypsum
- Manufacture of organic & inorganic chemicals, including pesticides
- Acids/alkalis, pharmaceuticals, solvents, paints etc.
- Rubber industry, including tyre manufacture
- Munitions/explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper & pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards, garages, road haulage depots, airports
- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Scrap yards & breakers yards
- All types of laboratories
- Power stations, electricity substations, gas works
- Chemical and manufacturing plants - using/storing bulk liquid
- Chemicals or discharging of effluent
- Sewage farms and sewage treatment plants
- Quarries or land which has been infilled with unknown fill
- Collieries
- Ministry of Defence sites
- Storing and reprocessing scrap vehicles
- Fuel storage facilities, garages and petrol forecourts
- Abandoned mines, and downstream of such mines if in a flood zone
- Abattoirs, animal waste processing & burial of diseased livestock

The following land uses will require a preliminary risk assessment, site walkover and bill of quantities:

- Other industries and commercial uses not listed in Department for Environment, Food & Rural Affairs (DEFRA) profiles
- Engineering works
- Urban soils (which are comprised of made ground)
- Land with known fill
- Hospitals
- All works employing metal finishing processes -plating, paint spraying
- Vehicle repair garages (no oil storage)
- Works utilizing animal products, for example, tanneries
- Radioactive substances used in industrial activities e.g. gas mantle production, luminising works
- Agriculture – excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Dry cleaning premises
- Naturally-occurring radioactivity, including radon
- Naturally-occurring - metals and other substances
- CO2 & CH4 production & emissions in coal mining areas, wetlands, peat moors or former wetlands
- Spraying of herbicides and pesticides
- Unregulated tipping activities
- Domestic heating oil leaks
- Railway Land (other than described in high risk category)
- Gas mantle production, luminising works, dial manufacturers
- Made ground
- Cottage industry
- Allotments

The following land use will require a preliminary risk assessment and site walkover for potential contamination:

- Land which has been bombed
- Burial sites & graveyards
- Garages use for car parking

#### **Details of what should be included**

For detailed information regarding the type of information the Council will require in order to assess an application for planning permission on land possibly affected by contamination please see “A Guide to Developing Land within Nottinghamshire” which is available to view at on our [website](#) and is summarised below:

#### Phase I — Desktop Study

The desktop study is the collation of site specific information in order that a conceptual site model can be established. This conceptual model considers all potential contaminant sources, pathways and receptors, defined as a pollutant linkage. The desktop study should document the site history and identify all potentially contaminative land uses back to when the site was Greenfield. The conclusions of the report should contain recommendations for any progression to Phase II, if required.

A Phase I - Desktop Study Report should include:

- Purpose of aims and study
- Site location and layout plans (appropriately scaled and annotated)
- Appraisal of site history
- Appraisal of site walkover study
- Assessment of environmental setting, to include:
  - Geology, Hydrogeology, Hydrology
  - Information on mining/quarrying activity
  - Information from EA on abstraction, pollution incidents, water quality and landfill sites.
- Assessment of current/proposed site use and surrounding land uses
- Review any previous site contamination studies (desk based/intrusive) remediation works

- Preliminary risk assessment, based on proposed development and to include:
  - Appraisal of potential/actual contaminant sources, pathways and receptors (pollutant linkages)
  - Conceptual site model (diagrammatic and written)
- Recommendation for intrusive contamination investigation (if necessary) to include:
  - Identification of target areas for more detailed investigation
  - Rationale behind design of detailed investigation

### Phase II — Detailed Investigation

The Detailed Investigation phase is the on-site validation of the conceptual model. Through intrusive investigation, chemical testing and quantitative risk assessment, the Phase II study can confirm pollutant linkages and therefore, should also provide appropriate remediation options, if required.

A Phase II – Detailed Investigation should include:

- Review previous site investigation contamination studies (desk-based or intrusive) or remediation works
- Site investigation methodology, to include:
  - Justification of exploration locations
  - Locations of on-site structures, above/below ground storage tanks etc
  - Sampling and analytical strategies
  - Borehole/trial pit logs.
  - Borehole / trial pit log locations
- Results and findings of investigation, to include:
  - Ground conditions (soil and groundwater regimes, including made ground)
  - Discussion of soil/groundwater/surface water contamination (visual, olfactory, analytical)
- Conceptual site model
- Risk assessment – based on source-pathway-receptor
- Details of the site specific risk assessment model selected and justification in its selection
- Recommendations for remediation – based on proposed land use
- Recommendations for further investigation if necessary

### Phase III — Remediation Strategy / Validation Report

The remediation phase of the process is split into two sections. Firstly the Remediation Statement is a document detailing the objectives, methodology and procedures of the proposed remediation works. This must be submitted for approval by the Council before any works commence. Secondly, following completion of the works, a Validation Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Phase III – Remediation Statements should include:-

- Objectives of the remediation works
- Details of the remedial works to be carried out, to include:
  - Description of ground conditions (soil and groundwater)
  - Type, form and scale of contamination to be remediated
  - Remediation methodology
  - Site plans/drawings
  - Phasing of works and approximate timescales
  - Consents and licenses e.g. (Discharge consents, waste management licenses etc.)
  - Site management measures to protect neighbours.
- Details on how works will be validated; ensuring remediation objectives are met, to include:
  - Sampling strategy
  - Use of on-site observations, visual/olfactory evidence
  - Chemical analysis
  - Proposed clean-up standards (i.e. contaminant concentration)

### 13. Daylight and Sunlight Assessment

#### Threshold/Trigger

Required for major applications where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including associated gardens or amenity space.

Applications where the application site itself is subject to potential adverse impact from adjoining buildings or features or where one part of the development is affected by another part of the same development.

#### Details of what should be included

A daylight, vertical sky component, sunlight availability and shadow study should be undertaken. It is recommended guidance from the BRE is used.

The information should be sufficient to determine:

- The existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties.

The measures that will be taken to mitigate against the expected impact of the proposed development.

### 14. Drainage (Sustainable Drainage Systems (SuDS)) - Surface Water Drainage, and Foul Drainage

#### Threshold/Trigger

- All major applications
- Applications **that could increase flood risk on site or elsewhere** adjacent to areas at risk of flooding

*NB – Usually information would be required for Areas with Critical Drainage Problems (ACDPs) – However, Nottinghamshire County Council as Lead Local Flood Authority have confirmed they have not designated any critical drainage areas within Newark and Sherwood District at this time.*

#### Details of what should be included

##### Sustainable Drainage Systems (SuDS)

SuDS are an approach to managing rainwater falling on roofs and other surfaces through a sequence of actions. The key objectives are to manage the flow rate and volume of surface runoff to reduce the risk of flooding and water pollution. SuDS also reduce pressure on the sewerage network and can improve biodiversity and local amenity.

Sustainable drainage is a departure from the traditional approach to draining sites. There are some key principles that influence the planning and design process enabling SuDS to mimic natural drainage by:

- storing runoff and releasing it slowly (attenuation)
- allowing water to soak into the ground (infiltration) **[must be 5.0 metres from building, 2.5 metres from boundary]**
- slowly transporting (conveying) water on the surface
- filtering out pollutants
- allowing sediments to settle out by controlling the flow of the water
- creating space that will enhance biodiversity and amenity

**SuDS should be designed from the outset of the project to maximise the availability of developable land and to achieve high quality, biodiverse rich environments. The hierarchy for SuDS is:**

1. **into the ground (infiltration)**
2. **to a surface water body**
3. **to a surface water sewer, highway drain, or another drainage system**
4. **to a combined sewer**

##### Surface Water

A surface water drainage scheme should include the following information:

- A metric scaled plan of the existing site.
- A metric scaled topographical level survey of the area to metres above ordnance datum (MAOD).
- Metric scaled plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks).



- The existing and proposed controlled discharge rate for a 1 in 1 year event and a 1 in 100 year event (with an allowance for climate change), this should be based on the estimated green-field runoff rate.
- The proposed storage volume (attenuation).
- Information on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible.
- Geological information including borehole logs, depth to water table and/or infiltration test results.
- Details of overland flow routes for exceedance events.
- Drainage hierarchy assessment including detail of which options of the hierarchy are available and why they have been discounted if not utilised. i.e. Infiltration has been discounted due to the impermeable nature of the underlying strata (Mercia Mudstone)
- A management plan for future maintenance and adoption of drainage system for the lifetime of the development.

### Foul Drainage

For **major** development incorporating foul drainage into the public sewer details of the impact of the development on the public sewer infrastructure are required. Early discussions with Severn Trent Water or Anglian Water<sup>1</sup> are key in order to determine whether or not a load or flow assessment should be submitted with the planning application.

- 1 Anglian Water serves Barnby in Willows, Harby, Wigsley and part of Fernwood.

The National Planning Practice Guidance and [Building Regulations Approved Document H](#) give a hierarchy of drainage options that must be considered and discounted in the following order:

- 1 Connection to the public sewer
- 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption)
- 3 Septic Tank
- 4 If none of the above are feasible a cesspool

If a proposal incorporates a non-mains foul drainage system, then a [Foul Drainage Assessment Form](#) should be completed. In addition to this form:

**Proposed treatment plants** - a percolation test must be carried out and the results submitted with the application unless the treatment plant is to be draining into a watercourse.

**Proposed septic tanks and cess pools** - a full impact assessment must be submitted before the application can be registered. This should confirm that the adverse effects summarised in factors (a) to (k) below will not arise. This assessment should focus on the likely effects on the environment, amenity and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent, whether it is discharged to a water course or disposed of by soakage into the ground.

- a. contravention of recognised practices
- b. adverse effect on water sources/resources
- c. health hazard or nuisance
- d. damage to controlled waters
- e. damage to the environment and amenity
- f. overloading the existing capacity of the area
- g. absence of suitable outlets
- h. unsuitable soakage characteristics
- i. high water table
- j. rising ground water levels
- k. flooding

Proposals that are within close proximity to or will have impact upon any open watercourse or culvert should be submitted with a plan showing the location of the watercourse/culvert. **Whilst surface water should be kept and**

dealt with on the application site, details of the impact of surface water discharge from sites into such watercourses, particularly with regard to impacts downstream should be provided.

**Further Advice:**

Anglian Water offer a pre-planning enquiry service. Details may be found at

<https://www.anglianwater.co.uk/developing/planning--capacity/planning-and-capacity/>

Internal Drainage Board – [planning@tvidb.co.uk](mailto:planning@tvidb.co.uk)

Planning Practice Guidance – Sustainable Drainage Systems - <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>

## 15. Ecological and Protected Species Assessment

### Threshold/Trigger

An ecology survey is required if it is likely that protected species are:-

- affected by the development, for example the effect of a wind turbine proposal on protected birds
- present on or near the proposed site, this can include but is not restricted to:-
  - Applications relating to barns and other buildings capable of supporting protected species (planning application or change of use prior notification application)
  - Where development is within or adjacent to a wildlife corridor or area of natural open space
  - A Greenfield site
  - Where development is within a Local Wildlife Site (LWS)
  - Works involving trees known to house protected species

Where development will have a direct, indirect or in combination impact(s) on a Special Area of Conservation (SAC), Special Protection Area (SPA) or potential Special Protection Areas (pSPA), regard must be given to the Habitats Regulation Directive 2017. This includes the need to undertake screening, scoping and appropriate assessment.

### What should be included

Surveys must be carried out by a suitably qualified ecologist (a member of the Chartered Institute of Ecology and Environmental Management or similar) at the correct time of year, using methods that are appropriate for the species and the area. Surveys should be up to date and ideally from the most recent survey season.

All surveys must include the author's name, professional details.

Surveys should include:-

- A desktop study, including consulting the Nottinghamshire Biological and Geological Records Centre, and appropriate habitat and species surveys.
- Identification of natural features, habitats, flora and fauna.
- An assessment of the implications of the proposed development upon the wildlife habitats or features present, including any measures for mitigating the impact of development – accompanying plans should indicate such mitigation and / or compensation measures.
- Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management.
- Particular consideration must be given to the presence of protected species such as badgers, bats, barn owls, great crested newts, reptiles and water voles.
- Where appropriate accompanying plans should indicate the location of any significant wildlife habitats or features.

### Other Information

Further information regarding where protected species are likely to be present can be found in Natural England's Guidance "How to Review Planning Applications" available to view online.

In cases where it is not clear which species are present, if at all, a scoping survey (often called an “extended phase 1 survey”) can be carried out. This is useful for assessing whether a species-specific survey is needed.

Further detailed information regarding survey methods for individual species can be found at the following website: <https://www.gov.uk/topic/environmental-management/wildlife-habitat-conservation>

## 16. Economic Statement

### Threshold/Trigger

Required for major developments, excluding householders which are major development by virtue of site area.

### What should be included

Applications may need to be accompanied by a support statement of any regeneration benefits from the proposed development, including:

- details of any new jobs that might be created or supported;
- the relative floorspace totals for each proposed use (where known);
- any community benefits: and
- reference to any regeneration strategies that might be behind or be supported by the proposal.

## 17. Environmental Impact Assessments (EIA)/Environmental Statement

### Policy Background

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – further information available on the following website: [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1003/contents/part-1)

### Threshold/Trigger

The Regulations (see website above) apply to two separate lists of projects:

1. Proposals listed in Schedule 1 of the Regulations ‘Schedule 1 projects’ require an EIA in every case; and
2. Proposals listed in Schedule 2 of the Regulations ‘Schedule 2 projects’ require an EIA only if the project in question is judged likely to give rise to significant environmental effects. Schedule 3 provides further guidance for when assessing whether Schedule 2 projects require and EIA.

### Screening Opinion

If you are unsure whether your proposal requires an Environmental Impact Assessment (EIA) you can submit a request to the Local Planning Authority (LPA) for a Screening Opinion. The Local Planning Authority will then screen the proposal against the Regulations and confirm in writing whether or not a full Environmental Impact Assessment is required. The request for a Screening Opinion should include the following:

- a. a plan sufficient to identify the land;
- b. a description of the development, including in particular:
  - (i) a description of the physical characteristics of the development and, where relevant, of demolition works;
  - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected
- c. a description of the aspects of the environment likely to be significantly affected by the development;
- d. to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from:
  - (i) the expected residues and emissions and the production of waste, where relevant; and
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity;
- e. such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

On receipt of the application for a screening opinion the LPA will consult relevant organisations and respond to the request within 3 weeks beginning with the date of receipt of a request made or such longer period, not exceeding 90 days from the date of receipt as may be agreed in writing with the person making the request.

Where there are exceptional circumstances that it is not practicable for the LPA to adopt a screening opinion within this time period, the LPA may extend the period by notice in writing given to the person who made the request for a screening opinion.

If the LPA considers that the proposal could have significant effects on the environment then they will require an EIA to be submitted with the planning application. You will be informed, in writing, of the outcome of the screening opinion.

In addition to the above the LPA will undertake a screening opinion on all relevant applications when submitted. It may be at this time that an EIA is requested by the LPA. Where an applicant disagrees with the decision they may appeal to the Secretary of State for a screening opinion.

The Health Matrix incorporated within the [Nottinghamshire Planning and Health Framework](#) might prove useful in assessing the health impacts of a development upon human receptors and facilitate consideration to Health Impact Assessments.

### **Scoping Opinion**

A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a “scoping opinion”):

- a. a plan sufficient to identify the land;
- b. a brief description of the nature and purpose of the development, including its location and technical capacity;
- c. an explanation of the likely significant effects of the development on the environment; and
- d. such other information or representations as the person making the request may wish to provide or make;

The LPA must adopt a Scoping Opinion within 5 weeks of receiving a request or such longer period as may be agreed in writing with the person making the request. The LPA will consult the relevant bodies as part of the process.

The LPA will then confirm what they consider to be the main effects of the development and the topics that the Environmental Statement should cover. This does not prevent the LPA from requesting additional information as part of the EIA process. Alternatively, the LPA can screen a proposal as part of the planning application process once a formal planning application has been received.

### **Details of what should be included**

Full details of what to include in an Environmental Impact Assessment / Environmental Statement are set out in full in Schedule 4 of the Regulations.

In order to ensure the completeness and quality of the environmental statement:

- a. the developer must ensure that the environmental statement is prepared by competent experts; and
- b. the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (this is called a “scoping opinion”). [Further details on the Scoping Opinion process can be found here.](#)

### **Other Information**

Planning permission cannot be granted for EIA development unless an EIA has been carried out in respect of that development.

## 18. External Lighting Details

### Threshold /Trigger

All proposals involving floodlighting

### Details of what should be included

A report written by a suitably qualified person must include:-

- Details of the survey of the surrounding night environment
- Identification of critical view points
- Establishment and calculation of existing lighting conditions
- Summary of baseline measurements and/or calculations
- Analysis of task lighting level recommendations
- Establishment of environmental light control limits
- Statement of new lighting design quality objectives
- Calculated measurement of task working areas
- Calculated measurement of overspill areas
- Obtrusive light calculation of property intrusion
- Viewed source intensities including nominal glare assessment
- Direct upward light ratio
- Comparison of design achievement with baseline values
- Designers critique of final design constraints
- View point visualisation
- Virtual walkthrough of illuminated site
- Schedule of model reflection factors
- Schedule of luminaire mounting heights and aiming angles
- Layout plan with beam orientation indication.

## 19. Flood Risk Assessment

### Threshold/Trigger

When a Flood Risk Assessment is required:

You need to do a flood risk assessment for most developments within one of the flood zones.

This includes developments:

- in flood zone 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1

To find out which flood zone a site is in please see [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

When a Flood Risk Assessment is not required:

You do not need to do a flood risk assessment for a development that is less than 1 ha in flood zone 1 unless it could be affected by sources of flooding other than rivers and the sea, for example surface water drains.

When to follow standing advice

You should follow the Environment Agency's standing advice if you're carrying out a flood risk assessment of a development classed as:

- a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3
- 'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)
- 'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)
- 'water compatible' in flood zone 2
- You also need to follow standing advice for developments involving a change of use into one of these vulnerable categories or into the water compatible category.

Please see Flood Risk Vulnerability Classifications (definitions for the above categories).

**Details of what should be included:**

### Flood risk assessment

All flood risk assessments must be written by a suitably qualified person and should include their name and qualifications.

Detailed information as to what to include in a flood risk assessment depending on which flood zone the site lies in can be in Appendix 1 Flood Risk Advice.

In addition to the information above, Flood Risk Assessments should also take into account information from the relevant Neighbourhood Plan.

### Flood risk assessment: standing advice

For all developments covered by standing advice, you must put together a flood risk assessment which includes:

- your site address
- a description of your development
- sequential test for developments in flood zones 2 and 3
- how the site is likely to be affected by climate change
- an assessment of the flood risk for your development (consider all sources of flooding not just rivers and the sea e.g. surface water, some groundwater) and include an allowance for climate change
- the estimated flood level for your development, i.e. the 1 in 100 year river flood level or the 1 in 200 year tidal flood level
- details of your flood resilience and resistance plans
- surface water management
- summary of the numbers of future occupiers and likely future pattern of occupancy
- if the development is a qualifying development within flood zones 2 and 3, details of the Exception test
- any supporting plans and drawings
- who has undertaken the assessment and when it was undertaken
- any information the relevant standing advice tells you to include

Refer to Appendix 1 Flood Risk Advice for further information.

