



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Tuesday, 11 April 2023

**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, 20 April 2023 at 4.00 pm

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

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

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

AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes of the meeting held on 16 March 2023	5 - 10
Part 1 - Items for Decision	
5. Hoveringham Activity Centre, Thurgarton Lane, Thurgarton - 22/02296/FUL	11 - 24
6. Hunters Hill Farm Lambley Road Lowdham - 22/02188/FULM Site Visit: 12.30pm – 12.40pm	25 - 26
7. Chestnut Lodge, Barnby Road, Balderton, Newark On Trent - 23/00058/FULM (MAJOR) Site Visit: 10.15am – 10.25am	27 - 57
8. Land At Greenaway, Rolleston - 22/02176/FUL Site Visit: 11.25am – 11.35am	58 - 90
9. Hutchinson Engineering Services Ltd, Great North Road, Weston - 22/02086/FUL	91 - 107
10. Broadlands, Southwell Road, Farnsfield - 22/02469/RMA Site Visit: 12.00pm – 12.10pm	108 - 122
11. Ollerton Hall, Main Street, Ollerton - 22/00852/FUL	123 - 137
12. Ollerton Hall, Main Street, Ollerton - 22/00853/LBC	138 - 144
13. Village Hall, Main Street, Morton - 23/00436/FUL	145 - 159
14. Field Reference Number 9208, Moor Lane, East Stoke - 23/00333/FUL Site Visit: 10.50am – 11.00am	160 - 172
15. The Old Vicarage, Church Lane, South Scarle - 22/00907/FUL Site Visit: 9.30am – 9.40am	173 - 186
16. Former Buffer Depot and Driving Test Centre, Bowbridge Road, Newark on Trent - 23/00211/FUL	187 - 199
17. Halam C of E School - 22/02255/FUL	200 - 207

18.	Former Newark Livestock Market, Great North Road, Newark On Trent - 23/00334/FUL	208 - 217
19.	Sherwood Avenue Park, Sherwood Avenue, Newark - 23/00407/TWCA	218 - 223
20.	Planning Application Validation Checklist 2023	224 - 236
21.	Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making Consultation	237 - 245
22.	Annual Report detailing the exempt reports considered by the Planning Committee	246 - 247

Part 2 - Items for Information

23.	Appeals Lodged	248 - 249
24.	Appeals Determined	250 - 252

Part 3 - Statistical and Performance Review Items

25.	Planning Committee Annual Report 2022-2023	253 - 257
-----	--	-----------

Part 4 - Exempt and Confidential Items

There are none.

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 16 March 2023 at 4.00 pm.

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

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

ALSO IN
ATTENDANCE:

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

108 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor M Skinner declared a Pecuniary Interest regarding Application No. 22/01999/FUL – Telecommunications Monopole, Hawton Road Newark On Trent, as it was related to his employment, and a Non-Registrable Interest in Application No. 21/02043/FLUM – Land off Nottingham Road Southwell, as he was a Director of Active4Today.

Councillor Mrs P Rainbow declared a Personal Interest in Application No. 22/01655/HOUSE and would not take part in the debate or vote at the Planning Committee.

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

109 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.

110 MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2023

AGREED that the Minutes of the meeting held on 16 February 2023 were approved as a correct record and signed by the Chairman.

111 LAND OFF NOTTINGHAM ROAD SOUTHWELL - 21/02043/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a new foodstore (Use Class E) and associated new access, parking, servicing, drainage, landscaping and highway works.

Members attended a site visit prior to the commencement of the Planning Committee.

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

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Director of Group Property Sainsbury, the Agent and Members of the public. A site map was included as this was omitted from the agenda.

The Local Ward Member and the Vice Chairman of Southwell Town Council were in attendance and both spoke objecting to the application.

Two Local Ward Members, who were also Members of the Planning Committee also spoke and raised concerns with the application.

Members considered the application noting the concerns raised and the reasons for refusal detailed in the report to the Committee.

AGREED (unanimously) that planning permission be Refused for the reasons contained within the report in line with Officer recommendation.

112 TELECOMMUNICATIONS MONOPOLE, HAWTON ROAD, NEWARK ON TRENT - 22/01999/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed retention of a 20.00m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto (re-submission of 21/02456/FUL).

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

Members considered the application acceptable.

AGREED (7 For, 4 against) that planning permission be approved for the reasons contained within the report.

Councillor M Skinner left the meeting for the duration of this item.

113 LAND OFF A17, CODDINGTON - 22/02427/RMAM

The Committee considered the report of the Business Manager – Planning Development, which sought a reserved matters application pursuant to application 20/01452/OUTM for the erection of one distribution building (Use Class B8) together with ancillary offices, plot access, car parking and landscaping.

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

A schedule of communication was tabled at the meeting, which detailed correspondence received from local residents following the publication of the agenda.

The Chairman of Coddington Parish Council was in attendance and spoke to the meeting raising a number of concerns and requests from the Parish Council in relation to the proposed development.

Members considered the application. During consideration, the meeting was adjourned briefly, to confirm with the applicant details of vehicle movements on the site. Members considered the application to be acceptable.

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

114 LAND AT OSSINGTON ROAD, KNEESALL - 22/02258/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought a detached dwelling with integral garage and new vehicular access. Members attended a site visit prior to the commencement of the Planning Committee.

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

The Local Ward Member was in attendance and spoke in objection to the application raising concern over the impact on traffic and parking in the local area from the proposed development.

Members considered the application acceptable.

AGREED (9 For, 3 Against) that planning permission be approved subject to the conditions contained within the report.

115 MANOR LODGE, MANOR WALK, EPPERSTONE - 22/01550/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought a proposed shed; revised rooflights and new dormer window to rear elevation.

Following deferral from the previous month's meeting, Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development. Members recalled that they had attended a site visit last month.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the applicant, following publication of the agenda, as well as an amended site plan.

The Local Ward Member was in attendance and spoke as a representative of Epperstone Parish Council.

Members considered the application acceptable.

AGREED (10 For, 2 Against) that planning permission be approved subject to the conditions contained within the report subject to additional informative to reference the applicant's assurance that the boat will be removed by summer 2023 and the site tidied up.

116 HOVERINGHAM ACTIVITY CENTRE, THURGARTON LANE, THURGARTON - 22/02296/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of the Scout hut and erection of replacement building providing training and changing facilities. A site visit had taken place prior to the commencement of the Planning Committee.

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 comments received from Thurgarton Parish Council, following the publication of the agenda, in support of the application.

The Local Ward Member and a Member of Hoveringham Parish Council were in attendance and both spoke in support of the application.

Members considered the application and were sympathetic to the desire of the applicant to provide improved facilities for the Scouts, however, concern was raised over the size of the proposed development within the Green Belt.

AGREED (unanimously) that the application be deferred to allow discussion with applicant regarding whether a condition restricting occupation to the Scouts would prejudice the permission and if it is possible to further reduce the scale of the building

117 4 THE ORCHARDS, OXTON - 22/01655/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of an existing garage, front conservatory/utility and rear porch; proposed erection of 2-storey side extension and single-storey rear extension.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development. Members recalled that they had undertaken a site visit to the application site last month.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent to propose removal of the vehicular gate from the application.

The Local Ward Member and a Members from Oxton Parish Council were in attendance and both spoke in support of the application.

Members considered the application and it was confirmed that buildings that had previously been demolished on the application site, could not be taken into account when calculating the volume of proposed developments.

AGREED (7 For 2 Against 2 Abstention,) that planning permission be refused for the reason contained within the report in accordance with the Officer recommendation and subject to omission of gates from the 1st informative.

Councillor Mrs P Rainbow left the meeting for the duration of this item.

118 FORMER THOREBY COLIERY, OLLERTON ROAD, EDWINSTOWE - 23/00030/VAR106

The Committee considered the report of the Business Manager – Planning Development, which sought an application to vary Section 106 Agreement pursuant to planning application 16/02173/OUTM - to allow increased residential occupations (to 655) by delaying release of employment land.

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 confirmed that formal comments from Nottinghamshire Country Council were still awaited.

Members considered the application acceptable and expressed their sympathies with residents over the delay in the works proposed for Ollerton roundabout.

AGREED (unanimously) that the variation be approved subject to agreement from Nottinghamshire County Council.

119 THE DUTCH BARN AT SOUTHWELL ROAD, LOWDHAM - 22/01637/FUL

This item was withdrawn from the agenda.

120 THE MISTAL, CHAPEL LANE, EPPERSTONE - 22/02396/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought a single storey extension to the south east elevation. A site visit had taken place prior to the commencement of the Planning Committee.

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 Agent following the publication of the agenda.

The Local Ward Member was in attendance and spoke in support of the application, on the basis that the applicant needed to be on site on the farm to tend livestock. Members considered the application and it was confirmed that there was no associated agricultural tie attached to the application or building.

AGREED (unanimously) that the application be deferred to allow discussion with the applicant for potential for the dwelling to be associated with agriculture.

121 CASTLE HOUSE CAR PARK, GREAT NORTH ROAD, NEWARK ON TRENT - 23/00215/ADV

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of two posters advertising the Towns Fund projects and the Air and Space Institute project.

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

Members considered the application acceptable.

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

122 APPEALS LODGED

AGREED that the report be noted.

123 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.25 pm.

Chairman



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	22/02296/FUL		
Proposal	Demolition of Scout hut and erection of replacement building providing training and changing facilities		
Location	Hoveringham Activity Centre, Thurgarton Lane, Thurgarton, NG14 7HL		
Applicant	Mr Steve Day	Agent	Alison Dudley - Zenith Planning And Design
Web Link	22/02296/FUL Demolition of Scout hut and erection of replacement building providing training and changing facilities Hoveringham Activity Centre Thurgarton Lane Thurgarton Nottinghamshire NG14 7HL (newark-sherwooddc.gov.uk)		
Registered	19.12.2022	Target Date / Extension of Time	13.02.2023 / 27.04.2023
Recommendation	Refuse, for the reason set out in Section 11.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Jackson due to support for the facility and that the Parish Councils are in favour of the application.

The application was reported to Members at the 16th March 2023 meeting with Members resolving to defer the application to allow Officers to further discuss the potential of reducing the size of the building and also whether the applicant would be amenable to a condition restricting usage to the Scouts. The report has been updated to take account of additional information provided and is provided in bold text.

1.0 The Site

The application site is situated to the south of Thurgarton and to the north of Hoveringham. It forms a small rectangular plot of land to the north of a former sand and gravel pit, which

was granted consent in February 2016 to be used by the Scout Association as a water sports lake. The site is accessed from an access track off Thurgarton/Hoveringham Lane with Thurgarton railway crossing and station situated immediately to the north of the site and the Hanson cement works immediately to the east.

The wider site comprises a lake, club house (prefabricated porta cabins), boat storage compound and vehicle parking area. The lake is approximately 1.5km in length, 600m in width (at its widest part) and crossed by high voltage overhead electricity pylons at approximately the mid-point.

According to the latest Environment Agency maps, the site is partly within Flood Zone 2 and partly within Flood Zone 1. The entire site lies close to the boundary but within the Nottinghamshire Green Belt.

The lake adjacent to the site is part of Hoveringham Gravel Pits ex local wildlife site.

The site is not situated within a Conservation Area (CA), with the closest CA being Thurgarton approximately 450m to the north. The closest heritage asset to the site is Thurgarton Station which is a Grade II listed property situated approximately 200m to the north.

The site is bound from the roadside by hedging and a 'permissive path' as detailed within the site restoration program runs around the edge of the lake approximately following the line of the drainage ditch. The path is separated from the scout site by post and mesh fencing and lies approximately 80m to the east of the existing lakeside club house.

2.0 Relevant Planning History

22/00896/FUL - Demolition of Scout Hut and erection of replacement building providing training and changing facilities.

Application refused for the following reason:

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 satisfy any of the relevant exemptions outlined in Paragraph 149 of the NPPF. The building would be materially larger than the one it is intended to replace, and its significant size and scale would adversely affect the openness of the Green Belt.

The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances which have not been adequately demonstrated in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Policy 1 (New Development) of the Thurgarton Neighbourhood Plan 2017 and Spatial Policy 4B (Green Belt Development) of the Amended Newark and Sherwood Core Strategy 2019.

18/01298/FULM - Variation of conditions 2, 13 and 14 attached to planning permission 15/01537/FULM

Application approved November 2018.

17/01882/FULM - Application for variation of conditions 2 and 13 of planning permission 15/01537/FULM (Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank) to allow the portacabin to be 9.6m x 9m, with rear decking area of 4.7m x 11.8m and painted Forest Green rather than clad. In addition, retention of 2.35m high compound fence, 2.53m high compound gates and 4 metal storage containers and a timber shed within the compound area. (Retrospective)

Application refused following a Member resolution at the Committee Meeting of 6 March 2018 (contrary to Officers recommendation to approve). The application was refused for the following reason:

The clubhouse and associated boat storage compound (including the boundary fence and the two additional storage containers and timber shed) given their design, materials and scale as built result in an industrial appearance which is considered to result in an unacceptable degree of visual harm to the rural character of the surrounding area. In addition the resultant development is considered to be incongruous in this setting and would detract from the openness of the designated Green Belt and conflicts with the purposes of including land within it. The proposal therefore fails to accord with Spatial Policy 4B, Core Policy 9 and Core Policy 13 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013). The proposal represents inappropriate development within the Green Belt which is by definition harmful as outlined by the NPPF. No very special circumstances have been presented which would outweigh this identified harm.

15/01537/FULM - Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank. *Approved February 2016.*

11/00212/CMA - Variation of conditions 22 and 24 of planning permission 3/08/0226/CMA to extend the timescale for the completion of restoration works and tree planting. *Approved 2011.*

93/50782/CMA – Extract sand and gravel and re-phase infill by pulverized ash. *Approved 1996.*

93830713 – Extraction of sand & gravel, construction of road tunnel and conveyor. *Approved 1984.*

3.0 The Proposal

The proposal seeks to replace the existing porta cabin building with a purpose-built building comprising a meeting space (which can be subdivided into two classrooms); changing facilities

and offices. The building would be approximately 22.76m by 12.12m and would be surrounded on three sides by an external deck up to 3.5m in width. The building would have a maximum pitch height of around 3.6m with eaves of around 2.4m. Materials proposed would predominantly be fibre cement cladding finished in sage green with a grey metal roof. The south elevation would feature solar panels.

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

- Site Location Plan - 00001;
- Existing Site Plan – 00002;
- Existing Floor Plan – 00003;
- Existing Elevations – 00004;
- Proposed Site Plan – 00005;
- Proposed Floor Plan – 00006;
- Proposed Elevations – 00007;
- Design and Access Statement – Zenith Planning and Design Consultants dated January 2023;
- Ecology and Protected Species Survey – Inspired Ecology Ltd dated January 2022;
- Foul Drainage Assessment Form;
- Flood Risk Assessment – ECL0824/Zenith Planning and Design dated August 2022;
- **Annotated Existing and Proposed plans received by email dated 27th March 2023;**
- **Copy of Lease for use of the land received by email dated 27th March 2023.**

4.0 Departure/Public Advertisement Procedure

There are no immediately adjacent neighbours to consult so a site notice has been placed at the site.

Site visit undertaken on 12th January 2023.

5.0 Planning Policy Framework

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development
Policy 3: Transport Impact of Development
Policy 4: Local Employment
Policy 5: Community Facilities
Policy 6: Historic and Natural Environment

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

Spatial Policy 4B– Green Belt Development
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
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)
- Landscape Character Assessment SPD (2013)

6.0 Consultations

Hoveringham Parish Council – support the application and furthermore feel the proposed construction will be a huge improvement visually to the current structure.

The scouts are excellent neighbours who, apart from enhancing youngsters’ lives, go over and above with caring for the environment in many ways - litter picking, footpath maintenance etc which benefits everyone.

Thurgarton Parish Council – Support.

NCC Highways – No objection subject to condition.

NSDC Environmental Health (contaminated land) – Advice note regarding Radon.

Environment Agency – No objection subject to advice in relation to drainage.

NCC Flood – No objection and no further comments.

NCC Rights of Way – No comments received.

Ramblers Association – No comments received.

National Grid – No comments received.

Nottinghamshire Wildlife Trust – No comments received.

Trent Valley Internal Drainage Board - The Board maintained Spitalwood Dumble, an open watercourse, exists to the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

No letters of representation have been received from any third/interested parties.

7.0 Background

Since the March meeting, the applicant has provided additional information to support the application which is available to view on the planning file but is summarised below for completeness. For the avoidance of doubt, the proposal itself has not been revised.

- Further justification as to the inadequacy of the existing building has been provided. Specifically, it is stated that Sports Council guidance gives 1m² per participant as acceptable minimum space for changing facilities. The change of use approval allows for 75 people at any one time to be on the water and therefore it is the applicants case that 75m² of changing facilities alone is required, the existing building has 34m² of changing facilities (the proposed would have 66m²);
- Photographs of the internal space of the building have been provided to demonstrate that it is not suitable for winter use leading to alternative locations being sought for winter usage by the Explorer Scout unit;
- The applicant considers that the proposed new facility demonstrates special circumstances and that the proposed building would preserve the openness whilst using sustainable features such as solar PV panels and enhancing the site;
- A copy of the lease for the land has been provided which clarifies the restriction on usage as defined below. The applicant has confirmed that they would be willing to accept a condition restricting usage to align with the restrictions of the lease (with the exception of the use of the word camping as Scouting is an exempt organisation under the camping and caravanning legislation). The copy of the lease received defines the “Term” as expiring on 30th March 2044. There are also break clauses available for both the tenant and the landlord within the lease. Whilst the applicant may not currently have any intentions to vacate the site, there is a risk in planning terms that if permission were to be granted based on the usage by the Scouts as very special circumstances then the building would last beyond the Scouts occupation (it would not be reasonable to condition its demolition).

“Permitted Use” means use, subject to paragraph Error! Reference source not found. of Error! Reference source not found., as an activity centre for Nottinghamshire County Scouts which shall comprise the following uses:

- (a) use of the Lake for windsurfing, sailing, rowing, canoeing, kayaking, paddle boarding, open water swimming and fishing;*
- (b) use of ancillary motorised craft to support safety and activity management;*
- (c) use of the Land for activities ancillary to the primary use as a scout activity centre including centre facilities, parking, camping for members and visitors, training and other scouting activities.”*

8.0 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 and Green Belt Considerations

Policy 1 of the Neighbourhood Plan refers to development in the Green Belt directing assessment towards National Green Belt policy. This is also the case with Spatial Policy 4B of the Core Strategy.

The site lies on the eastern edge of the Nottinghamshire Derby Green Belt. 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 149 goes on to confirm that some new buildings may be considered as an exception to inappropriate development including *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*

The new building would replace the original portacabin changing / training room which was originally approved in 2016 as part of the wider change of use application for the lake. The current application submission refers to this as being a temporary building but for the avoidance of doubt, the conditions on the 2016 approval did not require its removal at a later date and therefore in planning terms it has a permanent permission.

The table below shows a comparison between the existing building; the previously refused scheme and the building now proposed (discounting the external areas of decking):

	<i>Existing</i>	<i>Application 22/00896/FUL</i>	<i>Proposed Scheme</i>	<i>% difference between proposed and existing</i>
<i>Floor space (m²)</i>	86.4	307.04	276.69	+220.2
<i>Height (m)</i>	2.35	5	3.64	+54.9
<i>Volume (cubic m)</i>	250.56	1151.55	855	+241.2

Even in the context that the proposed building would also include an office, I am satisfied that it can be considered as the same use. It is acknowledged that the scale of the building has reduced slightly since the previous refusal but based on the table above, it is very clear that the proposed building would still be materially larger than the existing and therefore would fail to satisfy the exception in relation to replacement buildings set out in the NPPF.

There is also an allowance in paragraph 149 for *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;'*

As per the planning history, the wider site is used as a water sports lake by the Notts Scouts Association. It is suggested that the current building has been outgrown, given the expansion

of numbers and range of activities offered. I am satisfied that the building would be associated with outdoor sport and recreation thereby complying with the initial element of the above exception. However, in order to be acceptable in Green Belt terms, the proposal would also need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

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 potential conflict with the above would be encroachment into the countryside. However, given that the building would be positioned between the lake and an existing parking area in the place of an existing building, I am not convinced that there would be demonstrable harm in this respect.