### **Other Information**

Flood Risk Assessments should always be proportionate to the degree of flood risk in each case and appropriate to the scale, nature and location of the proposed development or change of use.

The level 2 Strategic Flood Risk Assessment is available on our website at [www.newark-sherwooddc.gov.uk/sfrial2/2/](http://www.newark-sherwooddc.gov.uk/sfrial2/2/)

Further information can be found at [www.gov.uk](http://www.gov.uk)

## **20. Green Belt Impact Assessment**

### **Threshold/Trigger**

- Applications which propose the demolition and replacement of buildings located within the Green Belt
- Applications which propose extensions, new buildings or engineering operations in the Green Belt
- All householder applications that propose the extension of dwellings located in the Green Belt

### **What should be included**

Plans and volume, external footprint and floorspace calculations for the following:

- The original building (a building existing on 01/07/1948 or a building as originally constructed on or after that date)
- All existing extensions and outbuildings to the original building
- Any demolition of the original building proposed
- Any demolition of an existing extension(s) and outbuildings proposed
- Any proposed extensions
- Any proposed new buildings

Volume, external footprint and floorspace percentage increase calculations for the following:

- Original building to existing building
- Original building to proposed building
- Existing building to proposed building

## 21. Heritage Impact Assessments (including desk based Archaeological reports)

### Threshold/Trigger

All applications affecting heritage assets and/or their setting. A heritage asset is defined as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

A Heritage Impact Assessment will always be required for the following as they relate to designated heritage assets:

- Listed building consent applications;
- Planning permission applications for sites within the setting of a listed building;
- Planning permission applications for sites/buildings in or within the setting of a conservation area;
- Planning permission applications for sites in or within the setting of a scheduled ancient monument;
- Planning permission applications for sites in or within the setting of registered parks and gardens;
- Planning permission for relevant demolition in a conservation area.

Heritage Impact Assessments should also be submitted for planning applications affecting non-designated heritage assets, notably where that proposal would result in total loss or significant alteration of the heritage asset. Carrying out a pre-application meeting with the Planning Department will ensure that heritage assets are identified at the earliest stage.

Should a proposal comprise enabling development, you are advised to seek early pre-application advice and refer to [Historic England’s Good Practice Advice in Planning: 4 Note](#)

### What should be included:

Heritage Impact Assessments for larger scale schemes should be written by a suitably qualified person (for example a member of the Institute of Historic Building Conservation or other relevant body). The assessment should include the author’s name and qualifications.

Applicants are required to provide a description of the significance of the heritage asset and/or its setting. This can be presented in the form of a Heritage Impact Assessment. A Heritage Impact Assessment should provide the local planning authority with enough information to adequately understand the impact of the proposals on the significance of any heritage assets affected.

The level of information provided should be appropriate and proportionate to the significance of the heritage asset and the potential impact upon that significance of the proposals. For example, for an application that includes substantial demolition of a heritage asset it is reasonable to expect an applicant to provide a thorough and detailed understanding of the asset, and a thorough explanation of the impact of the demolition on the asset and its setting. An application for a minor alteration to part of the asset is likely only to require detailed information on the affected part of the asset, with only a brief explanation of how the impact relates to the significance of the asset as a whole.

For small scale development the Heritage Impact Assessment should be written by anyone that is competent to do so. This may be the heritage asset owner (for example for a householder application) but for a complex heritage asset with high levels of significance a heritage professional is required (i.e. conservation architect, architectural historian, building archaeologist).



For proposals that require alterations to or replacement of, for example, doors and windows, these should be shown on a separate plan(s) to a larger scale of 1:10, 1:5, or 1:1 as appropriate. The statement should examine the impact of such changes with reference to the associated plans.

Further detailed information as to what should be included in a Heritage Impact Assessment can be on our website at [www.newark-sherwooddc.gov.uk/planning/heritageconservation/planningandheritageassets/](http://www.newark-sherwooddc.gov.uk/planning/heritageconservation/planningandheritageassets/)

Heritage Impact Assessment will need to cover any archaeological issues at the site.

**The following is a guide for preparing a Heritage Impact Assessment:**

**Stage 1: Gathering information**

Heritage assets, especially when designated, will have some documentary information about them. For example, all listed buildings have a statutory list description and Registered Parks and Gardens have full detailed descriptions that include their historic development. The [Historic Environment Record at Nottinghamshire County Council](#) should be consulted as part of the information gathering stage.

A good set of colour photographs showing the areas specific to the proposals should be included. There are many historic photographs of the district, often showing the application site or building. Historic photographs often reveal information about how the building has changed and can provide justification for proposed alterations or inform the design of an alteration or extension.

Maps can reveal historic layouts of sites and buildings, their relationship with other buildings or structures and surrounding landscapes or gardens. An examination of historic maps will often reveal information on how the site has changed and developed, providing time periods for different building phases. There are many sources of historic and modern maps, such as enclosure and tithe maps, to the more detailed Ordnance Survey maps which were first drawn in the mid-19th century. The types of maps that you should consult will very much depend on the age of the heritage asset and your proposals.

Many buildings and areas in the district are referred to in other sources of information, which is often the work of local historians. For example, the history of many of the villages has been written about. The District or County Council may hold investigative reports on buildings or sites. Where an assets lies within a conservation area there may be a conservation area appraisal written. Historical directories can be useful sources, especially where the site or building was built for a community purpose, often providing dates of construction, architects and benefactors.

**Stage 2: Written Description**

A written description should also be provided; the amount and type of information will depend very much on the heritage asset itself and the proposals. If appropriate you may wish to include copies of any documents relating to the heritage asset, discovered as part of Stage 1. The following, to a greater or lesser extent should be included:

- A description of the building/structure/site and its setting (this may include important views towards and away from the heritage asset. The description should include information on architectural style, date(s) of construction, materials and notable characteristics generally and specifically in the location of the proposals. Where proposals affect the setting of a heritage asset you may wish to make reference, if appropriate, to other buildings in the grounds/garden, details of landscaping and views towards and away from the application site.
- Summary of the building/structure/site's architectural, archaeological or historical significance. Significance is what people value about the heritage asset. This will often be the architectural interest, but can also be social, community, economic or environmental value. Unusual or rare features will usually have a higher level of significance. Significance will often be derived from the age of the fabric of a building. For example, late 20th century extensions to an 18th-century farmhouse will not usually be considered to be as significant as the earlier original fabric. Where a heritage asset has numerous phases of development, or differing levels of significance, plans can be used to show this effectively.
- Where a heritage asset forms part of a group, consider the group value or cumulative significance i.e. the significance it has by virtue of being in the presence of other assets.



### Stage 3: Proposals and Justification

The Local Planning Authority must clearly understand your proposals and the reasoning for them. Through a good understanding of the heritage asset, your proposals should be designed to avoid or minimise any harm to the significance of the heritage asset. A written explanation should be provided outlining your proposals and justifying them. Your explanation might answer the following questions:

- What is the need for the new work?
- Can your needs be met in a different way?
- What are the benefits of the new work?
- Could the work harm the heritage asset or put it at risk in anyway?
- Do you understand the heritage asset well enough to make an informed decision?
- Will the benefits outweigh any harm?
- Can you avoid (mitigate) any minor impacts on the heritage?
- Is the scale, design, materials proposed for any new works appropriate?
- Is any new work in the least damaging place?

Should the proposal result in substantial harm to a designated heritage asset, evidence of appropriate marketing is required to demonstrate that a heritage asset has no viable use. Evidence that conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible should also be submitted.

#### Useful information:

Heritage Impact Assessment - <https://www.newark-sherwooddc.gov.uk/heritageassetsandplanning/>

Conservation Area Appraisals - <https://www.newark-sherwooddc.gov.uk/conservationareas/>

## 22. Highway Information for all new residential development

### Threshold/Trigger

All new residential development

### Details of what should be included

In addition to the national requirement for detailed scaled plans the following information is also required:

- Driveway Width (for all new driveways – both shared private driveways and individual driveways)
- Driveway Visibility (for all new driveways – both shared private driveways and individual driveways) and where new boundary treatment is proposed that could affect highway visibility
- Driveway Length (for all new driveways – both shared private driveways and individual driveways)
- Turning areas (for shared driveways)
- Driveway Gradient (for all new driveways – both shared private driveways and individual driveways)
- Bin storage / collection point
- Parking areas
- **Location of electric car charging point provision**

### Other Information

For detailed information regarding general principles and minimum standards for the layout and dimensions of roads and paved areas in residential and industrial developments, please see the 6Cs Highway Design Guide available to view at [www.nottinghamshire.gov.uk/transport/roads/highway-design-guide](http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide)

## 23. Landscape and Visual Assessments

### Threshold/Trigger

Landscape and visual assessments are required to assess any potential impacts of a proposal on visual amenity and landscape character.

Statements will be required for all proposals which impact on the visual amenity or landscape character of an area. These include, but are not limited to:

- Proposals for wind turbines or solar farms
- Large scale developments

- Certain developments in the Open Countryside

#### Details of what should be included

The following documents are available on our website and set the policy background for landscape and visual assessments:

- [Landscape Capacity Study](#)
- [Landscape Character Assessment SPD \(LCA SPD\)](#)
- Core Policy 13: Landscape Character of the Newark and Sherwood Core Strategy

A landscape and visual assessment should usually include the following information:

- Topography: Explanation of how the topography of the site has affected the design of the proposed scheme.
- Current land uses: Explanation of any change of use of land and how it will affect the appearance of the landscape or adjoining land uses
- Existing trees, hedges, woodland blocks and belt
- Water bodies and ditches: Explanation of the effect of the proposed development on reservoirs, watercourses, ponds etc. that are important for site drainage and wildlife habitat.
- Man-made features: Consideration should be given to any existing visually intrusive man-made features
- Views: Identify key views from the surrounding area to the development site. Explain how the proposed development will be likely to be visible from and/or alter these views. This should include any changes to boundary treatments, access or vegetation. Consideration should be given as to whether the proposed development is likely to be visible from surrounding areas where there currently no views. Photos of the site from key views should be provided. These should include existing views and views with the proposed development super-imposed.
- Landscape Character: Where the proposal is located within open countryside or a small settlement, describe the landscape character of the application site and adjacent surroundings. Provide an analysis of the key landscape features and special qualities of the area. Include details of any historic pattern of field boundaries, woodlands and/or settlements in the surrounding area.
- Settlement Character: Where the proposal is located within or adjacent to an existing settlement, describe the character of the settlement. This should include the type of settlement (town, village or hamlet), the predominant type of building (terraced, detached, single or two storey, architectural style, age and typical building materials). Provide an explanation of the effect of the proposal on key views to the wider landscape from the settlement together with the effect of the proposal on local landmarks or any approach roads, gateways and footways to the settlement.
- Habitat Character: Where the proposal is located on land or is adjacent to land that could provide priority habitats for wildlife (this may include unimproved upland, moorland, coastal wetland or limestone pavement), describe the effect the proposal may have upon the habitat character, together with any mitigation.
- Heritage Assets: Where the development is located within or adjacent to a heritage asset (listed buildings, scheduled monuments, conservation areas and registered parks and gardens), describe the effect the proposal may have upon any heritage assets.
- Non-designated heritage assets: These may include above and below ground archaeology. Buildings, land or features with a historic, architectural community or archaeological interest can be considered as heritage assets, even if they are not nationally designated. Archaeological interest may apply to heritage assets, whether designated or not, when the development and history of a building may only be revealed through archaeological investigation, when modern features and additions are removed.

#### 24. Landscaping Scheme (Hard and Soft Landscaping)

##### Threshold/Trigger

Where **extensive** hard or soft landscaping is proposed. In a number of cases these can be dealt with by way of a planning condition once planning permission has been granted. However, if a scheme is particularly sensitive from either an ecological or visual point of view, then these may be required at the validation stage.

##### Details of what should be included

- Metric scale 1:500 (Layout plans) and 1:200 or 1:100 (Planting schemes).
- For residential development, plot nos. should be identified.
- Topographical site survey showing spot levels, contours, structures, walls, fences, existing trees (Root Protection Areas), significant shrubs and vegetation; service runs and easements; buildings on site and building edges off-site.
- Planting plan should include positions, species/variety, density of planting, maximum size at maturity, grille and guard specifications, weed control measures, slope stabilisation methods, protective measures (from vehicle and pedestrian movements, grazing animals, vandalism etc.)
- Management plans, including objectives and after care maintenance.
- Hard landscaping plans should include details of surfacing, footways, boundary walls/fences, retaining walls; protective measures against vehicle impact, pedestrian shortcuts, vandalism (bollards, tree guards, permanent fencing, low walls etc.); lighting, street furniture, special features (artwork etc.), refuse storage structures, utility routes, sub-stations etc.
- Tree lined streets

#### Other Information

National Planning Policy Framework - <https://www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places>

### 25. Open Space Statement

#### Threshold/Trigger

An Open Space Statement is required for all developments that will result in the loss of open space

#### Details of what should be included

Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a Local Planning Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements.

Applications involving the loss of playing fields.

The following information is required:

Document	Presenting details on....
<b>Required for all applications</b>	
Consultation notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015. 3. Location and nature of existing buildings. 4. Location and nature of existing facilities for sport (including the layout of summer and winter playing pitches). 5. Significant features (e.g. trees, slopes, paths, fences, sewers) <sup>1</sup> . 6. Existing levels across the site <sup>1</sup> .
Proposed site plan	7. Location and nature of the proposed development. 8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works, e.g. landscaping). 9. Location and nature of all existing facilities for sport (clearly showing any revised locations from the existing plan). 10. Any changes to existing features and levels <sup>1</sup> .
Supporting statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above). 12. Reason for the chosen location and alternatives considered.

	13. Any proposed changes in the provision of indoor and outdoor facilities for sport on the site (including ancillary facilities).	
<b>Document</b>	<b>Present details on...</b>	
<b>Required in relation to specific playing fields policy exceptions</b>		<b>Exceptions</b>
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced facilities for sport (including relevant ancillary facilities) <sup>1</sup> .	2, 4 and 5
Supporting statements	15. Current and recent users of the playing field and the nature and extent of their use.	1, 4 and 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) <sup>1 2</sup> .	1, 4 and 5 2, 4 and 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) <sup>2</sup> .	2, 4 and 5
	18. The specification of any ancillary facilities e.g. sports lighting <sup>1</sup> .	4 and 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type <sup>2</sup> .	4
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including <sup>3</sup> : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	

1. Level of detail proportionate to the nature of the development and its impact on the playing field.
2. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.
3. Details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and National Governing Bodies of sport design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Open space required as part of new development for other purposes

Where an application for new development (usually, but not exclusively, for residential purposes) generates a requirement for open space provision in accordance with the planning policy prevailing at the time, details of the provision must be included in the application. The details must include:

- The precise location of the open space land in relation to the layout of the overall scheme (normally, the open space should be shown on the site layout plan(s).
- Details of the layout of the open space including all fixed equipment, fencing, access arrangements and planting;
- A timescale for the open space to be completed and made available, preferably in relation to the timescale for the overall development;
- Proposals for the future maintenance of the open space. If this involves transferring the site into Council ownership, draft heads of terms of the necessary [s106 agreement](#);
- If provision is to be met by a financial arrangement rather than on site, draft heads of terms of the necessary [s106 agreement](#).

**Other Information**

## 26. Noise Impact Assessment

### Threshold/Trigger

A Noise Impact Assessment is required to determine whether a proposed development will have a significant impact on existing noise levels or whether, when all appropriate forms of mitigation have been considered, the existing noise environment will adversely affect the proposed development. They are required for the following types of development:

- Proposed developments that have the potential to generate noise, for example, industrial units, installation of external air conditioning and ventilation / exhaust system / flue units, workshops, day nurseries, nightclubs, public houses, restaurants/takeaways, schools/colleges, outdoor sports facilities etc.
- Proposed developments located next to an existing noise source, for example, next to an industrial site, a busy road, or railway line.

### Details of what should be included

A noise impact assessment should include the following information:

- Existing background noise levels measured over a 24-hour period (including the cumulative noise levels of all existing units)
- Proposed noise levels (including the cumulative noise levels of all proposed units)
- Any proposed measures to reduce noise from the proposed development
- The system manufacturer's specification of any proposed equipment to be installed, altered or replaced
- Details of the method used to compile the report and examples of the calculations and assumptions made.

Please note that you cannot carry out a noise impact and sound insulation assessment yourself. It must be completed by a qualified acoustician.

### Other Information

For the installation of external air conditioning and ventilation / exhaust system / flue units a separate ventilation and extraction report is required. [Please see separate section in this document.](#)

Please see the relevant prevailing British Standards and Good Practise Guidance

## 27. Odour Impact Assessment

### Threshold/Trigger

An Odour Impact Assessment is required to determine whether a suitable standard of amenity can be achieved where development proposals are located adjacent to or within existing uses that might cause a detrimental impact. Examples might include

- water recycling centres (sewage treatment works);
- Agricultural and similar activities that might involve waste handling e.g. poultry sheds

### Details of what should be included

An odour impact assessment should include the following information:

- include details of the baseline of the existing climate around the site
- identify operations that could lead to the generation of odours
- assess the change in baseline conditions that may result from the proposed development
- identify the receptors that could be affected by the odours arising from proposed operations on the site
- recommend mitigation and management measures such as those on [DEFRA website](#), including: site layout, enclosure in buildings, managing stockpiled waste and open ground
- recommend proposals to monitor and report on odours and enable effective response to any complaints

Please note that you cannot carry out an odour impact and sound insulation assessment yourself. It must be completed by a qualified odour consultant.

#### **Other Information**

Guidance on the assessment of Odour for planning. Institute of Air Quality Management, May 2014:  
<http://iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

IPPC SRG 6.02 (Farming) Odour Management at Intensive Livestock Installations, Environment Agency 2005:  
[https://www.sepa.org.uk/media/60931/ippc\\_srg6\\_02\\_odour-management-at-intensive-livestock-installations-may-2005.pdf](https://www.sepa.org.uk/media/60931/ippc_srg6_02_odour-management-at-intensive-livestock-installations-may-2005.pdf)

IPPC H4 Odour Management Guidance: Environment Agency:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296737/geh\\_o0411btqm-e-e.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geh_o0411btqm-e-e.pdf)

Advice can also be sought from the relevant sewerage company – Anglian Water or Severn Trent

## **28. Planning Obligations Pro Forma Statement**

### **Threshold/Trigger**

A Section 106 Agreement is required to secure the following:

#### Affordable Housing

- All new housing developments involving more than 10 units (i.e. 11 or more) or where the maximum combined gross floorspace exceeds 1,000 square metres (gross internal area) regardless of the number of units.
- All applications for rural affordable housing that would not otherwise be acceptable in principle regardless of the number of units or floorspace.