Notwithstanding the above, it also falls to assess whether or not the proposal would preserve the openness of the Green Belt. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

The scale of the proposed building would be expansive and significantly bigger than the existing building on site (even in its reduced scale from the previous application). The impacts of the development would be compounded by the associated decking which would largely surround the building. The combined increase in volume; footprint and height would fail to preserve the openness of the Green Belt as required by the NPPF.

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.

The Design and Access Statement seeks to present very special circumstances on the basis that the building needs to be upgraded to meet Part M building regulations. It is stated that in the summer months portaloos and temporary changing areas need to be erected to serve the level of activity within the site. It is also stated that there are safety issues with the existing building (specifically the multitude of access and exit doors).

Whilst I would sympathise with the issues which are experienced given the constraints of the existing building, I do not consider that the inconveniences experienced in the summer months would be enough to constitute very special circumstances which would permit harm

to the Green Belt. The development is therefore considered contrary to the relevant provisions within the NPPF, Spatial Policy 4B and Policy 1 as set out above.

The applicant has provided additional justification since the March committee meeting including reference to the Sport Council guidance for the required size for changing facilities. Even taking the approved use of the lake for 75 people into account, it is not considered that it an essential requirement for all of those people to use the changing facilities at the same time. The additional information provided does not alter the position of Officers that the development would be inappropriate in the Green Belt and very special circumstances to outweigh the harm have not been adequately demonstrated.

Impact on Character and Design

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Sherwood Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2013). The site is located within the Trent Washlands Policy Zone 52: Thurgarton River Meadowlands. The characteristics of the zone are a flat low-lying landscape with linear stretches of pasture against the River Trent. The landscape condition is described as moderate with a weak sense of place giving the overall action to create and reinforce.

Despite the hedged boundaries of the wider site, the existing buildings on and adjacent to the site have a degree of visibility in the wider landscape. The proposed building would be over a metre higher than the existing portacabin and set against the back drop of the low lying lake would potentially be a prominent feature of the site. However, it is noted that the immediate site surroundings include industrial buildings of significant scale (outside of the Green Belt).

The building would be finished in a green fibre cement cladding which would assist in reducing the overall landscape impact. Overall, there are no design or landscape objections to the building, but this in itself does not change the conclusions on the adverse impact on openness in the context of the Green Belt.

Impact on Flood Risk

Para.167 of the NPPF states when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states 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. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

Paragraph 162 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The site is partly within Flood Zone 1 and partly within Flood Zone 2. Sequentially it appears that there is enough land within the applicant's ownership to position the whole building outside of the higher flood zone. However, it has been previously explained that the building is required to be right at the edge of the lake for surveillance as a safety issue. This is not disputed and therefore the development would be acceptable sequentially.

Table 2 of the PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of outdoor sports and recreation and essential facilities such as changing rooms and is classified as 'Water Compatible Development'. Table 3 of the PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is partly in Flood Zone 2 and the development is 'Water Compatible' therefore development is appropriate, and the exception test is not required.

Nevertheless, the application has been accompanied by a Flood Risk Assessment which outlines mitigation measures including elevated floor levels and registration to the flood warning service provided by the Environment Agency. If permission were to be forthcoming then these elements could be conditioned to ensure that the development would be safe for its lifetime.

Impact on Ecology and Trees

Policy DM7, consistent with the requirements of Core Policy 12, establishes that new development "*should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network*".

The proposal includes the demolition of an existing building on site and so the application has been accompanied by an ecological survey. In addition to this the proposal would include the removal of some reedbed and scattered trees. In respect to the reedbed removal, the report identifies that common reed is listed an indicator species for fen, marsh and swamp habitat for which the adjacent local wildlife site is designated. However, as the site is small in size it is not considered that a significant amount of common reed will be removed and it is not anticipated that the removal of the common reed will affect the botanical interest features of the wildlife site. Having assessed the trees which would need to be removed to facilitate the siting of the building, these are of no particular merit to warrant full assessment through a tree survey. If permission were to be otherwise forthcoming, then a condition could be imposed to secure replacement planting to compensate for their loss.

There was no evidence to suggest that the building for demolition supports roosting by bats and it was assessed as offering negative bat roost potential.

Precautionary measures are suggested which could be secured by condition if the development were to be otherwise acceptable.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

It is acknowledged that the site has an established use which in turn will have an established impact on the highways network. It has been confirmed that there would be no increase in the number of people attending each session and therefore there would be no impact on traffic generation or on-site parking demand.

NCC Highways have been consulted on the proposal. Their original comments raised concern in respect to the gate being adjacent to the highway without allowing vehicles to pull off the road if the gate were closed. However, their latest comments raise no objections provided a condition is attached requiring revised access details showing a gate set into the site. Given that the use of the site is established and it is not intended to increase the existing usage, subject to the suggested condition, the proposal is considered compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

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 proposed building would be over 200m from the nearest neighbouring property such that its size and scale would have no adverse amenity impacts. For each session on the water there would typically be 30 youngsters and 10 instructors. It is stated that there would be no increase in the number of people attending each session as a result of this new building and therefore there would be no impact on additional comings and goings to and from the site. The use to which the building is associated is already established and in operation on site and therefore there would be no harmful amenity impacts arising from the proposal.

Other Matters

The Environment Agency have commented on the proposed drainage provisions noting that there are some points within the application which are contradictory (the application form states the intention is to use a septic tank, whereas the Foul Drainage Assessment has both septic tank and package treatment plant ticked). Nevertheless, they have raised no objections to the use of non-mains drainage subject to the applicant ensuring that the system is compliant. They have offered advice to this effect which could be included as an informative note if the application were otherwise acceptable.

9.0 Implications

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

10.0 Conclusion

The proposed development would represent inappropriate development in the Green Belt which by definition is harmful. The development would impose harm to the openness of the Green Belt. Very special specific circumstances to outweigh this harm have not been presented and therefore the development is recommended for refusal.

11.0 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 satisfy any of the relevant exceptions outlined in Paragraph 149 of the NPPF. The building would be materially larger than the one it is intended to replace, and its significant size and scale would adversely affect the openness of the Green Belt.

The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances which have not been adequately demonstrated or identified in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Policy 1 (New Development) of the Thurgarton Neighbourhood Plan 2017 and Spatial Policy 4B (Green Belt Development) of the Amended Newark and Sherwood Core Strategy 2019.

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/

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

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

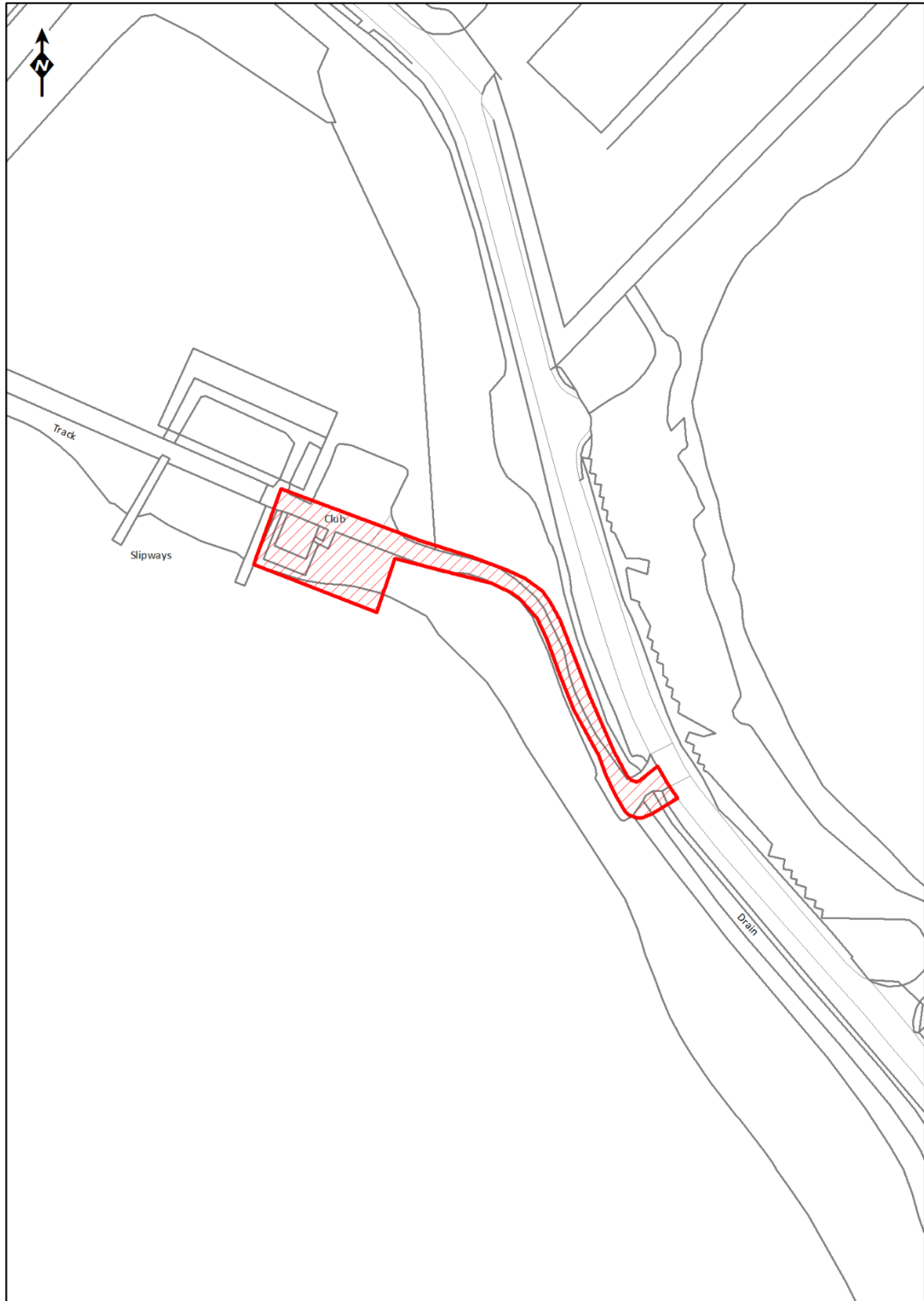
- Site Location Plan - 00001;
- Existing Site Plan – 00002;
- Existing Floor Plan – 00003;
- Existing Elevations – 00004;
- Proposed Site Plan – 00005;
- Proposed Floor Plan – 00006;
- Proposed Elevations – 00007;
- Design and Access Statement – Zenith Planning and Design Consultants dated January 2023;
- Ecology and Protected Species Survey – Inspired Ecology Ltd dated January 2022;
- Foul Drainage Assessment Form;
- Flood Risk Assessment – ECL0824/Zenith Planning and Design dated August 2022;
- Annotated Existing and Proposed plans received by email dated 27th March 2023;
- Copy of Lease for use of the land received by email dated 27th March 2023.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/02296/FUL



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, 01636 655834

Report Summary			
Application Number	22/02188/FULM		
Proposal	Construction of on-line flood storage reservoir to create upstream storage area on Cocker Beck to provide flood protection to village of Lowdham including removal of material and re-profiling of land and construction of associated embankment that will contain flow control structure in the form of engineered conduit; diversion of Cocker Beck for approximately 670m and diversion of the tributary to the north for approximately 250m; a number of additional elements including; the realignment of two Public Rights of Way, formation of new vehicular access to Lambley Road, residential/farm access track realignment, environmental mitigation works and landscaping (Re-submission of 21/02418/FULM)		
Location	Hunters Hill Farm Lambley Road Lowdham NG14 7DF		
Applicant	Environment Agency	Agent	
Web Link	22/02188/FULM Construction of on-line flood storage reservoir to create upstream storage area on Cocker Beck to provide flood protection to village of Lowdham including removal of material and re-profiling of land and construction of associated embankment that will contain flow control structure in the form of engineered conduit; diversion of Cocker Beck for approximately 670m and diversion of the tributary to the north for approximately 250m; a number of additional elements including; the realignment of two Public Rights of Way, formation of new vehicular access to Lambley Road, residential/farm access track realignment, environmental mitigation works and landscaping (Re-submission of 21/02418/FULM).		
Registered	09.11.22	Target Date	21.04.23
		Extension of Time	

Recommendation	To follow
-----------------------	-----------

Members are advised that at the time of agenda print, a significant amount of information has been provided which requires appraisal. Subject to the information being assessed and found acceptable a Committee Report will be circulated in advance of the meeting, including any request for delegation of further outstanding matters.



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, 01636 655827

Report Summary			
Application Number	23/00058/FULM (MAJOR)		
Proposal	Proposed change of use to residential caravan site for gypsy/travellers (19 No. pitches), relocation of 2 no. existing pitches, construction of 1 no. managers dwelling, an amenity building and creation of new access		
Location	Chestnut Lodge, Barnby Road, Balderton, Newark On Trent, NG24 2SN		
Applicant	Mr Tom Holmes	Agent	N/A
Web Link	23/00058/FULM Proposed change of use to residential caravan site for gypsy/travellers (19 No. pitches), relocation of 2 no. existing pitches, construction of 1 no. managers dwelling, an amenity building and creation of new access Chestnut Lodge Barnby Road Balderton Newark On Trent NG24 2SN (newark-sherwooddc.gov.uk)		
Registered	02.03.2023	Target Date	01.06.2023
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10 and subject to the no new material planning considerations being raised between the resolution and the expiration of the consultation period advertising the application as a departure from the Development Plan		

This application is before the Planning Committee at the request of Cllr J Lee who is opposed to the development (which differs from the officer recommendation) due to concerns about impact on the open countryside, inclusion of a manager’s dwelling, access and egress, enforcement cases on the site, lack of local services and impact on Barnby in the Willows village.

1.0 The Site

The application site lies on the south side of Barnby Road. Approximately 500m to the west of the site is the junction with Balderton Lane (which links Balderton with Coddington), and beyond which is the A1. East of the site, Barnby Road eventually leads to Barnby in the Willows. The site mostly sits between two properties, Chestnut Lodge to the east and Chestnut House to the north-

west (which is understood to also be in use as a transportation company). To the north of the site, between Chestnut Lodge and the newly proposed access is a gas valve compound. On the opposite side of the site is Moorhouse, a dwelling with equestrian facilities.

The site includes land to the west, south and south-west of the gas compound and Chestnut House and includes Chestnut Lodge and the land that surrounds it. The main portion of the site relates to a field to the rear of an existing site with consent for 2 gypsy and traveller pitches – two static caravans are on site, one adjacent to the southern boundary and one to the west of the gas compound. Beyond the confines of the site is open countryside. The site is flat and was previously predominantly a grassed field/paddock but some of which has been hard surfaced as part of the aforementioned consent. Boundaries to the south and west with the open countryside comprise existing hedgerows with close boarded timber fencing in front, but within the site the boundaries between Chestnut Lodge and the wider site are bound by post and rail fencing. On site, to the north of Chestnut Lodge two caravans were observed on site being stored.

As well as the application site, the applicant also owns Chestnut Lodge and the land that surrounds it (to the east). The southern portion of the site currently has a former agricultural building along the eastern boundary and land to the NW, around Chestnut House, contains a number of structures.

To the east of Chestnut Lodge is a vehicular access from Barnby Road that runs down the side of the Lodge (enclosed along its eastern boundary and then turns 90 degrees adjacent to its rear boundary, which then stretches into the application site. This access serves both the Lodge, the application site, the two authorised pitches and the agricultural buildings beyond the site to the west.

Situated in the open countryside, the site is located to the east of the main built-up area of Balderton. The application site is located within Flood Zone 1 of the Environment Agency Flood Maps, which means it is at low risk of fluvial flooding but is susceptible to surface water flooding.

Two underground gas pipelines run across part of the site which both have 6m wide easements where no structures should be sited. These gas pipes connect to the gas valve compound running to the south; one pipe then turns 90 degrees and runs along the southern boundary of the application site.

Barnby Road has a deep grass verge on its southern side in this location, some of which is planted with mature trees, but no footways are provided along Barnby Road.

2.0 Relevant Planning History

22/01424/LDC - Lawful Development Certificate for the formation of one access for outbuilding – Certificate not issued 03.10.2022 due to the works not complying with the permitted development legislation.

21/00027/FUL - Change of use of the land for the siting of caravans for residential purposes for 2no. gypsy pitches and hardstanding ancillary to that use (retrospective) – Permitted 01.04.2021 (by Planning Committee in line with officer recommendation) and conditions discharged under 21/01252/DISCON.

03890470 – Erection of agricultural workers dwelling and garage – approved 03.08.1989 (this

related to land to the north of Chestnut Lodge but does not appear to have been implemented).

88/1154 - Erection of agricultural dwelling, approved 30.01.1989 (this related to Chestnut Lodge)

FUL/990739 - Removal of agricultural occupancy condition, approved 19.01.2000

3.0 The Proposal

The application seeks planning permission for the change of use of the land to provide 19 Gypsy and Traveller pitches for permanent occupation, the relocation of 2 existing pitches (21 total pitches), the erection of one associated amenity building and one manager's dwelling in addition to the creation of a new access onto Barnby Road.

The submitted layout shows the manager's dwelling would be broadly central within the site, approx. 8m to the south-west of the Gas Valve Compound, in place of one of the existing static caravan units. The dwelling would be a large 5-bed dwelling approx. 16m wide, x 12m deep, 10.7m to the ridge and 5.3m to the eaves. It would be positioned approx. 50m back from the front boundary with the highway and approx. 86m from Chestnut Lodge to the east and 80m from Chestnut House to the west. The dwelling would be accessed from the new access to the north (to the west of the Gas Valve Compound) and would overlook both the proposed access and the land to the rear where the new pitches are proposed. It would be constructed in red brick (Hampton rural blend facing brick) and Marley Modern anthracite roof tiles with uPVC windows and doors.

The existing 2 pitches are proposed to be relocated to the north of Chestnut Lodge along with 2 new pitches in a row of four along the northern boundary. 17 new pitches are then proposed to be positioned in the southern field and each pitch has been shown with space for one static and one tourer caravan. Additional parking spaces are proposed to the north-west. The pitches range in area from approx. 160m²-216m² and in the southern field are proposed to be laid out in two rows. The pitches are proposed to be made up of hardstanding and grass. Communal bin storage for waste and recycling is proposed broadly central at the front of the 17 pitches. Foul sewerage disposal would be via septic tanks.

The amenity building would be located on the eastern side of the site in place of an existing caravan pitch and would measure approx. 15.1m x 8.1m, 5.9m to the ridge and 2.7m to the eaves, constructed in brick and anthracite roof tiles. The amenity building would comprise 8 shower rooms, 2 separate w/cs and a kitchen/utility room and would be constructed in red brick (Hampton rural blend facing brick) and Marley Modern anthracite roof tiles with uPVC windows and doors.

Additional information has been received from the Applicant in relation to the proposed occupiers of the pitches which states that the future occupiers of the pitches are not currently known but will be restricted to those meeting the definition of a gypsy or traveller, as provided through the Planning Policy for Traveller Sites. The Applicant states that future occupiers are likely to be from Tolney Lane where there are a number of pitches without permanent consent.

Documents assessed as part of this application:

- Application Form
- Planning Statement (12.01.2023)
- Supporting statement (12.01.2023)
- Flood Risk Assessment (02.03.2023)

- Plans:
 - Existing Site Plan – Ref. 2208-06
 - Proposed Site Plan – Ref. 2208-01 E
 - Proposed Floor Plans – Ref. 2208-02 D
 - Proposed Second Floor Plan and North Elevation – Ref. 2208-03 C
 - Proposed Elevations and 3D Views – Ref. 2208-04 C
 - Proposed Amenities Block – Ref. 2208-05
 - Proposed Access and Visibility Splays – Ref. JG01
 - Swept Path Analysis Plan – Ref. JG02

4.0 Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Site Visit Date: 15.03.2023

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 4 – Gypsies and Travellers – New Pitch Provision

Core Policy 5 - Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

Policy DM5: Design

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- NSDC Plan Review Publication Amended Allocations & Development Management DPD, Nov 2022
- Gypsy and Traveller Accommodation Assessment, Feb 2020
- The Equality Act 2010
- Human Rights Act 1998
- Planning Policy for Traveller Sites (PPTS) – 2015 (summarised below)

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning Policy for Traveller Sites).