#### Community Facilities

- Residential developments of 10 or more dwellings

#### Education

- Residential developments of 10 or more dwellings and where a development generates a need for additional places to be provided in existing primary schools
- In some circumstances (i.e. large scale major housing scheme) the size of the development will generate a requirement for a new school. Where this is required the developer will be expected to provide a site and construction costs including professional fees, furniture and equipment
- Proposals to redevelop an existing school site by a developer would normally trigger need for a replacement school (where the existing school is not surplus to requirements).

#### Health

- Residential – 65 dwellings or more and/or
- Development which places extra demand on the local health care provision through its operation
- Applications for the development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation will need to be assessed for their impact on the local healthcare functions on a case by case basis

#### Libraries

- Residential development of 10 or more dwellings which generates a need for additional library provision.

#### Open Space

New housing developments as set out below:

- Provision for children and young people; 10 or more dwellings in Settlements Central to delivering the Spatial Strategy<sup>1</sup> or 5 or more dwellings in all other areas of the District
- Amenity green spaces – 30 or more dwellings
- Outdoor sports facilities – 100 or more dwellings
- Allotments and community gardens – 400 or more dwellings

<sup>1</sup> Newark Urban Area, Southwell, Ollerton & Boughton, Clipstone, Rainworth, Collingham, Sutton-on-Trent, Farnsfield, Lowdham, Bilsthorpe, Edwinstowe and Blidworth

- Natural and Semi-Natural Green Space – 10 or more dwellings

In respect of the above, smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.

Open Space - Suitable Alternative Natural Green Space (SANGS)

- Developments within a 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton) that add additional recreational pressure on the SAC by increasing the number of people to the area that may then use the SAC.

Transport

Type of Development	Unit size triggering 30 two-way peak hour vehicle trips
Food retail	Per 250m <sup>2</sup> gross floor area(gfa)
Non-food retail	Per 800m <sup>2</sup> gfa
Residential*	Per 50 Units or 1.2hectares
B1(a)** Office	Per 1,500m <sup>2</sup> gfa
B1** Non-office / B2 General Industry	Per 2,500m <sup>2</sup> gfa
B8 Storage & Distribution	Per 3,000 m <sup>2</sup> gfa
Other Uses - Transport Statement thresholds	Please see <a href="#">section on Transport Statement/Assessment</a> below
* It would be reasonable to expect a contribution towards a residential development containing solely flats/apartments to be in the region of 50% of that expected for Dwelling houses.	
** The Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.	

**Details of what should be included**

All applications that meet the above triggers must be accompanied by a Draft Heads of Terms. This should include:

- Confirmation as to who is drafting the S106 Agreement (i.e. – if you wish this LPA to draft this, you will need to confirm that you are prepared to pay our reasonable costs)
- Names, addresses and contact details of the solicitor being used.
- Proof of Title /Land Registry Information
- Details of the Proposal
- Details of what the Obligation(s) is/are for
- Details of who the interested parties.

If the developer considers that it is not financially viable to enter into an Agreement or that they wish to make reduced payments, a clear and robust Financial Viability Assessment must be submitted. See details for viability assessments below.

**Other Information:**

Local authorities are required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register.

The detailed requirements can be found in the District Council’s Supplementary Planning Document on Developer Contributions [www.newark-sherwooddc.gov.uk/spds/](http://www.newark-sherwooddc.gov.uk/spds/)



## 29. Planning Statement

### Threshold/Trigger

Required for

- All major planning applications
- Applications that are not in accordance with the development plan
- Proposals that require detailed policy consideration

### Details of what should be included

This should provide an explanation and justification for the proposals in the context of relevant national and local plan policies. A suitable statement may include:

- An assessment of the site and its context
- A description of the proposed development
- An assessment of the relevant planning policy and an appraisal of how the proposal accords with that policy context
- The need for the development and any benefits that would arise from the proposed development (such as economic benefits from new employment, provision of community facilities, affordable housing, environmental improvements, regeneration etc.)

## 30. Rights of Way

### Threshold/Trigger

Required for:

Inclusion of a Right of Way (RoW) within the application boundary or alongside the outside edge

### Details of what should be included

- A plan showing how the RoW is affected or being protected
- A statement of how the RoW will be managed during the development:
  - ability to keep the path open;
  - requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route;
  - requirement to apply for a diversion or extinguishment of the path;
- Whether improvement to the paths are anticipated as a result of increased and higher level use and how that is to be managed. This may involve a 106 agreement
- Proposed future maintenance of the RoW if it is within public open space
- Information as to the future ownership of the land over which the path runs on completion of the development

### Other information:

Early engagement with Rights of Way Team is encouraged: Email: [countryside.access@nottsc.gov.uk](mailto:countryside.access@nottsc.gov.uk)  
Phone: 0300 500 8080 Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

## 31. Statement of Community Involvement

### Threshold/Trigger

Required for all applications where pre-application consultation has taken place with the local community

### Details of what should be included

The National Planning Policy Framework advises local planning authorities to encourage developers to engage with the local community before submitting their planning application.

The Council will encourage developers to undertake early community consultation particularly for planning proposals that may give rise to local controversy, those that are on sensitive sites or those that are significant in scale. Where pre-application community consultation takes place (which may include local public exhibitions, notices in the press and around the site, notification to local councillors and Parish Councils), a statement should be submitted to describe how, when and where consultation has taken place; a summary of the level and content of responses; and, any changes that have been made to the proposed scheme to take account of those responses.

Further information may be found within the Council's adopted [Statement of Community Involvement](#)



<b>32. Street Scene Plans</b>
<b>Threshold/Trigger</b> As requested by the Local Planning Authority
<b>Details of what should be included</b> Scaled drawings - In some circumstances the LPA will require drawings showing elevations in the context of the street scene. This is to assess the design of the scheme in general and to assess how the proposal will integrate into the existing neighbourhood. For larger developments, internal street scenes will also be required to assess the design of the scheme.
<b>33. Structural Survey</b>
<b>Threshold/Trigger</b> <ul style="list-style-type: none"> <li>• Proposals involving the demolition of heritage assets</li> <li>• Proposals involving the conversion of heritage assets involving significant re-building works (i.e. which involve replacing/rebuilding some or part of a roof or a wall)</li> <li>• Proposals involving the conversion of rural buildings (both planning applications and change of use applications)</li> </ul>
<b>Details of what should be included</b> This survey must be carried out by a suitably qualified person (such as a chartered member of the Institution of Structural Engineers or equivalent). Each survey must contain the author's name and qualifications.  For proposals involving the demolition of heritage asset, a full external and internal structural survey is required to explore the structural condition of the building and demonstrate that the building is not structurally capable of repair and/or conversion.  For proposals involving the conversion of a heritage asset or a rural building, a full external and internal structural survey is required to demonstrate that the building is capable of conversion without the need for substantial re-building works. This should be accompanied annotated plans to show the extent of any repair or re-build works as appropriate.
<b>34. Telecoms Supporting Information</b>
<b>Details of what should be included</b> Confirmation that development is by or on behalf of a telecommunications code system for operation for the purpose of the operator's telecoms systems (Class A of Part 16 of the General Permitted Development Order). Evidence that the use of an existing mast, building or structure has been considered. Statement that the proposed mobile phone base station, when operations will meet ICNIRP guidelines. Confirmation of the frequency and modulation characteristics and details of power output in relation to antenna.
<b>35. Tourism Need Statement</b>
<b>Threshold/Trigger</b> Application for new tourist accommodation outside of defined built-up areas (within the Open Countryside).
<b>Details of what should be included:</b> This Report would need to provide evidence to demonstrate that there is an identified need in this area for visitor accommodation and should quote information from the NSDC Visitor Economy Strategy 2020-23 and other sources, as appropriate.
<b>Other Information</b> Policy DM8 of the Allocations and Development Management DPD, Core Policy 7 of the Core Strategy, D2N2 Visitor Accommodation Strategy 2017.
<b>36. Town Centre Uses Assessment</b>
<b>Threshold/Trigger</b> Main town centre uses (see definition below) will require a 'Town Centre Use Assessment' in the following circumstances:

- Sequential Assessment is required for all proposed main town centre uses and retail development, not in an existing centre (area defined on a LPA proposal map) and not in accordance with an up-to-date Development Plan (except for small scale rural offices or other small scale rural development).
- Impact Assessment is required for:
  - Proposed retail development which is located outside of a defined centre and has a gross floorspace equalling or exceeding the levels below;-
    - Newark Urban Area - 400 sqm. (gross)
    - Rest of the District - 350 sqm. (gross)
  - Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace equalling or exceeding 2,500 sqm. (gross)
  - Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace of less than 2,500 sqm. (gross) where specifically requested by the Local Planning Authority.

**Definition:** Main town centre uses comprise:

- retail development (including warehouse clubs and factory outlet centres);
- leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices;
- arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

**Details of what should be included:**

**Sequential Test** – This should assess the application against the town centre first policy, i.e. it should demonstrate that there are no other more suitable, viable and available sites in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

**Impact Assessment** – The scope of an impact assessment should be proportionate to the level and type of development proposed and can be agreed as part of the Council’s pre-application enquiry service (see top of this document).

An Impact Assessment should include assessment of:-

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in 5 years the impact should also be assessed for up to 10 years from the time the application is made.

**Other Information**

Please refer to the NPPF, Policy DM11 of the Allocations and Development Management DPD and Core Policy 8 of the Core Strategy.

**37. Transport Statement/Assessment**

**Threshold/Trigger**

All developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. This includes:-

- Those sites identified within the Amended Core Strategy (March 2019) or Allocations & Development Plan Document (July 2013) [ or as may be amended];
- Sites near to environmental designations or sensitive areas (such as Special Protection Area);
- Cumulative impact of multiple developments.

**Details of what should be included**

The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment:

- information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport);
- information about neighbouring uses, amenity and character, existing functional classification of the nearby road network;
- data about existing public transport provision, including provision/ frequency of services and proposed public transport changes;
- a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site;
- an assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years);
- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network;
- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas);
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms;
- a description of parking facilities in the area and the parking strategy of the development;
- ways of encouraging environmental sustainability by reducing the need to travel; and
- measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.

In general, assessments should be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). Projections should use local traffic forecasts such as TEMPRO drawing where necessary on National Road Traffic Forecasts for traffic data.

The timeframe that the assessment covers should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. However, in circumstances where there will be an impact on a national transport network, this period will be set out in the relevant government policy.

#### **Other Information**

The Highways Authority is based at Nottinghamshire County Council. Contact: Highways North Area Office, Nottinghamshire County Council, Welbeck House, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9FF. Tel 0300 500 8080 Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Planning Practice Guidance

National Planning Policy Framework

### **38. Travel Plan**

#### **Details of what should be included:**

Travel Plans need to be proportionate to the type of development they are supporting as set out above. They should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

Travel Plans should set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission vehicles). They should address all journeys resulting from a proposed development by anyone who may need to visit or stay and they should seek to fit in with wider strategies for transport in the area.

They should evaluate and consider:

- benchmark travel data including trip generation databases;
- Information concerning the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development;
- relevant information about existing travel habits in the surrounding area;
- proposals to reduce the need for travel to and from the site via all modes of transport; and
- provision of improved public transport services.

They may also include:

- parking strategy options (if appropriate – and having regard to national policy on parking standards and the need to avoid unfairly penalising motorists); and
- proposals to enhance the use of existing, new and improved public transport services and facilities for cycling and walking both by users of the development and by the wider community (including possible financial incentives).

These active measures may assist in creating new capacity within the local network that can be utilised to accommodate the residual trip demand of the site(s) under consideration.

It is often best to retain the ability to establish certain elements of the Travel Plan or review outcomes after the development has started operating so that it can be based upon the occupational and operational characteristics of the development.

Any sanctions (for example financial sanctions on breaching outcomes/processes) need to be reasonable and proportionate, with careful attention paid to the viability of the development. It may often be more appropriate to use non-financial sanctions where outcomes/processes are not adhered to (such as more active or different marketing of sustainable transport modes or additional traffic management measures). Relevant implications for planning permission must be set out clearly, including (for example) whether the Travel Plan is secured by a condition or planning obligation.

Travel Plans can only impose such requirements where these are consistent with government policy on planning obligations.

#### **Other Information**

It should be noted that if a development meets the thresholds that trigger the need for a Travel Plan you will also need to provide a Transport Statement/Assessment (See section above)

Nottinghamshire County Council has guidance on their website at [www.nottinghamshire.gov.uk/transport/public-transport/plans-strategies-policies/travel-plans](http://www.nottinghamshire.gov.uk/transport/public-transport/plans-strategies-policies/travel-plans) and may be contacted via telephone: 0300 500 80 80 or email: [transport.strategy@nottscc.gov.uk](mailto:transport.strategy@nottscc.gov.uk).

### **39. Tree Surveys**

#### **Threshold/Trigger**

A tree survey should accompany all applications where trees may be affected by the proposed development. This includes trees on adjacent land or highways in addition to Ancient Woodlands or existing woodlands

#### **Details of what should be included**

Detailed information as to what to include in a tree survey as per the specification of BS 5837:2012. The survey should be proportionate to the both the amount of development proposed and the number and importance of trees affected by the development.

The location of the trees must be identified on a scaled plan and the planning case officer will also conduct a site visit to check whether trees are present.

If you are unsure whether the development may affect trees you should, as a minimum, submit a site plan to a scale of 1:200 or 1:500 indicating the proposed development and location of tree trunks and the crown spread of

all trees within falling distance of the boundary of the application site. Based on this site plan a tree survey may or may not be requested following a desktop review of aerial photographs and other spatial data.

Tree surveys shall include all the information required as per the specification of BS 5837:2012, or by any subsequent updates to this standard.

This includes:

- Location of all existing trees (reference number to be recorded on the tree survey plan) over 75mm in diameter measured at 1.5m above ground level which are:
  - Within the site
  - Overhanging the site
  - Anticipating reasonable future dimensions of the retained/proposed tree growth including any necessary infrastructure adaptations and shading and detritus (fallen leaves, insects, fruits etc);
  - Within a distance of the boundary of the site which is less than half the height of the tree; or
  - Located on land adjacent to the development site that might influence the site or might be important as part of the local landscape character.
- Trees which are less than 75mm diameter at 1.5m above ground need not be accurately surveyed but should be indicated;
- Existing buildings/structures;
- Hard surfaces;
- Water courses;
- Overhead cables;
- Underground services including their routes and depths;
- Ground levels throughout the site;
- Location of all existing hedges, a list of the woody species that they contain and details of any features within the hedge, e.g. banks or supporting walls;
- Soil type(s);
- Wildlife features (e.g. birds, nests, bat roosts - see Wildlife and Countryside Act 1981);
- Historical features; and
- Any other hard features.

A Tree Survey shall include a Tree Constraints Plan, a Tree Protection Plan and an Arboricultural Impact Assessment. The tree survey must also include the following information about the trees (that have a diameter greater than 75mm) which are indicated on the plan:

- Species (common and scientific name, where possible);
- Height;
- Diameter of the stem measured at 1.5m above ground level;
- Root Protection Area (RPA);
- Canopy spread of each tree for all four compass points;
- Age Class (e.g. young, semi-mature, mature, over-mature, etc.);
- Assessment of the condition including trunk, crown, roots;
- Life expectancy (e.g. very long, long, medium, short, very short); and
- A full schedule of tree works including those to be removed and those remaining that require remedial works to ensure acceptable levels of risk and management in the context of the proposed development. The method of disposal of all arisings should also be included along with the precautions to be taken to avoid damage to Root Protection Areas and trees to be retained;
- Amenity value- both existing amenity value and proposed amenity value;
- British Standard status - colour coded system identifying suitability for retention; and
- A schedule to the survey should list all the trees or groups of trees.

In assessing the amenity value of trees, regard should be given to three criteria:

- Visibility: The extent to which the trees or woodlands can be seen from a public viewpoint (e.g. a footpath or road);
- Size and Form: Taking into account factors such as the rarity of trees, their potential growth, and their value as a screen;

- Wider Impact: The significance of the trees in their local surroundings taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity; and
- All trees that are surveyed must be clearly tagged on site to enable their identification when considering the tree survey.

Further information on trees, as well as a description of common tree work operations can be found on [The Arboricultural Association website](#).

In the case of Ancient Woodlands and/or veteran trees, wholly exceptional reasons and suitable compensation strategy must be provided as part of the application. The assessment shall include:

- A statement demonstrating whether the ancient woodland is the only place for the proposal;
- The size of ancient woodland to be affected
- Whether any area of woodland will be lost
- How well connected the woodland is
- Whether there will be damage to root protection areas of the woodland or individual trees
- A survey for protected species (see section 12: Ecological and Protected Species Assessment)
- Whether the development has the potential to affect the woodland through changes to air quality or to ground water (pollutants or changes in hydrology). If yes, an assessment and mitigation is required
- Whether access to the woodland will increase
- The current function and planned function, of the land to be lost to development
- Whether any proposed landscaping includes native or exotic species
- Conclusions – of the likely impacts and any mitigation required

Further information on Ancient Woodlands can be found at <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>.

#### **Other Information**

For further information please see: *British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations*;

*National Planning Policy Framework*;

<https://www.tdag.org.uk/> - *The Trees and Design Action Group (TDAG), brings together individuals, professionals, academics and organisations from wide ranging disciplines in both the public and private sectors to improve knowledge and good practice to support the role of urban trees through better collaboration in the planning, design, construction and management and maintenance of our urban places.*

### **40. Ventilation and Extraction Report**

#### **Threshold/Trigger**

Ventilation or extraction is used to make sure that no nuisance, disturbance or loss of amenity is caused by odour, fumes, food droplets or noise to nearby properties. It is required in the following circumstances:

- Any developments which include the installation of ventilation systems or air-conditioning units. This includes premises that comprise the sale of food and drink for consumption on the premises or of hot food for consumption off the premises. It covers most restaurants, cafes, pubs and premises providing hot food take-away. It also includes other businesses where the installation of externally mounted air-conditioning units is proposed.
- Should details of the equipment not be known at the time of submission of the application, a condition is likely to be imposed to any grant of permission requiring information detailed below (as appropriate) to be submitted.

#### **Details of what should be included**

A suitably qualified and experienced person with specialist knowledge of ventilation schemes should undertake the design and installation of a ventilation system. In circumstances where the end user of the premises is unknown, or where the specific type of food to be cooked is unknown, the installation should be designed to achieve the highest level of odour control in order to cater for a worst case scenario.

#### 1. Information on premises

The following information should be supplied:

- the number of meals to be served per day;
- the method(s) of preparation and cooking;
- the types of meal served, e.g. fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc.; and
- proposed hours of operation of the business and any ventilation plant.

## 2. Plans and drawings

Provide a scaled plan showing the internal arrangement of the premises and the dimensions/location of the ventilation system. The plan must contain external elevations of the buildings showing:

- dimensions;
- route; and
- exhaust characteristics (i.e., appearance) of the ductwork in relation to the building.

The location of all filters and the fan must be clearly marked. Where the location of a filter is shown the type must be clearly identified and cross-referenced to the detailed product specification.

## 3. Pre-filters

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name;
- filter name and product code;
- dimensions of the pre-filter; and
- nature of the filter media.
- manufacturer's recommendations on the frequency and type of maintenance of the pre-filter having regard to the conditions that it will be used under.