This document states that the following issues should be considered, amongst other relevant matters:

- Existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- Applications should be determined for sites from any travellers and not just those with local connections.

Weight should also be attached to:

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

If a LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of planning permission should be granted permanently.

Annex 1 provides a definition of “gypsies and travellers” and states:-

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

6.0 Consultations

NB: Comments below are provided in summary and relate to the latest comments received from consultees. For comments in full please see the online planning file.

Barnby in the Willows Parish Council – Object – Concerns raised:

- Other sites proposed for allocation are better placed than this site.
- Site Capacity – concerns that each pitch having one static and one touring caravan would be occupied by two families meaning potential for 38 families on site.
- Road Safety concerns due to increased vehicle movements, types of vehicles using the roads, safety of pedestrians/cyclists/horse riders. Poor condition of the road surfaces and increase in traffic flows.
- Loss of privacy – neighbouring properties would be overlooked. The site has potential for expansion which would exacerbate privacy concerns.
- Light pollution – erection of floodlighting at the site has increased light pollution which impacts neighbours and natural habitats.

- Impact on landscape and character of the area – the loss of hedgerows and trees as a result of new fencing has impacted the character of the area and local wildlife. The managers dwelling would not be in keeping with the surrounding area.
- Managers dwelling - A managers dwelling is not required, particularly at such a scale.
- Flooding - Increase in hardstanding will impact flooding. Insufficient detail has been given about how water, waste and waste water is to be managed on site in terms of being connected to mains, or septic tank facilities. Concerns that the drainage ditch has been infilled to facilitate the new access.
- Site and facilities management – no details have been provided as to how the site will be managed, concerns whether the site would be council-led and how this would work in practice.
- Facilities – Barnby does not have sufficient amenities so future occupiers would not have access to schools, medical provision etc. They will strain existing facilities.
- Alleged breaches of condition – two caravans were put on the site and applied for retrospectively, and concerns that more caravans are on the site than previously stated.
- Inconsistency of application of planning review guidelines – previous applications for a caravan site, a bungalow and for a log cabin, as well as matters relating to the site’s access - have been refused in the past so granting permission for a scheme of this size and scale would be inconsistent and contrary to previous policy decisions in the area. This is in addition to it being inconsistent with policy for green belt land.
- Petition and resident feedback – the Parish has received a petition signed by 121 people.

Balderton Parish Council – Object – Concerns raised:

- The proposal fails to provide a safe means for pedestrians and cyclists to link with footways or cycleways to the village amenities; Coddington Road is a very busy, narrow road with no pavement or cycle track.
- The site falls within the countryside and the proposed development is considered to be out of keeping, creating a detrimental impact upon neighbouring properties.
- Chestnut Lodge is not a designated G&T site and members would prefer alternative options to be explored such as Bowbridge Lane Ironworks location.
- The presence of the gas line running through the site poses a safety concern should the site be developed further.

Coddington Parish Council – Object – Concerns raised:

- The planning officer should assess the need for an Environmental Impact Assessment. The development is clearly defined in Schedule 2 of the EIA regs and is triggered as the site is over 1Ha. The applicant should provide an EIA.
- The ancillary building has windows close to the boundary of the adjoining land and this contravenes building regulations as it has fire safety implications.
- There are no details submitted as to how the land contamination issues of the development as highlighted within the reports will be dealt with.

NSDC Planning Policy – Support the principle of development.

NCC Highways – No objection subject to conditions.

NSDC Environmental Health Officer – No objection – “The applicant should be aware that should permission be granted, the site is likely to require a site license [...].”

NSDC Environmental Health Contaminated Land Officer – No objection subject to imposing the full phased contaminated land condition due to previous potentially contaminative land-use on the site.

CADENT Gas – No objection – “The applicant has reassured us on the issues with the intermediate and high pressure gas assets and we are happy the integrity of the Cadent gas assets will be adequately protected.”

Nottinghamshire Police Designing Out Crime Officer – Comments reference ‘Secured by Design’ which relates to the design and build of new homes to reduce opportunity for crime and fear of crime.

Trent Valley Internal Drainage Board (TVIDB) – No comments received.

Comments have been received from 60 residents/interested parties that can be summarised as follows:

OBJECT

Principle

- The number of pitches is excessive for the area and would expand the village to the detriment of local infrastructure (quality of roads and local amenities). The quantum should be reduced.
- Previous owners approached NSDC for a new dwelling on the site and were turned away as the site is in Green Belt.
- Site allocations are still out for consultation and therefore carry little weight.
- There are no exemptions for Travellers in the open countryside policies.
- The site does not comply with CP5.
- No justification as to why a new house of such size is required and an additional access when a house and access is already on the site - Chestnut Lodge with its access.
- A condition was attached recently to limit the site to 2 pitches, this position should not change.
- The scale of development is disproportionate and will dominate the local community.

Character Impact

- The development would be significantly out of character with the surrounding area.
- The fencing around the site is harmful to the character of the area.
- The proposed site would be out of scale and character with the surrounding area and would urbanise the countryside.
- A three-storey house would be highly visible and out of character with the surrounding area.
- The development would harm the natural beauty of the countryside.
- Landscape character impact cannot be assessed as an LVIA has not been submitted.

Highways

- Concerns over the increase in traffic due to the condition of the roads and lack of footway and streetlights.
- The site is adjacent to an equestrian yard. Many horse riders use Barnby Road and the increase in traffic will increase the risk of collision and compromise the safety of horses and riders. Extra traffic would also increase noise and air pollution.

- A previous application for a new access at the site was refused by highways as it is not suitable for additional traffic.
- There would be an increase in pedestrian traffic and there are no footpaths.
- Concerns in relation to safety of pedestrians and cyclists.
- Concerns in relation to adequate visibility from the proposed access.
- The site is not sustainable as there is a reliance on the private car.
- Traffic generated by G&T sites will damage the condition of the roads.
- The site is on a blind bend.
- There seems to be a clash with the proposed access and the one for the existing business.

Ecology

- Bats, birds and Owls are rarely seen any more due to the floodlights that have been installed.
- The site would harm local biodiversity.
- Within the environmental statement there is no mitigation for the increased light pollution caused by such an increase in properties and site lighting on the local environment.

Flood Risk

- The applicant has infilled the adjacent ditches along the highway which controls flooding – this has exacerbated flooding of surrounding fields.
- The flood risk assessment doesn't take into account the lack of road drainage within the area and the flow of water into the agricultural drainage and the effect on wildlife.

Amenity

- The site would have a detrimental impact on local guest house businesses and the newly opened public house.
- The proposal would diminish the standard of living of local residents.
- The light pollution from the site adversely impacts local residents.
- Erection of additional flood lighting and CCTV installation is going to prove an added environmental problem to the habitats of the local wildlife.

Other

- Concerns over the proximity to the gas mains over the site and the potential impact through vehicles moving over the pipeline.
- Concerns over the provisions for waste and whether local infrastructure can accommodate a septic tank and additional waste and whether this will pollute local water sources.
- There is a lack of local infrastructure in place to accommodate additional residential properties. The development triggers the requirement for developer contributions.
- The area has an issue with low water pressure which would be exacerbated with this development.
- The site has large fires and burning through the year.
- Two caravans per pitch is unnecessary and excessive.
- The increase in caravans would result in the site spreading past the boundaries of the site.
- The proposal would result in more littering in the area.
- 19 pitches could result in 76 additional people residing in the village meaning a 30% increase in the Barnby in the Willows population (based on 2011 census data).
- The application is a major development as the number of dwellings applied for is 21. Planning application requirements for major applications therefore needs to be met and a number of documents are therefore missing from the application.
- There are currently 5 vans on site and not 2 as stated in the application.

- Tolney Lane is not full and should be occupied in preference to this site.
- Traveller sites in Balderton have been approved and are now not being used.
- Consultation with local residents has been insufficient.
- There has already been an increase in door knocking, leaflet dropping and cold calling in the village and this anti-social behaviour will increase.

7.0 Appraisal

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.

Procedural Matters

Many of the comments received from third parties reference the site being within the Green Belt. In the interest of clarity and for the avoidance of doubt, the site is not located within the Nottinghamshire-Derby Green Belt as this broadly covers the south-west side of the District (as shown in Figure 2, pg.30 of the Amended Core Strategy). Green Belt policies are therefore not applicable.

Comments from third parties also reference the fact the application has been registered as a 'major' planning application as the proposal is for the "*provision of 21 dwellings*". However, Officers note that the application is for only **one** dwelling (the manager's dwelling) and 19 pitches. G&T pitches do not meet the definition of a '*dwellingshouse*'. '*Major development*' is defined under Section 2(1) (Interpretation) of Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In this case the application constitutes major development as the development would be carried out on a site that is greater than 1 hectare in size (para. E, Section 2(1), Part 1).

The Council has considered comments made in relation to the alleged requirement for additional reports and surveys to be submitted with the application given it constitutes '*major development*'. However, Officers are satisfied that the necessary documents have been submitted to accompany this application, and where they have not, these have been requested throughout its course.

Comments received also refer to permission being refused for a new access point into the site. However, Officers note that a Lawful Development Certificate application was refused ref. 22/01424/LDC for the formation of a new access due to the works not complying with the permitted development legislation rather than it not being acceptable in principle/highways safety terms. The refusal of the LDC merely indicates that express planning permission is required.

Principle of Development

The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers (G&Ts) can live. The Gypsy and Traveller Accommodation Assessment (GTAA)

demonstrates a need for 118 pitches to meet the needs of those who were established to meet the planning definition between 2013-33 (this figure rises to 169 to take account of undetermined households and those who do not meet the definition – but who may require a culturally appropriate form of accommodation). Our requirement of 118 pitches forms the basis of the five-year land supply test, as required as part of the Planning Policy for Traveller Sites (PPTS). Helpfully the GTAA splits this need across 5-year tranches – with 77 pitches needing to be delivered or available within the first period (2019-24) for a five-year supply to be achieved. This reflects a heavy skewing towards that first tranche – due to the need to address unauthorised and temporary development, doubling up (i.e. households lacking their own pitch) and some demographic change within that timespan (i.e. individuals who will be capable of representing a household by the time 2024 is reached). For the Council to be able to demonstrate a five-year land supply of deliverable G&T sites, the supply must exceed the five-year need figure of 77 pitches.