## 4. Electrostatic precipitators (where proposed)

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name;
- ESP name and product code;
- dimensions of the ESP; and
- flow rate rating.

Manufacturer's recommendation on the frequency and type of maintenance of the ESP having regard to the conditions that it will be used under.

## 5. Carbon Filters (where proposed)

The details and type of carbon filter units should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name;
- filter name and product code;
- dimensions of the filter panel; and
- the total number of filter panels in the filter bed.

The following information should also be included:

- the nature of the carbon (including product type);
- the frequency of replacement of the carbon units having regard to the conditions that it will be used under. The assumptions to this calculation must be clearly stated, including the frequency and duration of use. The manufacturer should provide recommendations on the frequency and type of maintenance required;
- total volume of carbon expressed in cubic metres;
- total mass of carbon expressed in kilograms;
- total surface area of the panels exposed to the exhausted air; and
- dwell time of the gases in the filter compartment and the control setting at which this is achieved. The assumptions to this calculation must be clearly stated, and should include the air change rate for the setting quoted.

## 6. Odour counteractant or neutralising system (where proposed)

The details and type of counteractant or neutralising system should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name;
- name of delivery system and product code;
- counteractant or neutralising chemical to be used;
- COSHH data sheets for chemical to be used; and
- anticipated counteractant or neutralising delivery rate.

## 7. Cooker hood

The following information on the characteristics of the cooker hood should be supplied that clearly shows the:

- length that the cooker hood overhangs the appliances;
- face velocity at the cooker hood, expressed in metres per second; and
- dimensions of the opening of the cooker hood.

## 8. System Operation

In addition to the specification of the components the following must be provided about the system:

- extract rate (expressed as m<sup>3</sup>/s) at the proposed rate of extract;
- dwell time of the gases in the carbon filtration zone;
- volume of the kitchen; and
- efflux velocity

Note: The system performance is dependent upon the extract rate of the air. Where the rate can be adjusted by the use of dampers or a variable speed fan, then the conditions under which the extract rate can be achieved must be described.

## 9. Flue Design

The height and velocity of the final discharge are the two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. The discharge of air should be at a minimum height of 1m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution.

Where this is not possible (e.g. because of ownership or structural constraints), additional techniques will be required in order to reduce odours, such as an increase in efflux velocity and additional filters, etc.

The final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

## 10. Noise

Data on the noise produced by the system as a whole should be provided including:

- sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated);
- an octave band analysis of the noise produced by the system should also be provided, where possible; and
- hours of operation of the ventilation system (where this differs from the hours of opening).

## 11. Maintenance

A schedule of maintenance must be provided including details for:

- cleaning of washable grease filters;
- frequency of inspection and replacement of all filters (grease filters, pre-filters and carbon filters where proposed);
- inspection and servicing of fans; and
- if schedule is not based on manufacturer's instructions include the reasons why.

## 12. Additional notes for guidance



The air inlets must not permit pests to enter the kitchen. Fly screens are an example of how this can be achieved.

Sufficient air must be permitted into the premises to replace air extracted. The method for supplying this make-up air should be detailed.

The route of the air into the kitchen must not result in its contamination, for example passage through a toilet. Separate provision must be made for ventilation of a toilet.

There must be sufficient access points to permit adequate cleaning of all the ductwork.

#### **Other information**

For further information please contact the Council's Public Protection team on 01636 650000 or email [customerservices@newark-sherwooddc.gov.uk](mailto:customerservices@newark-sherwooddc.gov.uk)

### **41. Viability and Marketing Statements**

#### **Threshold/Trigger**

Where applicants do not consider that development schemes would be viable in relation to the policy requirements and/or planning obligations made of them, a viability assessment justifying the reasons for this must accompany the planning application.

Where applicants consider that a building cannot retain its employment or community use and an alternative use is the only viable option.

Where the application proposes the removal of a rural worker occupancy condition.

#### **Details of what should be included**

All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.

Where the developer considers that it is not financially viable to enter into an agreement, or that they can make reduced payments, then a clear and robust financial viability assessment must be submitted. This should include the following information:

- Schedule of both gross and net internal floor areas;
- Land purchase price (with proof), and the estimated market value of the site;
- Date of land purchase;
- Schedule of development costs (normals);
- Schedule of development costs (abnormals);
- Proof of development costs (abnormals);
- Reasons why full costs (including abnormals) were not reflected in the purchase price;
- Expected sale price of dwellings/buildings (including at what date/s); and
- Intended profit level/s (including profit type).

In relation to affordable housing the assessment should include all the above and details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision.

Known costs such as site clearance, preparation, retaining walls, piling, infrastructure provision and or diversion, highways works, servicing, flood mitigation measures, archaeology, decontamination/remediation will not be considered as abnormals. Where abnormal costs can clearly be demonstrated, a reduction in the contribution may be agreed on a site by site basis.

For proposals involving the loss of employment or community use and for the removal of a rural worker occupancy condition:-

Applications should be accompanied by appropriate marketing of the building/site. This should include:

- a. copy of the sales particulars prepared;
- b. details of the original price and the new guide price;
- c. schedule of the advertising carried out with copies of the advertisements and details of where the advertisements were placed and when, along with an estimate of the expenditure incurred from advertising;
- d. the confirmed number of sales particulars which have been distributed, along with a breakdown of where the enquiries resulted from, for example, from the "for sale" or "to let" board, advertisements etc.;
- e. details of the number of viewings carried out;
- f. resulting offers and why they were dismissed;
- g. confirmation of whether a "for sale" or "to let" board was erected and the dates displayed, or if not, the reasons behind the decision; and
- h. timetable of events from the initial appointment of the agent to current date.

**Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted.**

#### **Other Information**

Any viability assessment should be prepared on the basis that it will be made publicly available in accordance with national guidance. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

Should an exemption from publication be sought, the Local Planning Authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.

An executive summary prepared in accordance with data standards published by government and in line with the template will present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements. Further information is available on their website at [www.gov.uk/guidance/viability](http://www.gov.uk/guidance/viability)

Further information is also available at:

[www.gov.uk/government/publications/department-for-communities-and-local-government-appraisal-guide](http://www.gov.uk/government/publications/department-for-communities-and-local-government-appraisal-guide) and [www.rics.org](http://www.rics.org)

## Part 4 - Application Types

The following list provides a list of the most common application types and information required to be submitted. The links will provide access to the relevant descriptions and information within this checklist.

### Advert Consent

For proposals to display an advertisement or sign which requires advert consent the following information will be required.

#### Always required

- Application form
- Fee
- A scaled plan identifying the location of the site by reference to at least two named roads, and proposed position of advertisement

#### Sometimes required\*

- Existing and proposed elevations to a scale of 1:50 or 1:100;
- Photo montages -to show the sign in its proposed location
- Scaled details of the sign at 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used. This includes the font size, colour and appearance;
- height above ground of the advert;
- extent of projection by scaled section and details of method and colours of illumination (if applicable);
- Site block plan - if the sign is not located on an existing building
- where plans are submitted, these shall include individual drawing numbers with revision numbers where applicable; and
- include a scale bar

\*Please note that the information listed above is often required in order to assess the impact upon highway safety and public amenity. Whilst not required in order to submit a valid application, this information will often be required in order to assess the proposal. It is advised this is submitted as part of the initial application to minimise the risk of the application being refused due to insufficient information being provided.

[The Planning Portal provides a useful Guidance Note 12](#)

## Householder

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

### Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Location Plan
- Block Plan
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished or alterations to be undertaken that affect the floor area
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.

### Sometimes required:

- Agricultural Justification - an application for an extension to an existing rural worker's dwelling.
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m<sup>2</sup> or more.
- Ecological and Protected Species Assessment - Where protected species are present on or near the site. This can include:-
  - Applications relating to barns and other buildings capable of supporting protected species
  - Where development is within or adjacent to a wildlife corridor or area of natural open space
  - Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
  - Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
  - Involves a listed building
  - Is within the setting of a listed building
  - Is within a conservation area
  - Is within the setting of a conservation area
  - Involves a scheduled ancient monument
  - Is within the setting of a scheduled ancient monument
  - Local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Tree Survey - applications where trees may be affected

[The Planning Portal provides a useful Guidance Note 01](#)

## Full Planning Permission

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

### Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan

### Usually required

- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.
- Existing Roof Plans – where an extension to an existing building is proposed
- Proposed Roof Plans – where a new building or extension is proposed

### Sometimes required:

- Affordable Housing Statement
- Agricultural Justification - an application for a new agricultural rural worker's dwelling.
- Air Quality Assessment
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Bin /Waste Management Information
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination Survey
- Daylight and Sunlight Assessment
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m<sup>2</sup> or more.
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Economic Statement
- Environment Impact Assessment (EIA) / Environmental Statement
- External Lighting Details
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.

- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
  - Involves a listed building
  - Is within the setting of a listed building
  - Is within a conservation area
  - Is within the setting of a conservation area
  - Involves a scheduled ancient monument
  - Is within the setting of a scheduled ancient monument
  - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscape and Visual Impact Assessment
- Landscaping Scheme – applications which are proposing new landscaping or removal of existing
- Noise Impact Assessment
- Open Space Assessment
- Parking Plan – for all development which result in a change in parking requirements or loss of parking provision **including location of electric car charging point provision**
- Planning Obligations Pro Forma Statement /Draft Head(s) of Terms
- Planning Statement and Additional Supporting Information
- Rights of Way
- Schedule of Works
- Statement of Community Involvement
- Street Scene Plans
- Structural Survey
- Telecoms Supporting information
- Town Centre Uses Assessment
- Transport Statements / Assessments
- Travel Plan
- Tree Survey - applications where trees may be affected
- Ventilation and Extraction Report
- Viability and Marketing Statement

[The Planning Portal provides a useful Guidance Note 04](#)

### **Hedgerow Removal Notice**

Always required

- Site location plan identifying the hedgerow(s) to be removed
- Application form (preferably) or a written notification in the form as set out in Schedule 4 to the Hedgerow Regulations
- Statement of reasons for the works, confirming whether the applicant is the owner, tenant or manager of the hedgerow, or the relevant utility company eligible to remove it
- Evidence that the hedge is less than 30 years old or is not of archaeological or ecological importance.

[https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance\\_note-hedgerow\\_removal\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-hedgerow_removal_notice.pdf)

### **Listed Building Consent**

Always required:

- Application Form
- Ownership Certificate
- Heritage Impact Assessment
- Listed Building Design and Access Statement
- Location Plan
- Site Plan
- Plans, elevations and sections of the building, as existing relevant to the proposed alteration

- Plans, elevations and sections of the building to show the alterations proposed (as relevant to the proposal)

Sometimes required:

- Schedule of Works
- Photographs of all elevations of the building (to convey its general character) and detailed photographs (internal or external) of those parts where alterations or extensions are proposed. If available, old photographs may be particularly valuable
- In the case of Grades I and II\* and, exceptionally, some Grade II listed buildings, specific internal details at a scale of 1:10, 1:5 or 1:1 may be requested.

The following additional information will be needed where the structural condition of the building requires it or where the building is to be converted to a new use:

- A building surveyor's or structural engineer's report and methodology statement, indicating on measured drawings of the building, as existing, any structural problems and a clear methodology for their rectification or alteration, including a proposed sequence of works and details of temporary works and propping.
- Joinery details - details of, for example, doors and windows should be shown to a larger scale of 1:10, 1:5, or 1:1 as appropriate.

[The Planning Portal provides a useful Guidance Note 11](#)

### **Non-material Amendment**

Always required:

- Application form
- Fee

Sometimes required (Information required will be dependent upon the non-material amendment being sought):

- Existing and proposed elevations
- Existing and proposed floor plans
- Site block plan

[The Planning Portal provides a useful Guidance Note 34](#)

### **Outline with all Matters Reserved**

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space

- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
  - Involves a listed building
  - Is within the setting of a listed building
  - Is within a conservation area
  - Is within the setting of a conservation area
  - Involves a scheduled ancient monument
  - Is within the setting of a scheduled ancient monument
  - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 34](#)

### **Outline with some Matters Reserved**

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required (dependent on matters that have not been reserved):

- Proposed Floor Plans
- Proposed Elevation Plans
- Affordable Housing
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site.

This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species



- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
  - Involves a listed building
  - Is within the setting of a listed building
  - Is within a conservation area
  - Is within the setting of a conservation area
  - Involves a scheduled ancient monument
  - Is within the setting of a scheduled ancient monument
  - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 05](#)

### **Planning Permission for Relevant Demolition in Conservation Area**

Always required

- Application Form
- Site Location Plan
- Block Plan
- Heritage Impact Assessment
- Existing Floor Plans
- Existing Elevations Plans

Sometimes required

- Photographs - this needs a bullet point but I can't add one

[The Planning Portal provides a useful Guidance Note](#)

### **Reserved Matters**

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required depending on the Reserved Matters being sought:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological and Protected Species Assessment - Where protected species are present on or near the site. This can include:-

- Applications relating to barns and other buildings capable of supporting protected species
- Where development is within or adjacent to a wildlife corridor or area of natural open space
- Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)
- Works involving trees known to house protected species
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
  - Involves a listed building
  - Is within the setting of a listed building
  - Is within a conservation area
  - Is within the setting of a conservation area
  - Involves a scheduled ancient monument
  - Is within the setting of a scheduled ancient monument
  - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 23](#)

### **Approval of Details Reserved by Condition (Discharge of a Condition(s) on a Planning Permission)**

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 27](#)

### **Removal or Variation of Conditions**

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 25](#)

### **Lawful Development Certificate for Existing Use or Development**

Always required:

- Application Form
- Fee
- Location Plan
- Supporting evidence e.g. affidavits, historic photos, utility bills/official documents.

[The Planning Portal provides a useful Guidance Note 14](#)

## Lawful Development **Certificate** for Proposed Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Site block plan
- Existing and proposed elevations
- Existing and proposed floor plans

[The Planning Portal provides a useful Guidance Note 15](#)

### Lawful Development Certificate for Listed Buildings

Applications for Certificates of Lawfulness of Proposed Works should include the following information:

- Detailed description of the proposed works (including existing and proposed materials and finishes) together with details of those part(s) of the building likely to be affected
- The reasons the applicant thinks they are entitled to a Certificate of Lawfulness of Proposed Works i.e., why they think the proposed works do not affect the special architectural or historic interest of the listed building
- A plan identifying the listed building(s) to which the application refers
- A statement as to the applicant's interest (ownership, tenancy etc) in the listed building(s) and any interest of any other person
- Details of listed building grading – if not known, this information can be found in the National Heritage List for England, which is available on Historic England's website at: (<https://www.historicengland.org.uk/listing/the-list>)
- Any other relevant information

#### What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works is a legal document stating the lawfulness of proposed works to a listed building and, are therefore, not liable to enforcement under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Works would be lawful if they do not affect the character of the listed building as a building of special architectural or historic interest. Sections 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013) established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether proposed works to a listed building are lawful, and if so, be granted a Certificate to that effect. A Certificate granted for proposed works will specify the listed building (by reference to a plan or drawing) included in the Certificate and describe the precise nature of the works which are considered lawful. The Certificate will give the reasons for determining the works to be lawful and specify the date of issue of the Certificate. Once issued, Certificates of Lawfulness of Proposed Works are valid for 10 years from the date of issue of the Certificate i.e., the works certified must be carried out within 10 years from the date the Certificate is issued. The responsibility is on the applicant to provide evidence to support the application.

### Prior Approval / Notification

The following procedures apply to the applications set out below for prior approval or change of use:

Agricultural buildings to dwellinghouses	Installation or alteration etc of stand-alone wind turbine on domestic premises
Agricultural buildings to state-funded school or registered nursery	Offices to dwellinghouses
Agricultural buildings to a flexible commercial use	Premises in light industrial use to dwellinghouse
Agricultural development on units of 5 hectares or more and forestry	Provision of a temporary state-funded school on previously vacant commercial land
Business, hotels etc. to state-funded schools or registered nursery	Renewable Energy
Click and collect facilities	Retail or betting office or pay day loan shop to assembly and leisure
Communications	Retail, betting office or pay day loan shop or casino to restaurant or café
Demolition of building(s)	Retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
Demolition of buildings and construction of new dwellinghouses in their place	Retail, takeaways and specified sui generis uses to dwellinghouses
Dwellings on detached buildings in commercial/mixed use	Specified sui generis uses to dwellinghouses
Dwellings on detached dwellings	Storage or distribution centre to dwellinghouses use
Dwellings on flats	Temporary use of buildings or land for film making purposes
Dwellings on terraced buildings in commercial/mixed use	Toll collection
Dwellings on terraced dwelling	
Enlargement, improvement or other alteration of a dwellinghouse	

### **Agricultural buildings to dwellinghouses**

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a statement specifying (i) the number of smaller dwellings proposed; (ii) the number of larger dwellings proposed; (iii) whether previous development has taken place under Class Q within the established agricultural unit, and if so the number of smaller and larger dwellinghouses development under Class Q
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Agricultural buildings to state-funded school or registered nursery**

#### **Agricultural buildings to a flexible commercial use**

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development

- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Agricultural development on units of 5 hectares or more and forestry development**

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site
- the materials to be used
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note 16](#)

### **Retail or betting office or pay day loan shop to assembly and leisure**

**Retail, takeaway, betting office, pay day loan shop, and launderette uses to offices**

**Business, hotels etc. to state-funded schools or registered nursery**

**Installation or alteration etc. of stand-alone wind turbine on domestic premises**

### **Renewable Energy**

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Retail, betting office or pay day loan shop or casino to restaurant or café**

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Click and collect facilities**

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building operations proposed
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Specified sui generis uses to dwellinghouses**

**Retail, takeaways and specified sui generis uses to dwellinghouses**

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- statement specifying the net increase in dwellinghouses proposed by the development

- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Offices to dwellinghouses**

#### **Premises in light industrial use to dwellinghouses**

#### **Temporary use of buildings or land for film making purposes**

These application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- statement specifying the net increase in dwellinghouses proposed by the development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Storage or distribution centre to dwellinghouses**

#### **Provision of a temporary state-funded school on previously vacant commercial land**

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

### **Communications**

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the proposed location
- any fee required to be paid
- the developer's contact details
- developer's email address if content to receive communication electronically
- a notice of development<sup>2</sup>
- a notification of the proposal<sup>3</sup>
- where the development is within 3km of the perimeter of an aerodrome, evidence must be provided of notification with the Civil Aviation Authority, the Secretary of Defence or the aerodrome operator as appropriate

[The Planning Portal provides a useful Guidance Note 20](#)

<sup>2</sup> The developer must give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application.

<sup>3</sup> Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application.

**New dwellinghouses on detached blocks of flats**

**New dwellinghouses on detached buildings in commercial or mixed use**

**New dwellinghouses on terrace buildings in commercial or mixed use**

**New dwellinghouses on terrace buildings in use as dwellinghouses**

**New dwellinghouses on detached buildings in use as dwellinghouses**

These application must be accompanied by:

- a written description of the proposed development, which must include details of any dwellinghouse and other works proposed under these Classes comprising:
  - i. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
  - ii. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
  - iii. works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
  - iv. works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.
- a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;
- floor plans which are drawn to an identified scale and show the direction of North indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;
- a written statement specifying the number of new dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the building immediately prior to development (that is, additional to any dwellinghouses in the existing building);
- a list of all addresses of the flats within the existing block of flats any flats and any other premises in the existing building;
- the developer's contact address;
- the developer's email address if the developer is content to receive communications electronically
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010
- any fee required to be paid.

## Demolition of buildings and construction of new dwellinghouses in their place

The application must be accompanied by:

- the address or location of the development;
- a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3) of the Town and Country Planning (General Permitted Development)(England) Order 2015. These operations are provided below.
- a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;
- drawings prepared to an identified scale and showing external dimensions and elevations of
  - the building proposed for demolition,
  - the building scheduled as replacement, and, in the direction of North, the positioning of each, together with
    - where the building proposed as replacement is a block of flats—
- the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it,
- the dimensions and use of all habitable and other rooms in each dwellinghouse in it;
- where the building proposed as replacement is a single dwellinghouse—
- the position and dimensions of the windows, doors and walls in it, and
- the dimensions and use of all habitable and other rooms in it.
- a written statement specifying
  - the number of dwellinghouses in the building proposed for demolition, and
  - the number of new dwellinghouses proposed in the building proposed as replacement,
- a site specific flood risk assessment when the site is in Flood Zone 2 or 3
- a written statement in respect of heritage and archaeological considerations of the development;
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010;
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically;
- any fee required to be paid.

The operations in question are:

- a. operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
- b. works for the removal of plant servicing the old building;
- c. works for the disconnection of services from the old building;
- d. works for the removal of any means of access to and egress from the old building;
- e. works for the removal of storage and waste from the old building;
- f. works for the installation of plant to service the new building;
- g. works for the installation of services to be connected to the new building;
- h. works to enable access to and egress from the new building, including means of escape from fire;
- i. works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
- j. the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period:
  - i. starting with their installation no earlier than one month before the beginning of those operations, and
  - ii. ending with their removal no later than one month after the completion of those operations.



## **Enlargement, improvement or other alteration of a dwellinghouse**

The application must be accompanied by:

- a written description of the proposed development or application form including-
  - how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse
  - the maximum height of the enlarged part of the dwellinghouse; and
  - the height of the eaves of the enlarged part of the dwellinghouse
- location plan with showing proposed site
- plans showing the proposed development
- the addresses of any adjoining premises
- the developer's contact details
- appropriate fee

[The Planning Portal provides a useful Guidance Note](#)

## **Demolition of building(s)**

The application must be accompanied by:

- a written description of the proposed development or application form
- a statement that a notice has been posted<sup>4</sup>
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note](#)

## **Toll road facilities**

The application must be accompanied by:

- a. written description of the development
- b. plans and elevations of the proposed development
- c. any fee required to be paid

## **Permission in Principle**

These applications are an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposed development from the technical detail of the development. Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

Always required

- Application Form
- Fee
- Location Plan
- Site block plan

## **Technical Details Consent (in relation to Permission in Principle)**

Following the granting of Permission in Principle (PIP) an application for Technical Details Consent can be made, validation requirements are the same as for a planning application - so please refer to the relevant development type. Please note you must make reference to the PIP application number in your submission.

Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

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<sup>4</sup> *The application requires the applicant or agent to erect a site notice for no less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority. Following this, a statement will need to be submitted to the Local Planning Authority with a description of where the site notice was put and date it was displayed.*

## Works to Trees in Conservation Area

### Always required

- Application Form – whilst not legally required we recommend the form available on the Planning Portal. If you chose not to use the application form, the following minimum information will be required:
  - Your contact details
  - Owners details
  - Site address (location of tree/s)
  - Information on the works to proposed, including species (e.g.: felling of 2 Silver Birch trees (T1 and T2))
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree(s) relative to surrounding buildings/roads.

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements **and not percentages**, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on the following website <https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-tree-work-terminology-and-definit>

### Sometimes required:

- Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings;
- Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety;
- **Evidence of the immediate risk, including details of risk/damage/condition. The ISA Tree Risk Assessment form provides a guide for collecting and recording tree risk assessment information - [ISABasicTreeRiskAssessmentForm\\_Instructions.pdf \(isa-arbor.com\)](#)**
- **Works in general should comply with BS3998-2010; and**
- Replanting information, where applicable.

## Works to Trees Subject to a Tree Preservation Order (TPO)

### Always required

- Application Form;
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree/s;
- Tree assessment – species, spread, roots and position of trees; details of the works you propose; why the works are necessary and any proposed replacement trees. Details can also be found within BS ~~5837:2012~~ **3998-2010**; and
- Tree felling - Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety (to be provided by a relevant engineer, building/drainage surveyor or other appropriate expert)

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements **and not percentages**, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common

tree work operations, including crown reduction and crown lift can be found on the following website <https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-tree-work-terminology-and-definit>

Sometimes required:

- Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings;
- Appropriate evidence describing any structural damage to property or in relation to tree health or safety;
- Evidence of the immediate risk, including details of risk/damage/condition. The ISA Tree Risk Assessment form provides a guide for collecting and recording tree risk assessment information - [ISABasicTreeRiskAssessmentForm Instructions.pdf \(isa-arbor.com\)](#)
- Replanting information, where applicable.

### **Urgent works to Protected Trees (presents an immediate risk of serious harm)**

Where a tree presents an immediate risk of serious harm (for example injury to a passing pedestrian due to the tree falling) and work is urgently needed to remove that risk, tree owners or their agents must give written notice to the local authority as soon as practicable after that work becomes necessary. **Work shall only be carried out to the extent that it is necessary to remove the risk.**

The applicant/owner is still required to notify the local authority of the works and must provide the following:

- Contact details of person reporting the risk **\*\*Insert reference to NSDC form\*\***
- Owner details
- Site address of location of tree/s
- Species of tree
- TPO reference (e.g., TPO N123)
- Evidence of the immediate risk, including details of risk/damage/condition. The ISA Tree Risk Assessment form provides a guide for collecting and recording tree risk assessment information - [ISABasicTreeRiskAssessmentForm Instructions.pdf \(isa-arbor.com\)](#)
- Supporting information/justification from a suitably qualified professional – photographs can be provided showing damage.

You may be required to plant a replacement tree to ensure the ongoing presence of trees at the site.

If the danger is not immediate the tree does not come within the meaning of the exception, 5 working days prior written notice must be given to the local authority before cutting down or carrying out other work on a dead tree. The authority's consent for such work is not required.

The exceptions also allow removal of dead branches from a living tree without prior notice or consent.

## Part 5 – Development Types

Residential New Build	Residential Conversions
<p>Always required</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Ownership certificate</li> <li>• Existing and proposed elevations</li> <li>• Existing and proposed floor plans</li> <li>• Fee</li> <li>• Location plan</li> <li>• Site block plan</li> <li>• Parking information including electric car charging point provision</li> </ul> <p>Sometimes required</p> <ul style="list-style-type: none"> <li>• Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm.</li> <li>• Agricultural justification</li> <li>• Archaeological Assessment</li> <li>• Bin/waste management information</li> <li>• Coal mining assessment</li> <li>• Community Infrastructure Levy Form</li> <li>• Contamination risk assessment</li> <li>• Daylight and sunlight assessment</li> <li>• Design and access statement</li> <li>• Drainage information</li> <li>• Ecological and protected species assessment</li> <li>• Environmental impact assessment</li> <li>• External lighting details</li> <li>• Flood Risk Assessment</li> <li>• Green belt impact assessment</li> <li>• Heritage impact assessment</li> <li>• Highway information</li> <li>• Landscape and visual assessment</li> <li>• Landscape scheme</li> <li>• Marketing statement</li> <li>• Noise impact assessment</li> <li>• Open space provision</li> <li>• Planning obligations pro-forma statement</li> <li>• Planning statement</li> <li>• Rights of Way</li> <li>• Statement of community involvement</li> <li>• Transport statement/assessment</li> <li>• Travel plan</li> <li>• Tree survey</li> </ul>	<p>Always required</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Ownership certificate</li> <li>• Existing and proposed elevations</li> <li>• Existing and proposed floor plans</li> <li>• Fee</li> <li>• Location plan</li> <li>• Site block plan</li> <li>• Parking information including electric car charging point provision</li> </ul> <p>Sometimes required</p> <ul style="list-style-type: none"> <li>• Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm.</li> <li>• Agricultural justification</li> <li>• Archaeological Assessment</li> <li>• Bin/waste management information</li> <li>• Community Infrastructure Levy Form</li> <li>• Contamination risk assessment</li> <li>• Design and access statement</li> <li>• Drainage information</li> <li>• Ecological and protected species assessment</li> <li>• Environmental impact assessment</li> <li>• External lighting details</li> <li>• Flood Risk Assessment</li> <li>• Heritage impact assessment</li> <li>• Highway information</li> <li>• Landscape scheme</li> <li>• Marketing statement</li> <li>• Noise impact assessment</li> <li>• Open space provision (see planning obligations pro forma statement)</li> <li>• Planning obligations pro-forma statement</li> <li>• Planning statement</li> <li>• Rights of Way</li> <li>• Statement of community involvement</li> <li>• Structural survey</li> <li>• Transport statement/assessment</li> <li>• Travel plan</li> <li>• Tree survey</li> <li>• Viability and marketing statement</li> </ul>
Commercial, industrial and non-residential	Change of Use
<p>Always required</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Ownership certificate</li> </ul>	<p>Always required</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Ownership certificate</li> </ul>

<ul style="list-style-type: none"> <li>Existing and proposed elevations</li> <li>Existing and proposed floor plans</li> <li>Fee</li> <li>Location plan</li> <li>Site block plan</li> <li>Parking information <b>including electric car charging point provision</b></li> </ul> <p>Sometimes required</p> <ul style="list-style-type: none"> <li>Archaeological Assessment</li> <li>Bin/waste management information</li> <li><b>Coal mining assessment</b></li> <li>Contamination risk assessment</li> <li>Community Infrastructure Levy Form</li> <li>Daylight and sunlight assessment</li> <li>Design and access statement</li> <li>Drainage information</li> <li>Ecological and protected species assessment</li> <li>Economic statement</li> <li>External lighting details</li> <li>Environmental impact assessment</li> <li>Flood Risk Assessment</li> <li>Green belt impact assessment</li> <li>Heritage impact assessment</li> <li>Landscape and visual assessment</li> <li>Landscape scheme</li> <li>Marketing statement</li> <li>Noise impact assessment</li> <li>Parking information <b>including electric car charging point provision</b></li> <li>Planning statement</li> <li>Retail assessment</li> <li>Rights of Way</li> <li>Statement of community involvement</li> <li>Structural survey</li> <li>Tourism need statement</li> <li>Town centre uses assessment</li> <li>Transport assessment and travel plan</li> <li>Travel plan</li> <li>Tree survey</li> <li>Ventilation and extraction report</li> <li>Viability and marketing statement</li> </ul>	<ul style="list-style-type: none"> <li>Fee</li> <li>Location plan</li> </ul> <p>Sometimes required</p> <ul style="list-style-type: none"> <li>Bin/waste management information</li> <li>Community Infrastructure Levy Form</li> <li>Contamination risk assessment</li> <li>Design and access statement</li> <li>Drainage statement</li> <li>Ecological and protected species assessment</li> <li>Economic Statement</li> <li>Existing and proposed elevations</li> <li>Existing and proposed floor plans</li> <li>External lighting details</li> <li>Flood Risk Assessment</li> <li>Heritage impact assessment</li> <li>Landscape scheme</li> <li>Noise impact assessment</li> <li>Open space provision</li> <li><b>Parking information including electric car charging point provision</b></li> <li>Planning statement</li> <li>Rights of Way</li> <li>Statement of community involvement</li> <li>Structural survey</li> <li>Tourism need statement</li> <li>Town centre uses assessment</li> <li>Transport assessment and travel plan</li> <li>Travel plan</li> <li>Ventilation and extraction report</li> <li>Viability and marketing statement</li> </ul>
<p><b>Agricultural Development (e.g. new buildings, engineering works etc.)</b></p>	<p><b>Telecoms (requiring planning permission)</b></p>
<p>Always required</p> <ul style="list-style-type: none"> <li>Application form</li> <li>Ownership certificate</li> <li>Existing and proposed elevations</li> <li>Existing and proposed floor plans</li> <li>Fee</li> <li>Location plan</li> <li>Site block plan</li> </ul>	<p>Always required</p> <ul style="list-style-type: none"> <li>Application form</li> <li>Ownership certificate</li> <li>Existing and proposed elevations</li> <li>Existing and proposed floor plans</li> <li>Fee</li> <li>Location plan</li> <li>Site block plan</li> </ul>

Sometimes required

- Archaeological Assessment
- Design and access statement
- Drainage information
- Flood Risk Assessment
- Landscape scheme
- Noise impact assessment
- Non-mains drainage (Foul drainage assessment form)
- Parking information
- Planning statement
- Statement of community involvement
- Tree survey

- Telecommunications supporting information

Sometimes required

- Design and access statement
- Drainage information
- Flood Risk Assessment
- Planning statement
- Statement of community involvement
- Tree survey



Report to Planning Committee 10 November 2022

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
<b>Report Title</b>	<i>Local Development Orders for Filming at Newark Heritage Sites</i>
<b>Purpose of Report</b>	<p><i>(a) To seek Members' approval to go through the process of consultation on the proposed Local Development Orders</i></p> <p><i>(b) For Members to be aware of the benefits of the proposed Local Development Orders (LDOs)</i></p>
<b>Recommendations</b>	<p><i>That Planning Committee</i></p> <p><i>(a) Grant authority to the Business Manager - Planning Development to refine the draft LDOs, in consultation with Council and partner colleagues, ahead of public and statutory consultation stages</i></p> <p><i>(b) Consider the draft LDOs and note any observations or recommendations for amendments</i></p> <p><i>(c) The final LDOs will be presented to Planning Committee for approval following the above.</i></p>

## 1.0 Background

Commercial filming constitutes development that requires planning permission and for the majority of filming, the permission falls within Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, there are certain exclusions which cannot benefit from this permission and this includes where the land or the site contains a listed building or scheduled monument. In such instances, planning permission is required. The District Council receives requests to film at Newark Castle and Newark Palace Theatre & National Civil War Centre (NCWC) frequently, but it is generally not practical for those wishing to film to go through the planning permission process.

Local Development Orders (LDOs) are a tool that planning authorities can use, under Section 61A of the Town and Country Planning Act 1990, to grant planning permission for a type of development within a defined area as long as certain conditions are met. A LDO is a 'local' version of the General Permitted Development Order. To adopt a Local Development Order, the drafted Order must be subject to a period of consultation,

consideration of responses and can include conditions such as a schedule for reviewing the LDO.

## **2.0 Proposal/Options Considered and Reasons for Recommendation**

It is proposed that Newark & Sherwood District Council create two LDOs to allow filming projects that comply with the conditions of the LDO to proceed at Newark Castle and the Palace Theatre & NCWC.

The likely conditions of the LDO are shown in the appendices associated with this document, although there are a few details still to be clarified with colleagues/partners before proceeding to public consultation. The conditions aim to ensure that the development (filming) will not negatively impact: the built and archaeological heritage of the sites; neighbours and the public; the environment; and highways. The LDO will also suggest inclusion of a condition that as soon as practical after filming the site is returned to its original state, with the removal of all equipment etc.

Currently, it is difficult for the Heritage & Culture team to effectively respond to enquiries they receive about filming at heritage sites. As things stand, if the Heritage & Culture team ask Planning Officers if prospective film makers need planning permission for projects at Newark Castle and Place Theatre & NCWC, then the answer is 'yes' and this deters many. There is no compulsion for NSDC to create Local Development Orders to deal with the issue of filming at heritage sites, however, there are benefits to adopting an LDO to help deal with this matter. The issues around filming at heritage sites are multifaceted, but by creating LDOs we can remove the planning layer of complexity so that the Heritage & Culture team only need consider the operational practicalities when responding to potential film-makers.

A benefit of proceeding with the LDO would be potentially unlocking a new source of revenue for the Heritage & Culture team; fees for filming at the sites could be re-invested to safeguard and enhance the District's heritage offer. Increased possibility of filming at these sites will also allow the indirect promotion of the town and District through the products of filming. Although some resources in terms of officer time will be invested in creating and then reviewing the LDOs, ultimately less officer time will be spent in dealing with filming enquiries due to the planning elements of permission having already been considered. It is considered that the increased efficiency the LDO would allow regarding filming enquiries and projects will enhance the Council's professional reputation.

## **3.0 Implications**

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

## **Background Papers and Published Documents**



Appendix 1 – Draft Local Development Order - Filming, Newark Castle

Appendix 2 – Draft Local Development Order - Filming, Palace Theatre NCWC

# Draft LDO for filming at Newark Castle

## Statement of Reasons

The proposed Local Development Order (LDO) is being drafted to enable and control filming at Newark Castle. Filming at this site currently requires planning permission, which slows down and has effectively made unviable many potential projects. The LDO aims to provide a framework through which permission for filming can be granted appropriately as well as quickly and efficiently.

Allowing more external filming projects to go ahead will have several benefits:

- A new opportunity to generate income for the Heritage & Culture department of Newark & Sherwood District Council.
- Further opportunities to raise the profile of the Castle, the town and the district through media channels.
- Enhancement of the District Council's reputation of being forward-looking, dynamic and helpful.

Creating an LDO will produce these benefits with minimal cost in terms of officer hours, once the LDO has been adopted. The Order will allow filming enquires to be responded to efficiently and ensure opportunities to host filming at the Castle are not missed through unnecessary delays.

The LDO will also include conditions, to safeguard against the potential adverse effects of filming on: historic features; natural resources and habitats; our neighbours and the public.

## Policy Framework

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance. Legislation for preparing and granting a Development Order is set out within Section 61A of the Town and Country Planning Act 1990

The National Planning Policy Framework (NPPF) 2021 advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Additionally, the NPPF provides the framework for a number of areas that need to be considered when looking to approve development. For the purposes of this LDO, the following chapters are applicable:

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 7 – Tourism Development
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area

## **Allocations & Development Management DPD**

- DM5 – Design
- DM9 – Protecting and Enhancing the Historic Environment

Additionally, both the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable.

## LDO

### Part I - Area covered by the Local Development Order (LDO)

Castle grounds excluding the Gilstrap.

### Part II - Description of Development

In pursuance of the powers under the above Act, Newark & Sherwood District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

#### Permitted Development

- (a) The temporary use of any land or buildings for the purpose of commercial film-making; and
- (b) The provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use:

#### Development not permitted

The development is not permitted by the above if:

- i. the use of the land is for overnight accommodation.

Reason: Temporary structures sufficient for overnight accommodation are likely to materially harm the historic fabric of the site.

- ii. any temporary structure, works, plant or machinery is affixed to the historic fabric or features of the site.

Reason: The site includes a listed building and a scheduled ancient monument, the materials of which must not be damaged, altered or defaced.