This represents a significant unmet need. Provision to help meet this need will be made as part of the production of the Amended Allocations & Development Management DPD, which is currently underway which will seek the allocation of specific sites, as well as through the granting of permission for appropriate development. Presently however the Council is unable to identify any other sites that are currently available or deliverable for Gypsy and Travellers and in addition is unable to demonstrate a five-year land supply, as required through national policy (PPTS). Both the extent of the pitch requirement and the lack of a five-year land supply represent significant material considerations, which should weigh heavily in the favour of the granting of consent where proposals will contribute towards supply. Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that NSDCs pitch requirements are driven by locally identifiable need.

The emerging policies within the Publication Amended Allocations and Development Management DPD¹ demonstrates a commitment by the Council to meeting the need for pitches in the District and this emerging strategy seeks to allocate the application site for gypsy and traveller pitches (ref. NUA/GRT/12 for 20 pitches and a new dwelling to assist in the management and operation of the new pitches). In the absence of an adopted strategy, any need is required to be met through the determination of planning applications on an ad hoc basis with limited direction from adopted planning policies beyond Core Policy 5 (Criteria for Considering Sites for Gypsies & Travellers and Travelling Showpeople). Furthermore, while only limited weight can be given to the proposed allocation as the Plan has yet to be submitted and found sound and the unresolved objections to the broad G&T strategy from the publication stage, the contribution towards supply as a windfall site could nevertheless contribute towards the District's current unmet need.

There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five-year supply of sites. These matters carry significant weight in favour of proposals where they would contribute towards supply.

As this site is a new site, it did not form part of the baseline position (August 2019) for the GTAA. The supporting information submitted states that future occupiers of all of the pitches are not currently known but will be restricted to those meeting the definition of a gypsy or traveller, as provided through the PPTS. The applicant states that future occupiers are likely to be from Tolney Lane where there are a number of pitches without permanent consent, however this is not

¹ <https://democracy.newark-sherwooddc.gov.uk/documents/b2647/Newark%20Sherwood%20Plan%20Review%20-%20Amended%20Allocations%20and%20Development%20Management%20Development%20Plan%20Docu.pdf?T=9>

reinforced by any expressions of interest from families wanting to relocate to the site. It is also noted that two authorised pitches currently exist on the site, both of which are proposed to be retained but relocated to the north of Chestnut Lodge – the occupiers of one of the existing pitches would move into the Manager’s dwelling and the occupiers of the other pitch would be relocated to the north of the site - therefore, the net additional pitches proposed would be 20.

Based on the information provided by the applicant, subject to a planning condition restricting occupation of the site to those meeting the planning definition (as referred to in the recent Spalford appeal decision²) of a gypsy or traveller, the proposed pitches would be available to help meet existing, and future locally identified G&T need. It could also indirectly assist in meeting identified needs at sites on Tolney Lane should existing occupiers of these sites relocate to the application site. This positive contribution towards meeting the need identified through the GTAA and the demonstration of a five-year land supply, is a significant material consideration in favour of the proposal.

The proposal includes a manager’s dwelling on site to support the operation of the site – whilst comments from third parties reference consent having been refused for a new dwelling on this site, Officers have not been able to identify any planning history in relation to this. Nevertheless, it is accepted that new market dwellings in such a rural location would ordinarily be resisted under policy DM8 which seeks to strictly control new development in the Open Countryside and wouldn’t meet any of the exceptions envisaged in DM8. It is therefore necessary to consider if there are any other material considerations that allow for a decision to be made contrary to the Development Plan.

In this case the dwelling is required for the site to function as a G&T site, to ensure its smooth operation and to manage any potential issues with anti-social behaviour. Officers note that the proposal allocation allows for the inclusion of a manager’s dwelling, subject to it being of an appropriate scale and siting (which will be discussed further in the subsequent section of this report). Therefore, the benefits of a manager’s dwelling to be occupied by a family that meets the definition of a gypsy and traveller as set out in the PPTS are noted and is therefore considered to be acceptable in this instance, subject to a site-specific assessment and planning conditions firstly restricting occupation of the dwelling to the identified site manager and their family, who must also meet the planning definition (as referred to in the recent Spalford appeal decision) of a gypsy or traveller, and secondly to prevent its occupation until at least the 17 no. pitches proposed to the rear of the site are provided and made available for occupation.

The application site is located in the open countryside, approx. 700m east of the boundary of the Newark Urban Area, as defined by the Allocations and Development Management DPD. Core Policy 4 states that future pitch provision will be addressed through all necessary means, including amongst other criteria, the granting of planning permission for pitches on new sites in line with Core Policy 5. Provision will be made in line with the Council’s Spatial Strategy with the focus of the Council’s efforts to seek to secure additional provision in and around the Newark Urban Area. Beyond this, Core Policy 5 sets out a range of criteria, which proposals need to satisfy. The overall aims of this policy are identified as reducing the need for long distance travelling and possible environmental damage caused by unauthorized encampments and the contribution that live/work mixed use sites make to achieving sustainable development.

² <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=51135051> or 21/02528/FUL

The PPTS expects LPAs to strictly limit new traveller site development in the open countryside *'that is away from existing settlements'* or outside areas allocated in the development plan. Notwithstanding the site's location in the Open Countryside, given the site's relatively close location to the Newark Urban Area, leaves the proposal reasonably well-placed to satisfy the above overarching aims and would be more suitable than other more isolated countryside locations which would align with the aim of the PPTS.

In summary, the District has a significant unmet need for Gypsy and Traveller pitches. The proposal would represent a direct and indirect contribution towards the Council's five-year land supply. This positive contribution is a significant benefit, and one which should be afforded significant weight as part of the overall planning balance. The principle of this use in this location is therefore considered to be acceptable in accordance with the principles of the abovementioned policies subject to an assessment of the remainder of the criteria set out within Core Policy 5, which are more site specific and are set out and considered below in turn.

Impact upon Character and Appearance of the Area, Heritage Assets and Ecology

Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The first criteria of Core Policy 5 also states that when considering sites for G&T, sites should not lead to the unacceptable loss, or significant adverse impact on the landscape character and value, important heritage assets and their settings, nature conservation and biodiversity sites (which will be covered in the subsequent section of this appraisal). The fifth criteria of CP5 seeks that the site is capable of being designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity. The emerging site allocation (NUA/GRT/12) also requires that the proposed pitches and manager's dwelling be appropriately sited to ensure they are acceptable in landscape and visual terms, with the impact on the open countryside being appropriately managed.

The Landscape Character Assessment (LCA) SPD informs the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The site is identified as being within the East Nottinghamshire Sandlands and within the Landscape sub-type of Winthorpe Village Farmlands (ES PZ 04). The policy approach for this area is to 'Conserve and Create', identifying it as being of moderate condition and of moderate sensitivity. The characteristic visual features within this area are smaller field sizes adjacent to villages with pasture. Specific recommendations for built features therefore encourage conservation of what remains of the rural landscape by concentrating new development around existing settlements and creating new development which reflects the local built vernacular. With regard to landscape features this seeks to create new hedgerows and conserve existing, seek opportunities to conserve field pattern where feasible, contain new development within historic boundaries as well as to seek opportunities to conserve existing pastoral fields and historic field patterns and conserving and enhancing tree cover and landscape planting generally.

The northern portion of the site is occupied by the two existing (authorised) static caravans and areas of grass with hardstanding. This portion of the site has been enclosed to the north and south by close boarded fencing in front of existing hedgerows. The southern portion of the site comprises an open grassed field/paddock with a large former agricultural building adjacent to the eastern

boundary that is in a dilapidated state. This field has also been enclosed by close boarded fencing with planting behind. The highway boundary is relatively well bound by established trees and hedging which lie outside of the application site boundary, save for the location of the proposed access to the west of the Gas Valve Compound which itself is enclosed by metal palisade and timber fencing.

Considering first the proposed pitches, no detail of the proposed caravans has been submitted, however it is acknowledged that caravans would not reflect the local built vernacular. The pitches proposed in the rear portion of the site would not be highly prominent from the surrounding countryside given the site has been enclosed by fencing, and given the set back from Barnby Road, and screening afforded by existing development (Chestnut House to the NW) and it is not considered that they would be readily visible from passers-by travelling along Barnby Road. Given the paddock is already part of the wider site and has been separated from the wider agricultural landscape for many years, it is not considered that the loss of the paddock would lead to an unacceptable loss, or significant adverse impact on landscape character and value in accordance with CP5. Furthermore, the pitches proposed to be located to the front of Chestnut Lodge would be well screened by the existing boundary fencing and vegetation along the highway boundary which limit any views into the site and would be screened from the surrounding countryside by the existing dwelling itself such that they would not have any significant adverse impact on the local landscape.

It is not exactly clear what vegetation/planting has been removed from the site to facilitate the installation of the boundary fencing, but it appears that any removal is likely to have taken place around the site boundaries to the rear, where new planting is proposed in any event in addition to planting to the north of the site. Whilst vegetation removal is regrettable from both a landscape character and ecology point of view, a matter reflected by the comments from local residents, the vegetation was not protected in any way. The mature trees within the grass verge of Barnby Road in this location have been retained and are not proposed to be removed as part of this application, so the mature trees and soft setting to the site from Barnby Road would remain. No designated heritage assets are located near to the site that would be affected by the proposals.

In relation to ecology, given that the southern portion of the site is an open grassed field/paddock it is unlikely to support any significant levels of biodiversity, however any removal of hedgerow or trees from the site may have offered potential opportunities for foraging bats and nesting and foraging birds. Should planning permission be granted, therefore, it is considered reasonable to impose a condition to require some biodiversity enhancements to provide two bat and two bird boxes on the site. Following clarification and amendments to the plans, the applicant wishes to retain the existing building in the rear portion of the site, as such no ecological investigation on this building has been requested. Therefore, subject to a condition to secure biodiversity enhancements, the scheme is considered to be acceptable in this regard would comply with the requirements of CP5, CP12 and DM7 which seek to protect ecology and the natural environment.