- iii. any temporary structure, works, plant or machinery would involve the disturbance of more than 100mm depth of surface soil/ground material.

Reason: The site is of archaeological interest and the soil should not be disturbed unnecessarily.

### Part III – Conditions

#### Preamble

In these conditions:

'the council' means Newark & Sherwood District Council

'the development' means the works authorised by the Order;

'the Local Planning Authority' means Newark & Sherwood District Council;

'the Order' means the Newark District Heritage Site Filming Local Development Order for Newark Castle.

1. This LDO permits filming subject to the condition that –

- (a) the hours of filming are undertaken between **xxx** and **xxx** only and at no other time.
- (b) noise impacts of the development shall be limited to no more than **xxxdb** between the hours of **xxx** and **xxx** and **xxxdb** between **xxx** and **xxx**. No noise arising from filming or any ancillary development or works shall take place outside of these hours. **consultation with Environmental Health required**
- (c) illumination shall be limited to no more than **xxx candela** between the hours of **xxx** and **xxx**. Lighting for filming is not permitted outside of these hours. **consultation with Environmental Health required**
- (d) the height of any temporary structure, works, plant or machinery provided shall not exceed 5 metres or **X** weight **(to be agreed after consultation with Historic England colleagues)**
- (e) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land.
- (f) the land on which any development permitted by this Order has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.
- (g) notifying the Local Planning Authority 10 working days prior to commencing filming of the intention to film. The notification shall include:
  - i. a written description of the proposed development;
  - ii. a plan indicating the site and showing the proposed development;
  - iii. the schedule of dates which make up the filming period in question;
  - iv. the developer's contact address;
  - v. the developer's email address if the developer is content to receive communications electronically

#### Other Statutory Requirements

Whilst the LDO grants planning permission for filming at Newark Castle, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer/development to be in accordance with all relevant legislation.

### Process details

In addition to the notification details above, please allow up to six weeks for the process of liaising with the Heritage & Culture team to arrange filming.

The works shall be carried out in accordance with the approved details agreed with the Senior Operations Manager, Heritage & Culture.

These details will include at least:

- (a) dates and times of filming
- (b) maximum noise levels, specifying the hours of the day the noise levels apply to
- (c) scheduled on site liaison and orientation
- (d) compliance with site safety measures
- (e) the structure, works, plant or machinery to be used

# Draft LDO for filming at Newark Palace Theatre & National Civil War Centre

## Statement of Reasons

The proposed Local Development Order (LDO) is being drafted to enable and control filming at the Palace Theatre and the National Civil War Centre (NCWC) in Newark-on-Trent. Filming at this site currently requires planning permission, which slows down and has effectively made unviable many potential projects. The LDO aims to provide a framework through which permission for filming can be granted appropriately as well as quickly and efficiently.

Allowing more external filming projects to go ahead will have several benefits:

- A new opportunity to generate income for the Heritage & Culture department of Newark & Sherwood District Council.
- Further opportunities to raise the profile of the Theatre, the town and the District through media channels.
- Enhancement of the district council's reputation of being forward-looking, dynamic and helpful.

Creating an LDO will produce these benefits with minimal cost in terms of officer hours, once the LDO has been adopted. The order will allow filming enquires to be responded to efficiently and ensure opportunities to host filming at the Theatre and NCWC are not missed through unnecessary delays.

The LDO will also include conditions, to safeguard against the potential adverse effects of filming on: historic features; natural resources and habitats; our neighbours and the public.

## Policy Framework

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance. Legislation for preparing and granting a Development Order is set out within Section 61A of the Town and Country Planning Act 1990

The National Planning Policy Framework (NPPF) advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Additionally, the NPPF provides the framework for a number of areas that need to be considered when looking to approve development. For the purposes of this LDO, the following chapters are applicable:

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

- Core Policy 7 – Tourism Development
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area

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

- DM5 – Design
- DM9 – Protecting and Enhancing the Historic Environment

Additionally, both the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable.

## LDO

### Part I - Area covered by the Local Development Order (LDO)

Both Palace Theatre & Civil War Centre requested as one site.

### Part II - Description of Development

In pursuance of the powers under the above Act, Newark & Sherwood District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

#### Permitted Development

- (a) The temporary use of any land or buildings for the purpose of commercial film-making; and
- (b) The provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.

#### Development not permitted

The development is not permitted by the above if:

- i. the use of the land is for overnight accommodation.  
  
Reason: Temporary structures sufficient for overnight accommodation are likely to materially harm the historic fabric of the site.
- ii. any temporary structure, works, plant or machinery is affixed to the historic fabric or features of the site.  
  
Reason: The site includes a listed building and a scheduled ancient monument, the materials of which must not be damaged, altered or defaced.

## Part III – Conditions

### Preamble

In these conditions:

'the council' means Newark & Sherwood District Council

'the development' means the works authorised by the Order;

'the Local Planning Authority' means Newark & Sherwood District Council;

'the Order' means the Newark District Heritage Site Filming Local Development Order.

1. This LDO permits filming subject to the condition that –
  - (a) the hours of filming are undertaken between xxx and xxx only and at no other time.
  - (b) noise impacts of the development shall be limited to no more than xxxdb between the hours of xxx and xxx and xxxdb between xxx and xxx. No noise arising from filming or any ancillary development or works shall take place outside of these hours.  
*consultation with Environmental Health required*
  - (c) illumination shall be limited to no more than xxx candela between the hours of xxx and xxx. Lighting for filming is not permitted outside of these hours. *consultation with Environmental Health required*
  - (d) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land.
  - (e) the land on which any development permitted by this Order has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.
  - (f) notifying the Local Planning Authority 10 working days prior to commencing filming of the intention to film. The notification shall include:
    - i. a written description of the proposed development;
    - ii. a plan indicating the site and showing the proposed development;
    - iii. the schedule of dates which make up the filming period in question;
    - iv. the developer's contact address;
    - v. the developer's email address if the developer is content to receive communications electronically

#### Other Statutory Requirements

Whilst the LDO grants planning permission for filming at the Palace Theatre & National Civil War Centre, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer/development to be in accordance with all relevant legislation.

#### Process details

If a planning application is not required, please allow up to six weeks for the process of liaising with the heritage & culture team to arrange filming.

The works shall be carried out in accordance with the approved details agreed with the Senior Operations Manager, Heritage & Culture.



These details will include at least:

- (a) dates and times of filming
- (b) maximum noise levels at different times during filming
- (c) scheduled on site liaison and orientation
- (d) compliance with site safety measures
- (e) the structure, works, plant or machinery to be used

## **PLANNING COMMITTEE – 10 NOVEMBER 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 (18 September 2022 - 24 October 2022)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/33048 14	21/02528/FUL	Shady Oaks Eagle Road Spalford NG23 7HA	Change of use of land to provide 4 pitches (1 static and 1 touring caravan and two parking spaces on each pitch) hardstanding and associated infrastructure for members of the Gypsy and Traveller community	Hearing	Refusal of a planning application
APP/B3030/W/22/33042 43	22/00954/FUL	36 Bullpit Road Balderton NG24 3LY	Proposed 2no. dormer bungalows and demolition of existing car port / part of existing garage and outbuilding	Written Representation	Refusal of a planning application

APP/B3030/C/22/330482 1	22/00054/ENFB	Plot 2 New Lane Blidworth	<p>Without planning permission, operational development on the Land comprising of the construction of an open field shelter and store (marked X on the attached Location Plan and identified within photograph 1). Open field shelter and store with an approximate 41m2 and pitch height of 2.8m.</p> <p>Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>	Written Representation	Service of Enforcement Notice
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APP/B3030/C/22/330482 3	22/00050/ENFB	Plots 4, 5 And 8 Field Ref No 6446 Cross Lane Blidworth	Without planning permission, operational development on the Land comprising of the construction of timber stables and hay store buildings (marked X	Written Representation	Service of Enforcement Notice
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			<p>and Z on the attached Location Plan and identified within photograph 1 and 2) and field shelter (marked W on the attached Location Plan and identified within photograph 3).</p> <p>Plot 4 Two stable blocks (marked Z on the Location Plan) each with an approximate footprint of 40m<sup>2</sup> and pitch heights of around 2.85m.</p> <p>Plot 4 Hay store (marked X on the Location Plan) approximate footprint of 34m<sup>2</sup> and pitch height of around 3.17m.</p> <p>Plot 8 Field shelter (marked W on the Location Plan) approximate footprint of 27m<sup>2</sup> and pitch height of around 2.91m.</p> <p>Without planning permission, development comprising of the</p>		
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			material change of use of the land from agriculture to the keeping of horses (equestrian).		
APP/B3030/C/22/330482 6	22/00048/ENFB	Paddock 11 Field Reference 4444 New Lane Blidworth	Without planning permission, operational development on the Land comprising of the construction of a timber stable building (marked X on the attached Location Plan and identified within photograph 1). Stable block with an approximate 40m2 and pitch height of 2.8m. Without planning permission, development comprising of the material change of use of the Land from agricultural use to the keeping of horses (equestrian).	Written Representation	Service of Enforcement Notice

APP/B3030/C/22/330483 4	22/00239/ENFB	Plot 12 New Lane Blidworth	<p>Without planning permission, operational development on the Land comprising of the construction of a timber stables building (marked X on the attached Location Plan and identified within Photograph 1).</p> <p>Timber stables building</p> <p>Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>	Written Representation	Service of Enforcement Notice
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APP/B3030/C/22/330483 7	22/00240/ENFB	Plot 13 New Lane Blidworth	Without planning permission, operational development on the Land comprising of the construction of a field shelter / hay store building (marked X on the attached Location	Written Representation	Service of Enforcement Notice
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			<p>Plan and identified within drawing 1).</p> <p>Field shelter / hay store with an approximate 43m2 and pitch height of 3m.</p> <p>Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).</p>		
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APP/B3030/W/22/33049 01	21/02633/FULM	Plot 2 Cross Lane Blidworth	Change of use to equestrian use, retention of field shelter and formation of new access track (retrospective)	Written Representation	Refusal of a planning application
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APP/B3030/W/22/33049 11	21/02620/FULM	Plots 4, 5 And 8 New Lane Blidworth	Change of use of land to equestrian, retention of associated field shelters/hay store/stables and formation of new access tracks (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33049 16	21/02621/FULM	Plot 11 New Lane Blidworth	Change of use of land to equestrian and retention of associated stables (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33049 23	21/02659/FULM	Plot 13 New Lane Blidworth	Change of use of land to equestrian use, retention of field shelters and hay store and formation of new access track (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/C/22/330506 0	22/00053/ENFB	Plots 3 And 15 Cross Lane Blidworth	Without planning permission, "development" consisting of the erection of unauthorised timber stables, as shown in Figure 1, and the material change of use of the land for the keeping of horses.	Written Representation	Service of Enforcement Notice

<p>APP/B3030/C/22/330512 5</p>	<p>22/00049/ENFB</p>	<p>Plots 9 And 10 Field Reference Number 1271 New Lane Blidworth</p>	<p>Without planning permission, operational development on the Land comprising of the construction of a stables, field shelter and store, marked X and Y on the attached Location Plan and identified within plan 1.</p> <p>Plot 9 Stable and field shelter with an approximate footprint of 24m<sup>2</sup> and pitch height of 2.6m</p> <p>Plot 10 Stable building and store with approximate footprint of 33m<sup>2</sup> and pitch height of 2.6m. Without planning permission, development comprising of the material change of use of the land from agriculture to the keeping of horses, equestrian.</p>	<p>Written Representation</p>	<p>Service of Enforcement Notice</p>
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APP/B3030/W/22/33051 23	21/02638/FULM	Plots 9 And 10 New Lane Blidworth	Change of use to equestrian use, retention of stables and field shelter and formation of new access track (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33052 59	22/00839/FUL	Field Reference Number 6815 New Lane Blidworth	Retention of existing structures for agricultural purposes only (retrospective application)	Written Representation	Refusal of a planning application
APP/B3030/C/22/330526 3	22/00052/ENFB	Field Reference Number 6815 New Lane Blidworth	Without planning permission, "development" consisting of the erection of unauthorised timber stables, as shown in Figure 1, and the material change of use of the land for the keeping of horses.	Written Representation	Service of Enforcement Notice
APP/B3030/C/22/330666 8	22/00180/ENFA	Bonington Vicarage Road South Clifton Newark On Trent NG23 7AQ	Without planning permission: 1) The erection of timber trellis-style fencing affixed to the western boundary wall (image 1 and image 2) 2) The erection of a pergola along the	Written Representation	Service of Enforcement Notice

			western boundary wall (image 2) 3) The erection of a pergola affixed to the western elevation of the dwellinghouse (image 3)		
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APP/B3030/C/22/330739 3	20/00108/ENF	Site Adjacent 'The Old Grain Store' Old Epperstone Road Lowdham	Without planning permission, development consisting of: A. The material change of use of the land, outlined in red and highlighted Blue on plan B, from agriculture to the production of wood fuel, along with the positioning on the land of equipment, machinery and materials associated with the material change of use including, but not limited to: i. Biomass boiler (photo1); ii. Log splitter (photo 2); iii. Wood drying kiln.	Written Representation	Service of Enforcement Notice
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**PLANNING COMMITTEE – 10 NOVEMBER 2022**

**Appendix B: Appeals Determined (18 September - 24 October 2022)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/00269/ENFB	Field Adjacent To New Farm Blidworth Lane Blidworth	Without planning permission, operational development on the Land comprising of the construction of a timber stable building	Not Applicable	Not Applicable	Appeal Dismissed	28th September 2022
21/00102/ENFB	The Park Lowdham Road Gunthorpe NG14 7ES	Without planning permission, operation development consisting of the construction of a building ("the building") as shown with an "X" on the aerial photograph in image 1 and within the photographs labelled images 2 and 3 (subject of planning application reference 21/01479/FUL).	Not Applicable	Not Applicable	Appeal Dismissed	10th October 2022
21/02547/FUL	Nampara 30 Spring Lane Balderton NG24 3NZ	Demolition of detached garage, Construction of a detached bungalow with associated parking (resubmission)	Delegated Officer	Yes	Appeal Dismissed	11th October 2022
21/02363/HOUSE	11 Adams Row Southwell NG25 0FF	Single storey rear extension following demolition of existing conservatory and alterations	Delegated Officer	Yes	Appeal Dismissed	3rd October 2022
21/01830/FUL	Land Ajacent The Old Grain Store Old Epperstone Road Lowdham	Change of use of agricultural land and extension to the existing wood fuel production business, retention of earth bunds, retention of concrete retaining wall/clamp, retention of re-sited biomass boiler, wood drying kiln and roof cover over (Retrospective).	Planning Committee	Yes	Appeal Not Determined (out of time)	23rd September 2022

21/00653/HOUSE	73 Balderton Gate Newark On Trent NG24 1UN	Proposed Demolition and Reconstruction of Outbuilding with Office Over.	Delegated Officer	Yes	Appeal Not Determined (out of time)	3rd October 2022
22/00492/HOUSE	Low Meadow 96 Caythorpe Road Caythorpe NG14 7EB	Erection of timber framed and clad garage (part retrospective)	Delegated Officer	Yes	Appeal Not Determined (out of time)	8th October 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.

Lisa Hughes  
Business Manager – Planning Development



Report to Planning Committee 10 November 2022

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
<b>Report Title</b>	Development Management Performance Report
<b>Purpose of Report</b>	This report relates to the performance of the Planning Development Business Unit over the three month period July to September 2022. In order for the latest quarter's performance to be understood in context, in some areas data going back to July 2020 is provided. The performance of the Planning Enforcement team is provided as a separate report.
<b>Recommendations</b>	For noting. The services it assists in the delivery of Community Plan Objectives: <ul style="list-style-type: none"> <li>• Deliver inclusive and sustainable economic growth</li> <li>• Create more and better quality homes through our roles as landlord, developer and planning authority</li> <li>• Enhance and protect the district's natural environment</li> </ul>

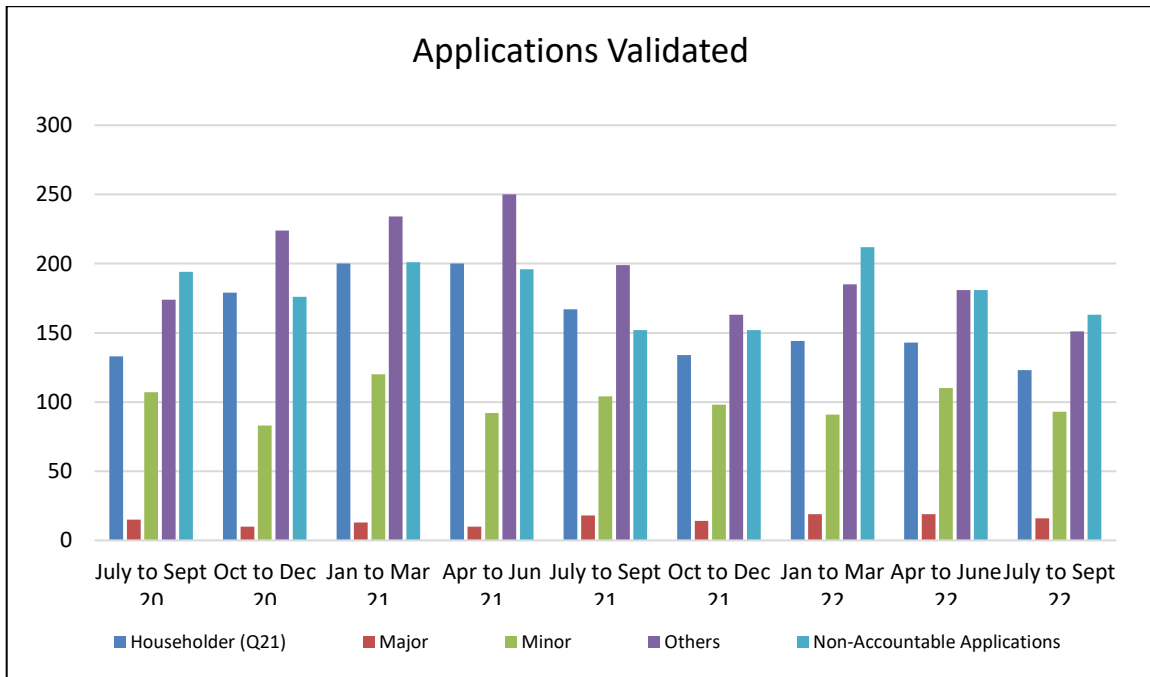
## 1.0 Background

1.1 The Planning Department undertakes a number of activities including process of planning applications and associated appeals, planning enforcement, conservation and listed building advice, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.

## 2.0 Application Numbers

2.1 The graph below shows the number of applications that have been received as valid each quarter from July 2020 up until September 2022. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the second quarter of 2022/23, a total of

746 applications were received. This, compared to the same quarter in 2021/22 shows a large reduction from 845 applications or an approximate 12% decrease in application workload. 802 applications is lower than during the pandemic in 2020/21 when 894 applications were received in the same quarter. This reduction in application numbers is comparable with reductions reported across the country. Compared to the previous quarter, all application numbers have decreased with the exception of works to trees and pre-application enquiries.



- 2.2 Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m<sup>2</sup> new floor area or more.  
Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.  
Others include (but are not limited to) householder, advertisements and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.
- 2.3 The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.
- 2.4 Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

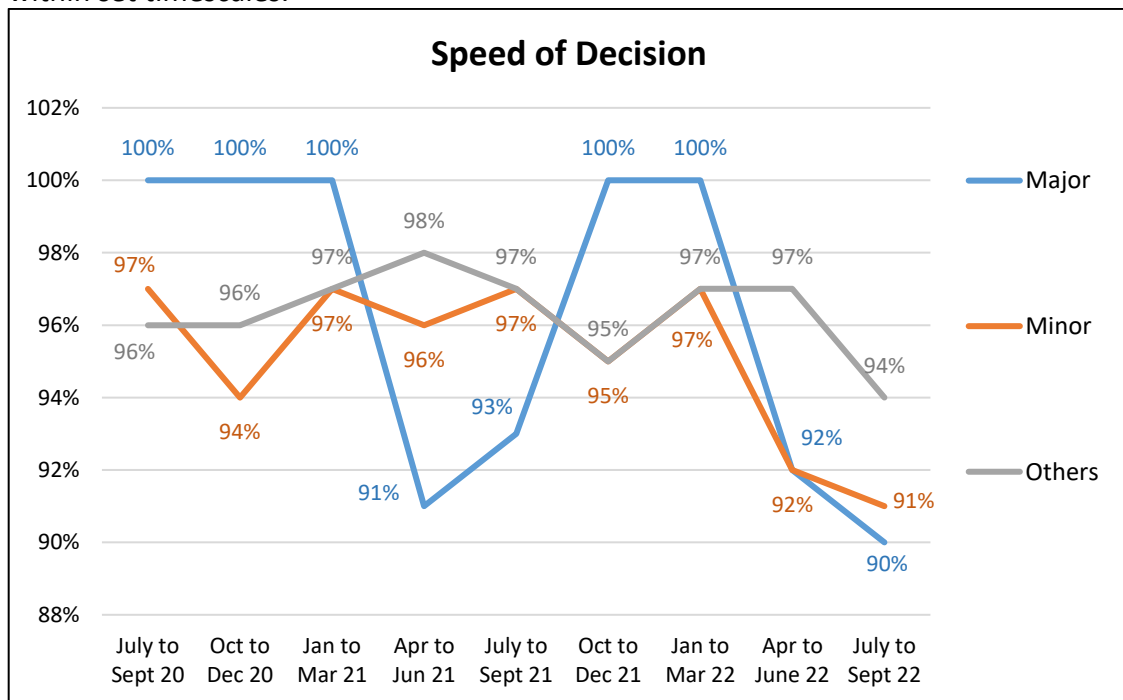


### 3.0 Performance

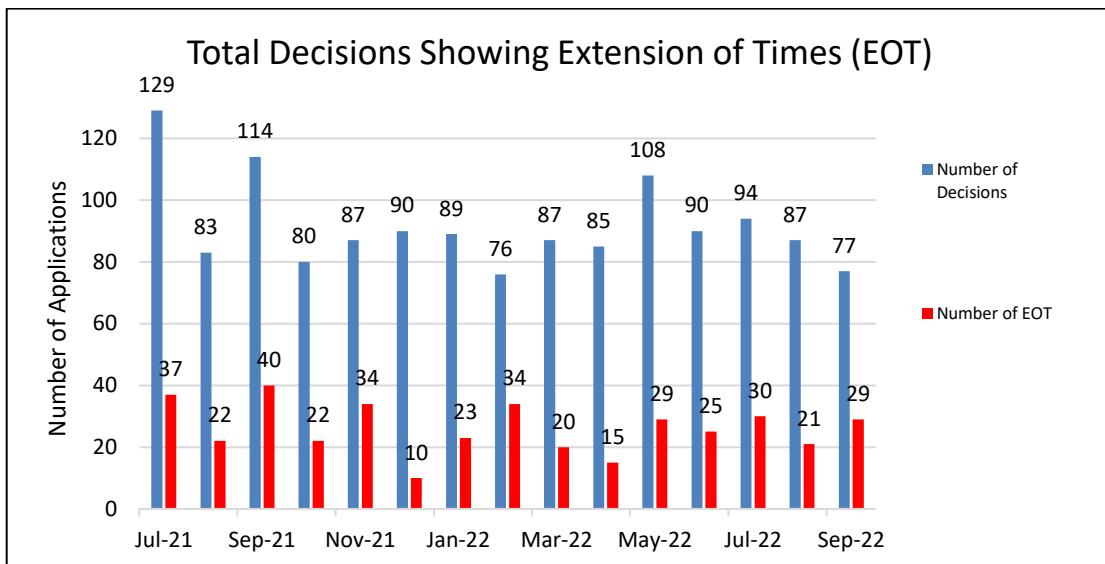
3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From July 2020 to end of June 2022, 97.1% of major applications have been determined within these timescales (this is the same as previously presented). Across all of the Nottinghamshire authorities, NSDC is the 65<sup>th</sup> out of the 333 authorities across England and Wales and now 11 behind Gedling (Gedling now being the best Nottinghamshire authority). However, across this 2-year time period we have determined 103 major applications compared to their 41. For non-majors, the target set nationally is 70% over a two-year period. 96% of non-major applications over this same time period have been determined within these timescales and NSDC is 47<sup>th</sup> within the country (3 down compared to the previous quarter). Comparing once again to the other Nottinghamshire authorities, we are again second best performing, Broxtowe having determined 97.4% in agreed timescales. However, the number they have determined is significantly fewer at 1291 compared to 1997 (or 35% fewer) than NSDC. These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended.

3.2 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.

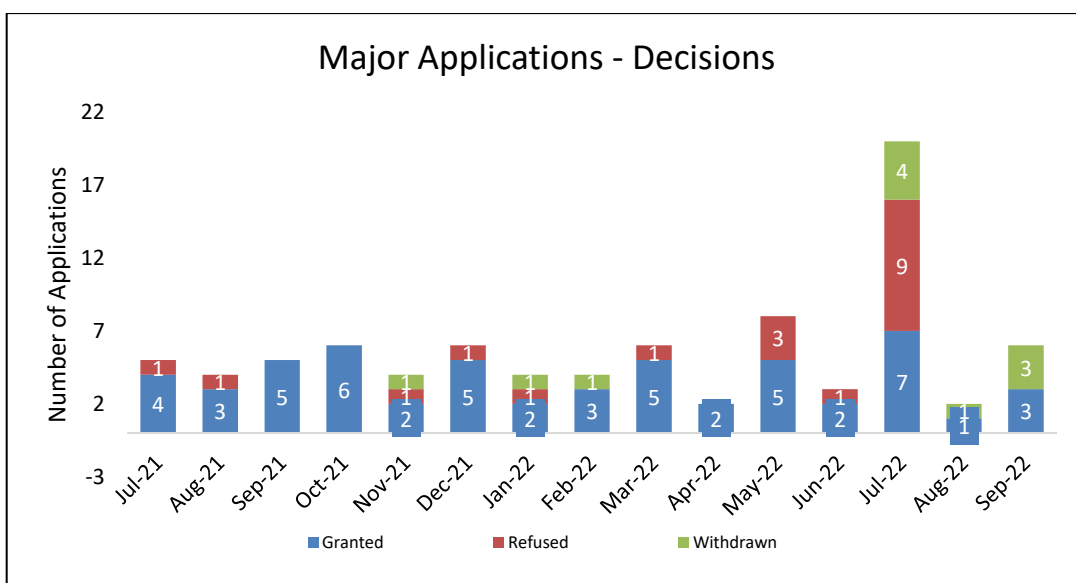
3.3 The following graph relates to the percentage of planning applications determined within set timescales.

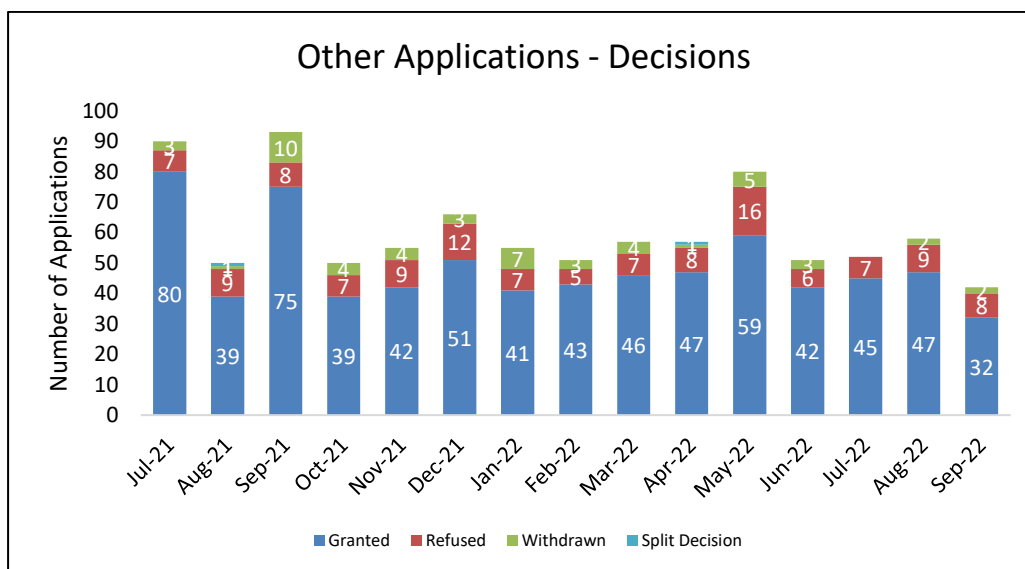
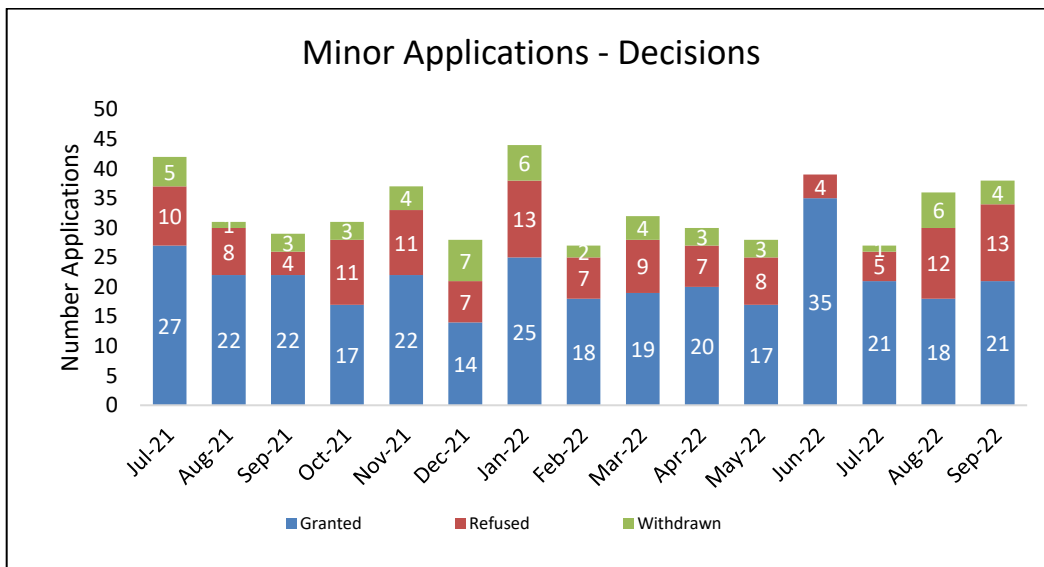


- 3.4 For major applications, performance over the previous quarter has dropped to 90%. 2 applications out of 20 decisions has resulted in this change. Minors is at 91%, also having dropped by 1 percent compared to the previous quarter. Other applications have also dropped slightly to 94%. Whilst performance has dipped, this is due to a combination of factor including a number of staff taking annual leave and slightly increased sickness levels. However, all applications meet and/or exceed both national and local performance targets.
- 3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not go against the authority in terms of speed of decision making when reporting. Members will be aware that the White Paper suggested that the determination timescales set out in legislation should be adhered to and were looking to potentially implement this as part of the overall planning changes. However, the Levelling Up and Regeneration Bill does not provide detail regarding this. Increased fees are suggested, subject to consultation, but government state that this “... *must lead to a better service for applicants.*” At this stage it is not known what a ‘*better service*’ means or entails.
- 3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. The number of applications with extensions of time fluctuate quarter on quarter. The previous quarter saw a slight increase compared to the first quarters from 24% to 31% but is comparable with the same quarter in 2021/22. As is always the case, Officers continually strive to deal with applications in a timely manner. However, this will always be challenging.
- 3.7 Notwithstanding this local performance target, caution needs to be given in relation to providing a quick decision. For example, it would be theoretically possible to determine all applications within statutory timescales without a request for, or agreement to, a time extension. However, this would likely mean that a significant number of applications would be refused due to the inability to negotiate leading to complaints, reputational damage and resubmission of applications which in the majority of instances would not be subject to a further planning application fee.



3.8 The number of decisions issued this quarter compared to July-August 2021.22 is significantly higher for major applications – 28 compared to 14. For minors the numbers are comparable, but for other applications, the numbers have significantly reduced from 219 to 124 largely reflecting the reduction in householder applications received. Of these decisions, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted (cumulatively approximately 81%, 67% and 83% across the major, minor and other categories respectively) between April 2021 and June 2022. Withdrawals (23 in the second quarter) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a ‘free go’, whereby no fee is payable.





#### 4.0 Tree Applications

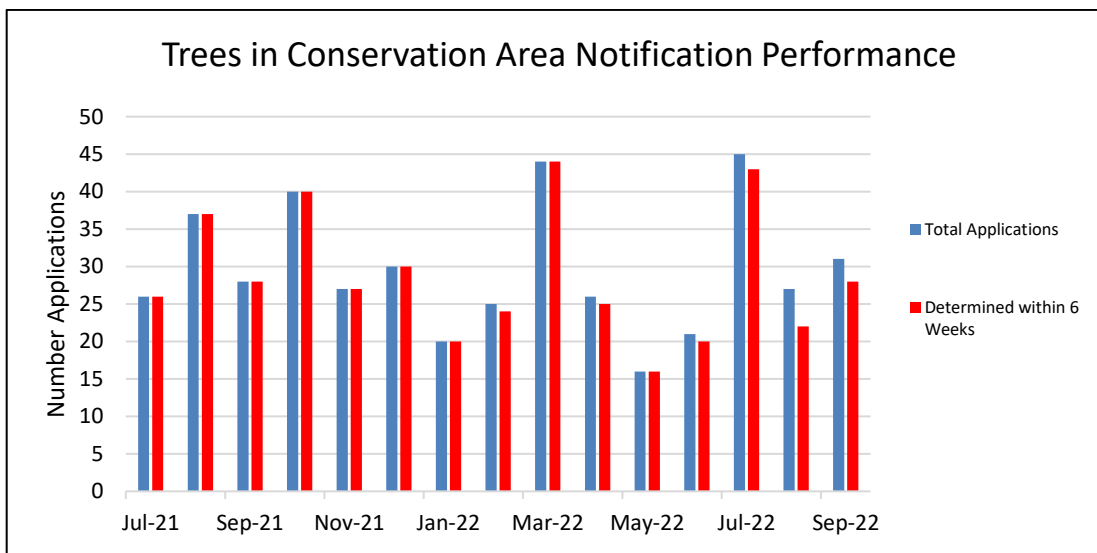
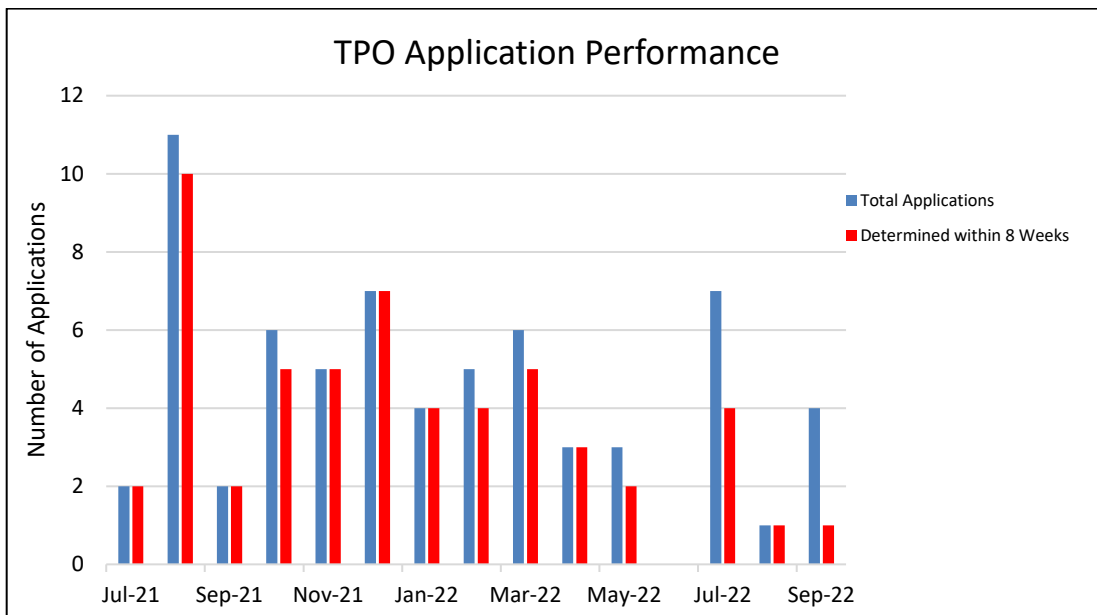
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

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

Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and

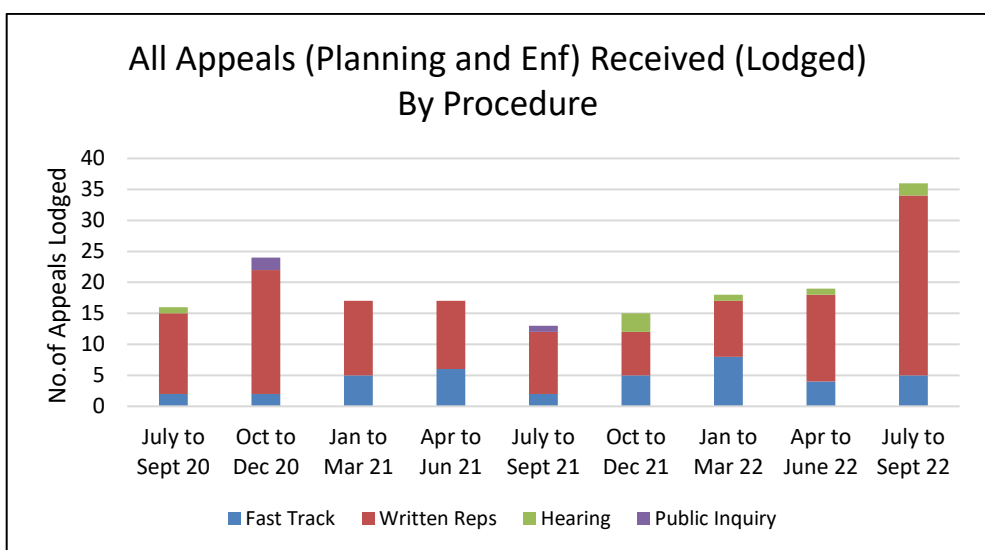
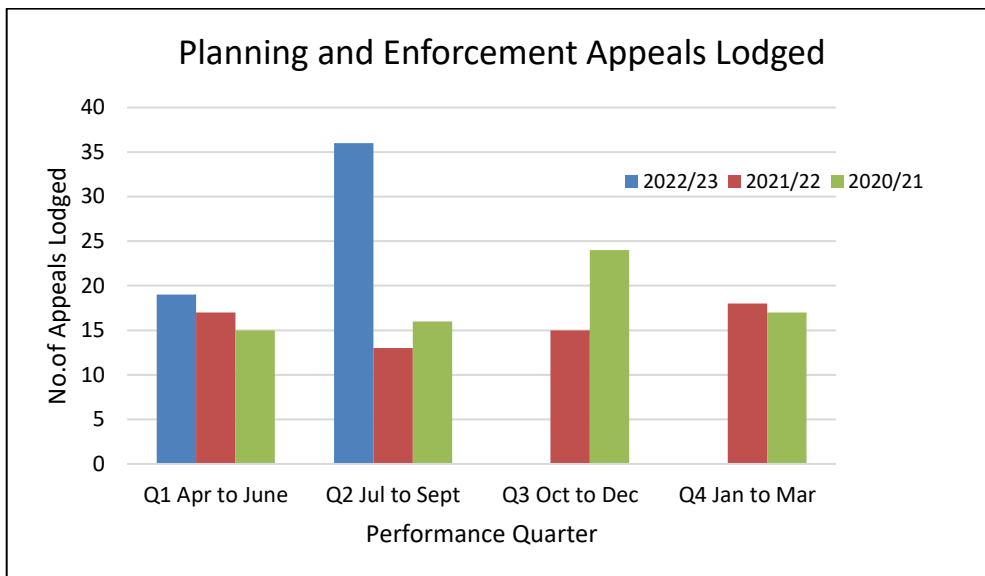
the Order issued within this timescale. If a decision is not made by the first day of the 7th week, the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee.