Section 11 of the NPPF relates to making effective use of land and paragraph 117 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and [...] the desirability of maintaining an area's prevailing character and setting (d). Core Policy 5 advises on general guidelines for pitch sizes. A pitch that is a permanent site where there are shared facilities within the overall site (e.g. the storage of waste

and sewerage disposal), should be approx. 350m². The size of the pitches presented range between 160m² -216m², which would fall significantly below the pitch size guidance. However, Officers note that the proposed amenity block would offer a large space for shared facilities which would meet the needs of future occupiers. Furthermore, grassed space is proposed within the site which would provide communal external amenity space. Future occupiers would also be aware of the size constraints of the pitches prior to choosing to locate on this site. Given the site would contribute significantly towards the unmet need of gypsy and traveller pitches, it is considered that it would be difficult to sustain a reason for refusal on the basis that the pitches are substandard in size, and it is noted that the layout of the site has been designed to avoid development over the pipeline easements to the north and east of the proposed pitch areas.

Turning now to the characteristics of the proposed pitches, it is noted that the majority of these would be located in the southern portion of the site, in two rows either side of the access road. These pitches, and those proposed to the front of Chestnut Lodge, are proposed to be made up of hardstanding and grass with an amenity block to the east with an area of proposed intervening planting. Access to serve the main area proposed for pitches is proposed to be taken off Barnby Road to the north, past the proposed manager's dwelling and access for the pitches adjacent to Chestnut Lodge would be taken via the existing (authorised) access to the east. Fully occupied, the scheme would represent single storey development of up to 19 additional caravans (21 in total given two authorised pitches exist on the site). The amenity block, broadly positioned in the location of an existing caravan on site, would be constructed from vernacular materials, single storey and set against a backdrop of the Gas Valve Compound when viewed from the countryside to the south (and partially screened by it and surrounding vegetation when viewed from the highway) such that it would not become highly prominent or visible in the street scene – whilst there would inevitably be some adverse impact as a result of additional permanent development in the open countryside, the level of impact on the landscape character is not considered to be '*significantly adverse*' .

Turning now to the proposed managers dwelling, this is proposed to be located broadly centrally within the site to increase passive surveillance opportunities around the site. The positioning of the dwelling, set well into the site, would reduce its visual prominence in the street scene when travelling along Barnby Road and its offset from the rear boundary, and positioning clustered with existing built development on the wider site, would assist in mitigating the visual impact of the development in the open countryside. Nevertheless, it is undisputable that a large 5-bed dwelling on the site, which is within the open countryside, would have an impact on the open character of the site both visually and spatially.

Following negotiations, the scale of the dwelling has been marginally reduced in height, width and depth. Nevertheless, whilst the dwelling would be larger than the property to the west, it would not be dissimilar in footprint to the dwelling across the highway to the north and would be set well into the site which would reduce its prominence in the street scene. Officers have discussed a further reduction in scale with the Applicant, however the amended scheme reflects what the Applicant considers to be their minimum requirements to cater for their existing and future family requirements and to oversee the management of the wider site. Officers note that comments from 3rd parties question why Chestnut Lodge could not be used as the managers dwelling for the site, however this property is already occupied by members of the Applicant's family which would be displaced if this was the case. Furthermore, having the managers dwelling centrally within the site, overseeing the main access and the majority of the pitches to the south would assist in the surveillance and running of the site. It is noted that planting is also proposed to the front of the site which would provide some additional visual relief, although would unlikely screen the property in

full from the surrounding countryside. Whilst the dwelling would undeniably have an impact on the character of the open countryside, given the amendments made and when compared to surrounding development, it is not considered that this element of the proposal would have a '*significantly adverse impact*' on the landscape character given similarly scaled residential development exists to the north and east. Nevertheless, the degree of visual harm that would arise from introducing a permanent two storey dwelling into this site would be a negative impact of the proposal that would weigh against the scheme. However, the benefits of having a managers dwelling on site to support its operation and reduce potential crime and anti-social behaviour equally weighs in favour of the proposal. Furthermore, the wider benefits of the proposal, which would contribute significantly towards the unmet need of gypsy and travellers within the District carries significant positive weight and would outweigh this level of identified harm.

Overall, the general impact on the visual amenities of the area and roadside is found on balance to be acceptable with new hedgerow planting along the new fencing to soften its appearance. To conclude, whilst some harm has been identified to visual amenity from the proposed managers dwelling and to biodiversity from the removal of vegetation to facilitate the installation of fencing around the site, it is considered that mitigation could be provided, and for the reasons outlined it would be difficult to sustain a reason for refusal on the basis that the proposal would result in an unacceptable impact on the landscape character and appearance of the area. In any event, it is also considered that the limited harm identified would be demonstrably outweighed by the wider benefits of the proposal too. Therefore, whilst comments received from local residents have been duly taken on board, it is not considered that the proposal would lead to an unacceptable loss, or significantly adverse impact on landscape character and value, important heritage assets and their setting or ecology, in accordance with the requirements of policies CP5, CP9, CP12, DM5 and DM7.

Sustainability

The second criteria of CP5 requires consideration of reasonable access to essential services (mains water, electricity, drainage and sanitation) and basic everyday community services and facilities – including education, health, shopping and transport.

Whilst it is acknowledged that the site is not located within the Newark Urban Area, it is only a relatively short distance away from the boundary (700m) and also has the ability to enjoy the full range of basic everyday services and facilities offered within Balderton. The site is adequately served in terms of electricity and water supplies. The applicant has also confirmed that the site will be served by septic tanks and as such, an informative can be added to any decision notice to advise what is required in this regard outside the planning process. In relation to drainage, it is noted that the site is proposed to be drained with soakaways, the precise details of the drainage strategy can be controlled by condition.

Overall, the site is considered to be suitably situated with access to essential services and a range of basic and everyday community services and facilities in accordance with the requirements of CP5.

Highways Impacts

Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision echoed by SP7. The third criteria of Core Policy 5 also states that sites should have safe and convenient access to the highway network. The emerging site allocation (NUA/GRT/12) also requires the provision of the new vehicular access to be appropriate in

highways terms, providing for a safe standard of access and having regard to the location and operation of other existing points of vehicular access in the immediate area.

It is noted that during the previous application for two pitches at this site the County Council objected to the proposal on the basis that the site was not considered to offer reasonable and practical way of accessing the site other than by private car/van. In the assessment of this application the Officer noted that the nearest pavement to which the site could be connected is either approx. 2.1km to the west along Barnby Road towards Newark, 1.5km to the south-west along Balderton Lane towards Balderton or 1.9km to the north-west along Balderton Road towards Coddington. It was not therefore considered to be reasonable to insist that the applicant would be required to provide any of these lengths of footway.

Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that:- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.” Part c) of this paragraph refers to ensuring that any significant impacts from the development on highway safety can be “cost effectively mitigated to an acceptable degree.” This appears to acknowledge that there could be cases where mitigation is considered to go beyond being “cost effective” and may therefore not be appropriate to pursue.

Officers note that the Highway Authority have not raised concerns in the assessment of this current application in relation to accessibility/sustainable transport, neither have they raised any concerns in relation to potential highway conflict with pedestrians, cyclists, horse riders etc. Following receipt of highways tracking and visibility plans for the new central access point the Highway Authority have also raised no objection in relation to the suitability and safety of the new access, subject to conditions relating to its surfacing, setting the access gates back from the carriage way (to allow vehicles to pull off the highway when entering the site) and provision of drainage infrastructure to prevent the discharge of surface water on to the highway.

Whilst local comments have raised concerns regarding the suitability of the site in highways safety terms, on the basis of the comments received from the Highway Authority, it is considered that the proposal would not result in any highway safety concerns and therefore accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the A&DM DPD in this regard. Furthermore, it is also considered that whilst the proposed site is not currently able to be accessed safely by any other form of transport other than by private vehicles use, it would not be reasonable on the basis of cost, to require the applicant to provide a footway link between the site and the nearest existing footway, which is approx. 1.5km away from the site. Nevertheless, this lack of a safe and more sustainable option for accessing the site therefore weighs against the proposal in the overall planning balance.

Impact on Amenity

Core Policy 9 of the Core Strategy and Policy DM5 of the DPD state that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The fourth criteria of Core Policy 5 also states that sites should offer a suitable level of residential amenity to any proposed occupiers and not have an unacceptable adverse impact on the amenity of nearby residents particularly in rural and semi-rural settings where development is restricted overall. Paragraph 127(f) of the NPPF also states

that planning decisions should create places that promote health and well-being with a high standard of amenity for existing and future users.

In the assessment of a recent application on this site, the Council's Environmental Health Officer (EHO) assessed the potential impact of noise from existing uses adjacent to the site – namely the gas valve compound and the potential of noise from the adjacent transportation company and was satisfied that occupiers of the site would be adequately protected from these noise sources by the close boarded timber fencing erected around the boundaries. Officers note that the EHO has also reviewed this application and has raised no objection in this respect.

In terms of the proposed occupiers of the site, as explored in a previous section, some of the sizes of the pitches presented fall below the recommended standard of 350m² as set out in Core Policy 5. Whilst this shortfall is acknowledged, it is not considered that this needs to be fatal to the scheme. However, acknowledging the size of the proposed pitches and to promote reasonable living conditions, Officers consider the number of caravans allowed to be stationed on the land should be limited by condition to two per pitch, of which no more than one should be a static caravan.

Turning now to existing residents who would live close to the site, Moorhouse, a two-storey dwelling on the opposite side of Barnby Road is positioned approx. 51 m from the northern boundary of the application site. Chestnut Lodge (in the same ownership as the site) is also approx. 86m to the east of the proposed managers dwelling and Chestnut House is approx. 80m to the west. Given the separation distance proposed (from both the managers dwelling, amenity block and proposed pitches), it is not considered that any adverse amenity impact would arise to existing occupiers through overlooking, overbearing or overshadowing. Whilst the relationship of the four pitches to the north of Chestnut Lodge would be closer than the 17 no. pitches to the SW, the separation distance would be in excess of 25m and given the dwelling is in the same family ownership as the remainder of the site it is not considered that any adverse amenity impact would arise.

Any new development on this site has the potential to have some impact on the existing property to the west given the proposal would result in increased vehicular movements causing additional noise and disturbance from associated comings and goings, however, given the separation distance from the proposed access and location of the pitches this is unlikely to be of such a level that would result in an adverse impact on their amenity.