- 4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), these applications are determined within the statutory period in order that further protection for the tree can be put in place. Performance in the previous quarter has dropped compared to previous reports. This is due to a number of factors, including time taken around our proactive approach with negotiations between ourselves and agent/applicants regarding amendments to proposed works to bring in line with BS3998:2010. This British Standard gives general recommendations for tree work as well as guidance on management options for established trees. This has consequentially seen delays regarding time taken to reply and the agent/applicant's availability to meet on site. Additionally, further engagement has been required to seek clarity of proposals due to vague description of works. Training is being undertaken with the Support team who validate the applications to seek appropriate descriptions of work from the outset.
- 4.3 It is important to note, decisions issued during July to Sept 2022, regarding works to trees in conservation area represents a 39% increase in numbers compared to the previous quarter. Seasonal trends confirm Q2 and Q3 tend to experience an increase in the number of decisions, often contributed to by the time of year (leaf drop and prior to the appearance of buds). Furthermore, compared against the corresponding quarter in 2021, figures for 2022 represent a further 11.5% increase in numbers decided.
- 4.4 Turning to works to trees protected by Tree Preservation Order (TPO), through negotiations during assessment, a decrease in the number of refusals resulted during the monitoring period. The Planning Technical Support Manager acknowledges (as mentioned above) negotiations are having an impact on performance regarding speed of decision. However, it is anticipated through working with customers and agreeing appropriate works (rather than refusal), will lessen any possible impact on the team owing to possible submission of appeals due to a decision of refusal. It is also hope that engagement with agents who regularly submit applications for tree works within the District than an understanding of the appropriate approach to tree works will result which will consequently mean 'better' applications are submitted in the future.

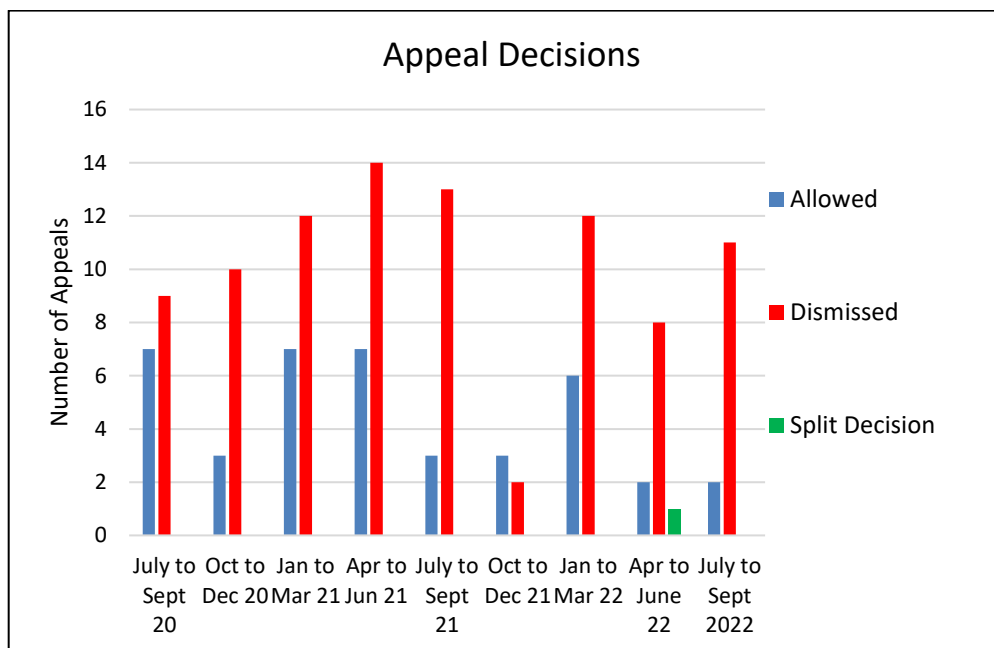


**5.0 Appeals**

5.1 The charts below shows the number of appeals against planning applications and enforcement notices that have been submitted over the last 3 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, which makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal makes resourcing more challenging. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource responding accordingly from very high to low. However, it will be noted the significant increase in appeals submitted during quarter 2 compared to previous quarters, increasing by over 100%. The majority of these, fortunately are written representation appeals.



5.2 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). This quarter has seen a slight increase in the number of decisions issued by the Inspectorate compared to the previous quarter, from 11 to 13. The number dismissed continues to exceed the number allowed and is line with the Government’s previous target of having no more than 33% being allowed. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. This quarter has seen 15% of appeals being allowed.



- 5.3 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made by developers directly to the Planning Inspectorate. Members may have seen headlines reporting that one such authority, which has recently been sanctioned against, is Uttlesford District Council.
- 5.4 As of 1 April 2018 DLUHC implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major decisions and all non-major applications (i.e. minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.
- 5.5 Data from government has not been updated since the report was originally presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the Council will be significantly within these figures.
- 5.6 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this comprises unreasonable behaviour.
- 5.7 In addition to the appeal types referred to earlier. The decision of the Planning Inspectorate for application 20/02420/S73M at ‘Kilvington, Newark On Trent, NG13 9PD’ seeking to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/32 was dismissed with the main issues being whether it was possible in law to alter the use. These conditions restricted the occupancy of the units to holiday accommodation. The Inspector concluded the effect



of the proposal would not be consistent with the description of the development of the original application and therefore dismissed the appeal. The appellant sought leave to the court to challenge the Inspector's decision which has been agreed. Both the Planning Inspectorate and Council are looking to defend this position.

## **6.0 Updates**

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Emma Fawcett has left the authority and recruitment is underway for her replacement. This is the second round of recruitment for this post as the first round was not successful. Due to the vacancy, this is having impacts in terms of resourcing applications. However, due to the drop in application numbers, this vacancy is not having such a significant impact.
- 6.2 In addition, most Members will be aware that Chris Briggs is now part time, doing 3 days per week. Recruitment is underway to fill the 2 days vacancy. In the interim, resource has been procured with an experienced planning enforcement officer undertaking up to 15 hours per week until this post is filled.
- 6.3 Within Land Charges, Sophie Cleaver has recently left. The post is currently vacant although we have successfully appointed someone to the post who, it is hoped, will be able to join us shortly. In the interim, the service is being delivered with support from a number of officers within the Support team.
- 6.4 Members will be aware that Planning Practice Guidance (PPG) has been amended in relation to flood risk and the application of the sequential test and need to consider whether development will have benefit for the community. Further information regarding this may be found on the [PPG website](#).
- 6.5 A soft marketing exercise is currently underway in relation to the planning and public protection software. This exercise is seeking information from software suppliers on a number of aspects including whether they are able to meet our specification, likely cost as well as any matter that they consider we need to include or have regard to in our procurement. Once the responses have been analysed, report(s) will be prepared for respective committees / portfolio holders, as appropriate.

## **7.0 Implications**

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

## **8.0 Conclusion**

- 8.1 Performance continues to be met. Overall the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small.

### **Background Papers and Published Documents**

None



Report to Planning Committee 10 November 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Richard Marshall, Senior Planner (Enforcement), x5801

Report Summary	
<b>Report Title</b>	Quarterly planning enforcement activity update report
<b>Purpose of Report</b>	To update Members as to the activity and performance of the planning enforcement function over the second quarter of the current financial year.  To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.
<b>Period covered</b>	1 <sup>st</sup> July – 30 <sup>th</sup> September 2022
<b>Recommendation</b>	That Planning Committee notes the contents of the report and the ongoing work of the planning enforcement team.

## 1.0 Background

This report relates to the second quarter of 2022/23 and provides an update on enforcement activity during this period, including cases where formal action has been taken. It also includes case studies which show how breaches of planning control have been resolved through negotiation, and Notices that have been complied with.

Schedule A outlines the enforcement activity for Q2 in terms of the numbers of cases that have been received and closed (Chart 1) and also provides a breakdown of the reasons for cases being closed (Chart 2). Chart 3 details the performance of the enforcement team when compared against time limits set out within the Newark and Sherwood District [Planning Enforcement Plan](#) (PEP).

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

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

## 2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy. The summer period is often one of the busiest periods of the year, given that construction work is at its peak during this time. Whilst managing these high numbers, Officers continue to work on cases received earlier in the year, many reaching the stage where formal enforcement action – such as Notices, interviews under caution, or court action - has become necessary. In addition to this, Enforcement Officers are becoming involved in a number of projects beyond the usual caseload.

Members will note the continuing positive trend of cases being closed where the breach has been resolved, as shown within Chart 2, and that the majority of cases of received are not a breach of planning control.

Due to an extended staff absence during the second half of Q2, the number of cases closed is higher at the beginning of the quarter. Initial site visits and actions for new cases received in Q2 continued to be undertaken during this period, despite a reduction in available Officers.

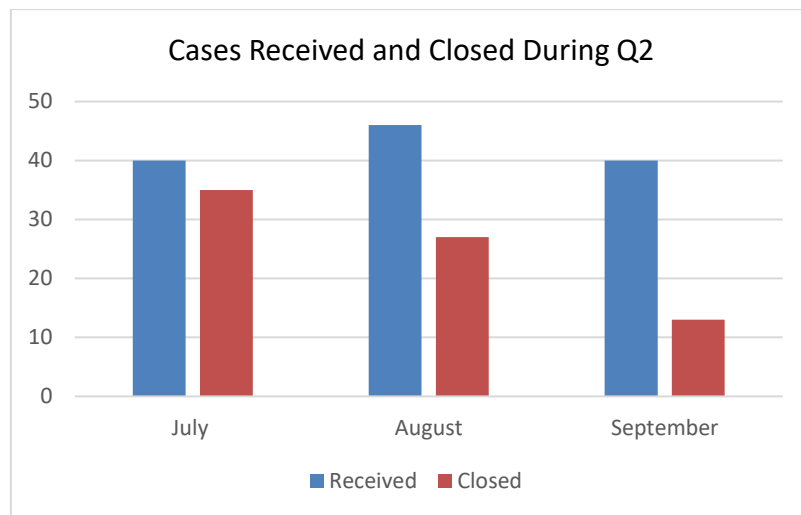


Chart 1 – Cases Received and Closed in Quarter 2 of 2022-23

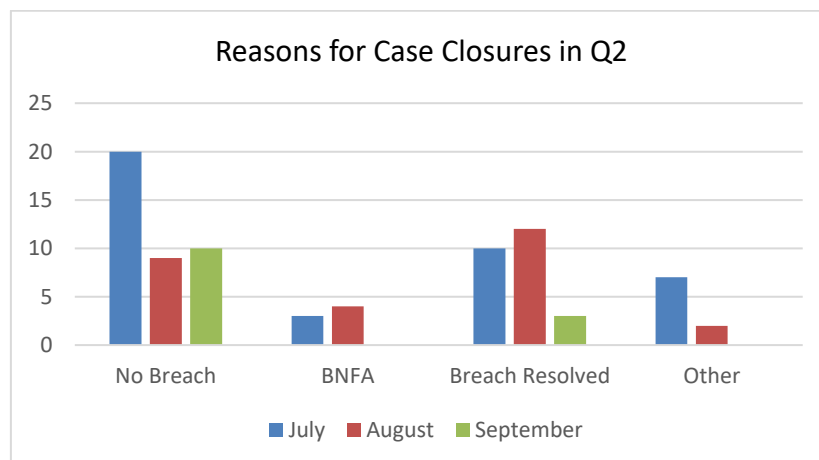


Chart 2 – Reason for Enforcement Cases Closure During Quarter 2 of 2022/2023

Members will be aware that in September 2020 the Planning Enforcement Plan (PEP) was adopted. As well as setting out how the enforcement service will operate and what Members

and the public can expect from the service, the PEP also put in place a system of case prioritisation which encompassed targets for initial investigations to take place.

Members will note from Chart 3 that despite the consistently high number of enforcement cases being dealt with and reduction in staff resource during Q2, the enforcement team has been working with continued commitment to meeting the targets set.

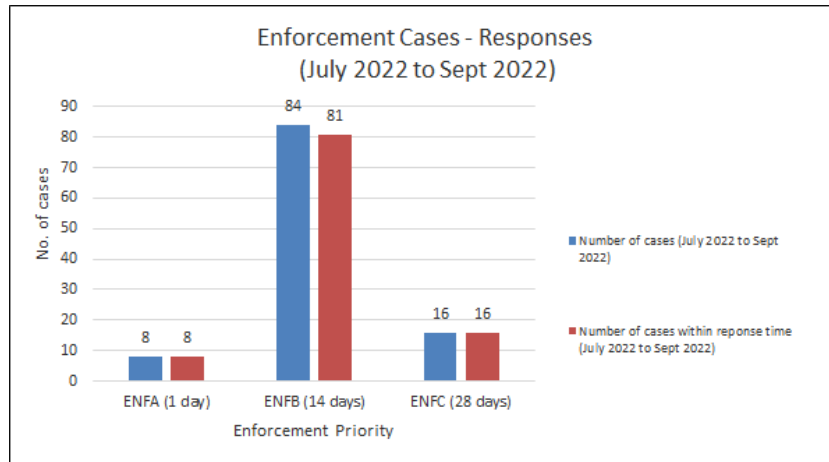


Chart 3 – Response Times in Quarter 2 of 2022/2023

	July	August	September	Total
<b>Notices Issued</b>	11	3	4	18
<b>Appeals Lodged</b>	0	8	3	11

Table 1 – Planning Enforcement Notices Issued During Q2 of 2022/2023 and Number of Appeals Lodged with the Planning Inspectorate.

Members will note the considerable number of enforcement notices that have been issued in Quarter 2 and the high number of corresponding appeals which have been lodged. Officers are also in the process of undertaking legal action for non-compliance with Notices that have previously been issued. Each of these processes is resource-intensive and often complex.

### 3.0 **SCHEDULE B. FORMAL ACTION TAKEN**

**Site Address:** Various Sites Across Blidworth – New Lane, Cross Lane, Ricket Lane

**Alleged Breach:** Unauthorised Erection of Stables

**Action To Date:** 12 Enforcement Notices Served

**Background:** Enforcement Officers have undertaken a project to address the large number of unauthorised stable buildings that have been erected on agricultural farmland without planning permission across a wide area of the Nottinghamshire-Derby Green Belt on the outskirts of Blidworth. This has been a resource-intensive task that has resulted in the service of 12 Enforcement Notices to date in the larger Blidworth area, for which 10 appeals have so far been lodged with the Planning Inspectorate. The first of the appeals has been determined and concluded that the development was unacceptable and that the stable block must be removed in accordance with the Council’s Notice. This project and the appeals are ongoing.



**Enforcement Ref:** 21/00398/ENFB

**Site Address:** Hawton Road, Newark on Trent

**Alleged Breach:** Unauthorised Installation of Telecommunications Monopole

**Action To Date:** Enforcement Notice Issued

**Background:** A range of telecommunications monopoles, cabinets and antennas were installed on a grass verge on the junction of Hawton Road and Grange Road, without the requisite planning permission having been granted. A retrospective planning application seeking to retain the units was refused – reference 21/02456/FUL – due to the applicants' failure to provide highway safety surveys demonstrating that highway visibility was not unduly restricted. The Notice issued requires the removal of the equipment and the reinstatement of the verge to its previous condition.



#### 4.0 **SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

**Enforcement Ref:** 22/00084/ENFC

**Site Address:** Byron Street, Blidworth

**Alleged Breach:** Unauthorised Rear Extension

**Background:** Officers were made aware that an unauthorised rear extension had been constructed without planning permission on a tenanted property. The development could not be supported due to its poor design and use of unsympathetic materials. Officers worked alongside the landlord to ensure the development was removed in a timely manner, working to agreeable timescales and thereby avoiding the need for formal enforcement action. The extension has now been removed in its entirety.



**Before**



**After**

**Enforcement Ref:** 22/00097/ENFB

**Site Address:** Main Street, North Muskham

**Alleged Breach:** Unauthorised Gate

**Background:** An unauthorised means of enclosure exceeding the height allowances provided for by permitted development legislation was erected at a prominent location in North Muskham and was a visually dominant feature on Main Street. The frontages of this village are predominantly low walls, metal railings or open frontages. As such, the gate was out of keeping with the character of the village in terms of its height, materials, and design. The owners promptly remedied the breach of planning control by setting the gate back from the edge of the highway, thus complying with permitted development, allowing the gate to be retained but in a more discreet location.





**Before**



**After**

**Enforcement Ref:** 21/00376/ENFB

**Site Address:** Moor Lane, East Stoke

**Alleged Breach:** Untidy land, use of the land for storage

**Background:** Officers were made aware that a parcel of land was being used for the unsightly storage of a range of waste items, including a static caravan, storage containers and general waste items. Officers requested that the landowner clear the site, which has now been undertaken.



**Before**



**After**

## **5.0 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.

Background Papers

None