There are five external lighting columns (that have the appearance of streetlights), approx. 3m high; two are situated adjacent to the boundary with Barnby Road and three more within the site. Concerns regarding the current levels of illumination coming from the site has been raised by local residents. However, Officers note that the recent application on this site included a planning condition requiring the installation of a back plate to be fitted to each of the columns adjacent to the road to mitigate any potential light spill. However, it is acknowledged that some level of new external lighting would likely be required which also has the potential for some negative impact, although existing boundary treatment and intervening buildings would provide some mitigation in this respect and the precise details of the lighting (to reduce light spill etc) can be controlled by condition. The inclusion of a defined communal bin area within the layout of the site also indicates consideration to matters of refuse disposal.

Overall, given the site context and degree of separation from existing properties, together with general single storey nature of the development, boundary treatments and the separation distance between the site and existing neighbours, it is not considered that the relationships would result in

any unacceptable degree of harm on the amenities of existing occupiers close to the site which accords with the requirements of CP5, CP9 and DM5.

Flood Risk

Criteria 6 of Core Policy 5 states that in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within the Government's PPTS and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site-specific Flood Risk Assessment, applying both the Sequential and Exceptions Tests, as appropriate, to achieve safety for eventual occupiers.

The NPPF states that local planning authorities should minimise risk by directing development away from high-risk areas to those with the lowest probability of flooding. Core Policy 10 and Policy DM5 also reflect the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

Notwithstanding comments that have been received from third parties in relation to flooding concerns, it is noted that the site is within Flood Zone 1 on the Environment Agency flood maps, which means it is at low risk of fluvial flooding. In terms of surface water drainage, all pitches would be served predominantly by areas of permeable ground surfaces and as such, are unlikely to result in any unacceptable impact on the site or neighbouring sites in the regard. The proposal also includes soakaways for the dwelling, amenity building and pitches which would manage any increase in surface water runoff from the site in addition to the permeable hard surfacing proposed to the pitches – precise details of which can be controlled by condition. This approach is considered to be acceptable and subject to a condition requiring the precise drainage strategy to be provided would not result in an increase in flood risk to site users or third parties in accordance with CP5, CP10 and DM5.

Comments received have also referenced the infilling of a drainage ditch adjacent to the site, however it is noted that this ditch lies outside of the red line of the application site. In any event, TVIDB have been consulted on the application and have not made any comments. Upon visiting the site, Officers also did not observe any works to facilitate the creation of an access at the proposed access point.

Other Matters

As noted in the description of the site there are two pressurised gas pipelines within the site which have a total easement of 12m (6m either side of the gas pipeline) in which no development would be permitted by Cadent. The emerging site allocation (NUA/GRT/12) requires the siting of the new pitches and dwelling (and any associated amenity buildings) to be kept outside of the easements to the underground gas pipelines which pass through the site – this has been adhered to with the submitted plans. The plans show that the access road to the field to the south would cross over the pipeline easement and space for parking would be provided to the west, also over the easement. The remainder of the easement would be kept free from obstruction/physical development. It is noted that CADENT initially issued a holding objection pending a site visit due to concerns about the clearance of the easement and the potential for additional loading over the pipeline, however following a site visit on 06.04.2023 their revised comments have withdrawn their objection and

confirm that they are satisfied that the integrity of the gas assets would be adequately protected. As such there are no concerns in relation to the safety and integrity of the gas assets.

As can be noted from the Consultation of this report, the proposal has received strong local opposition. Matters relating to character, highways safety, ecology, food risk and amenity have been duly taken on board throughout this assessment. Reference has been made from third parties to the potential risk of increased crime and anti-social behaviour. However, there is no evidential basis of any potential criminal or anti-social activity. Similarly, no detailed evidence has been provided to indicate how the living conditions or safety of local residents would be impacted by future occupiers of the application site. Comments received have also referenced previous incidents at the site where waste was burnt, however the council does not hold any records of complaints of such activities taking place. Matters relating to building regulations/fire regulations in respect of windows proposed in the amenity building are also not material planning considerations, but in any event the arrangement proposed is not considered to be unusual.

Concerns have also been raised in relation to the number and dominance of caravan development in the Newark area. Cumulative harm of developments on a local area is a material consideration, however, Officers do not consider there to be any cumulative impacts identified with this site that would lead to unacceptable harm either in visual or landscape character grounds that would warrant refusal of this application. It is noted that Newark as a town has a high population of G&Ts which are predominately focussed at Tolney Lane, however this comes with its own set of challenges and constraints, particularly in relation to Flood Risk.

Comments made also reference the alleged requirement of the site to provide developer contributions towards local infrastructure. However, given the application is for transient pitches and not dwellings (in excess of 10), developer contributions are not required for this type of development.

Officers note that comments also reference the need for an Environmental Impact Assessment (EIA) for this application – Officers have considered whether the development constitutes EIA development requiring submission of an Environmental Statement, however Officers do not consider this to be the case, particularly given any impacts of the development would be at the local level and *not significant* in EIA terms.

CIL - The site is located within the Medium Zone of the CIL charging schedule where the CIL rate is £45. The proposal would result in 442m² of residential GIA (in the managers dwelling). The CIL charge on this application is therefore £21,593.12.

8.0 Planning Balance and Conclusion

Overall, the recent GTAA has identified a significant unmet need for gypsy and traveller pitches. The net addition of 20 pitches proposed would contribute directly and indirectly to the significant unmet need of the Council's five-year land supply and identified G&T need over the plan period. This pitch contribution carries significant positive weight in favour of the proposal.

The site is in a relatively highly sustainable location, as although located in the open countryside, the site is in close proximity to all the facilities required for day to day living and the requirements of a growing families (although only accessible by private vehicles). No harm has been identified in relation to heritage assets, residential amenity and flood risk which are therefore neutral in the overall planning balance. Additional planting, controlled by condition, could provide some

ecological enhancements which would represent a minor benefit. Harm has been identified on the character and appearance of the area as a result of the managers dwelling proposed on the site. In highway safety terms, harm has been identified with regard to the lack of facilities to access the site other than by private vehicles, without the provision of a significant length of new footway, which is considered to be an unreasonable cost in this case. These factors weigh against the proposal in the planning balance.

However an approval would provide a settled base that would facilitate access to education and enable families of future occupiers to continue their gypsy way of life. The human rights of the family means due regard must also be afforded to the protected characteristics of Gypsies and Travellers in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010. These factors attract positive weight in favour of the development.

Weighing all of the above competing factors in the overall planning balance and considering a limited number of adverse impacts have been identified, Officers consider the benefits of the scheme would outweigh the identified harm. It is therefore recommended that planning permission is granted, subject to conditions.

9.0 Implications

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

10.0 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:

- Proposed Site Plan – Ref. 2208-01 E
- Proposed Floor Plans – Ref. 2208-02 D
- Proposed Second Floor Plan and North Elevation – Ref. 2208-03 C
- Proposed Elevations and 3D Views – Ref. 2208-04 C
- Proposed Amenities Block – Ref. 2208-05
- Proposed Access and Visibility Splays – Ref. JG01
- Swept Path Analysis Plan – Ref. JG02

Reason: So as to define this permission.

Pre-Commencement Conditions

03

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

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

Pre-Occupation Conditions

04

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

Reason: In the interests of reducing light pollution in this location.

05

Prior to first occupation of the development hereby approved full details of additional soft landscape works and any hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species, with particular emphasis along the boundaries of the site;
- means of enclosure;

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Prior to first occupation of the development hereby approved full details and the precise positioning of 2 bat boxes and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall then be installed within two months of first occupation in accordance with the agreed details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

08

No part of the development shall be brought into use until details of the Waste & Recycling Area shown on 'Proposed Site Plan – Ref. 2208-01 E' have been submitted to and approved in writing by the Local Planning Authority. The approved Bin area shall be installed prior to commencement of the approved use and retained thereafter for the lifetime of the development.

Reason: To ensure that appropriate provision is secured for litter disposal in the interest of amenity.

09

No part of the development shall be brought into use until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

10

No part of the development hereby permitted shall be brought into use until the new access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

11

No part of the development hereby permitted shall be brought into use until the parking, turning, and servicing areas are provided in accordance with the approved drawing no. 2208-01 rev. E, titled: Proposed Site Plan. The parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason: 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 and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

12

The Managers dwelling hereby permitted shall not be occupied until the 17 no. pitches approved on the southern portion of the site have been provided and made available for use for gypsies and travellers. Thereafter the occupation of the dwelling shall be limited to a person solely or mainly working or last working as the manager of the associated gypsy and traveller site or a widow or widower of such a person, and to any resident dependents.

Reason: To ensure that the benefits of the scheme (providing pitches for gypsies and travellers) are delivered to justify the requirement of the managers dwelling that would otherwise be inappropriate in this location and to ensure that the occupation of the dwelling continues to meet the needs upon which it was justified.

Compliance Conditions

13

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

Reason: In the interests of visual amenity.

14

The Managers Dwelling and Pitches hereby permitted shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but

excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure that the site is retained for use by gypsies and travellers only in order to contribute towards the LPAs 5-year housing supply.

15

No more than 1 static caravan and 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

16

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

17

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

18

The new access shall be constructed and surfaced in a bound material in accordance with drawing no. JG01, titled: Proposed Access and Visibility Splays, dated: 29/03/2023 and no other part of the development shall be commenced until the access has been completed in accordance with those plans.

Reason: To allow the vehicles to enter and leave the highway in controlled manner; to protect structural integrity of the highway and allow for maintenance; in the interest of highway safety.

19

The gates at the new access point shall open inwards only and be set back 15 metres from the edge of carriageway. The approved gates shall then be retained for the life of the development.

Reason: To enable vehicles to stand clear of the highway whilst gates are opened/closed. In the interest of highway safety

Informative Notes to Applicant

01

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

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

02

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 CADENT GAS:

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of

danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

04

The Council must issue licenses for sites to be operated as a recognised caravan, mobile home or park home site. This is to ensure proper health, safety and welfare standards are maintained. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including on a permanent, touring or holiday basis. Further information is available by contacting the Environmental Health and Licensing Team at the Council on 01636 650000, or by visiting the Council's website at <https://www.newark-sherwooddc.gov.uk/caravansitelicence/>

05

A septic tank is not the optimum method of dealing with the disposal of foul sewerage waste. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out 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 (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank Foul drainage should be connected to the main sewer.

Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

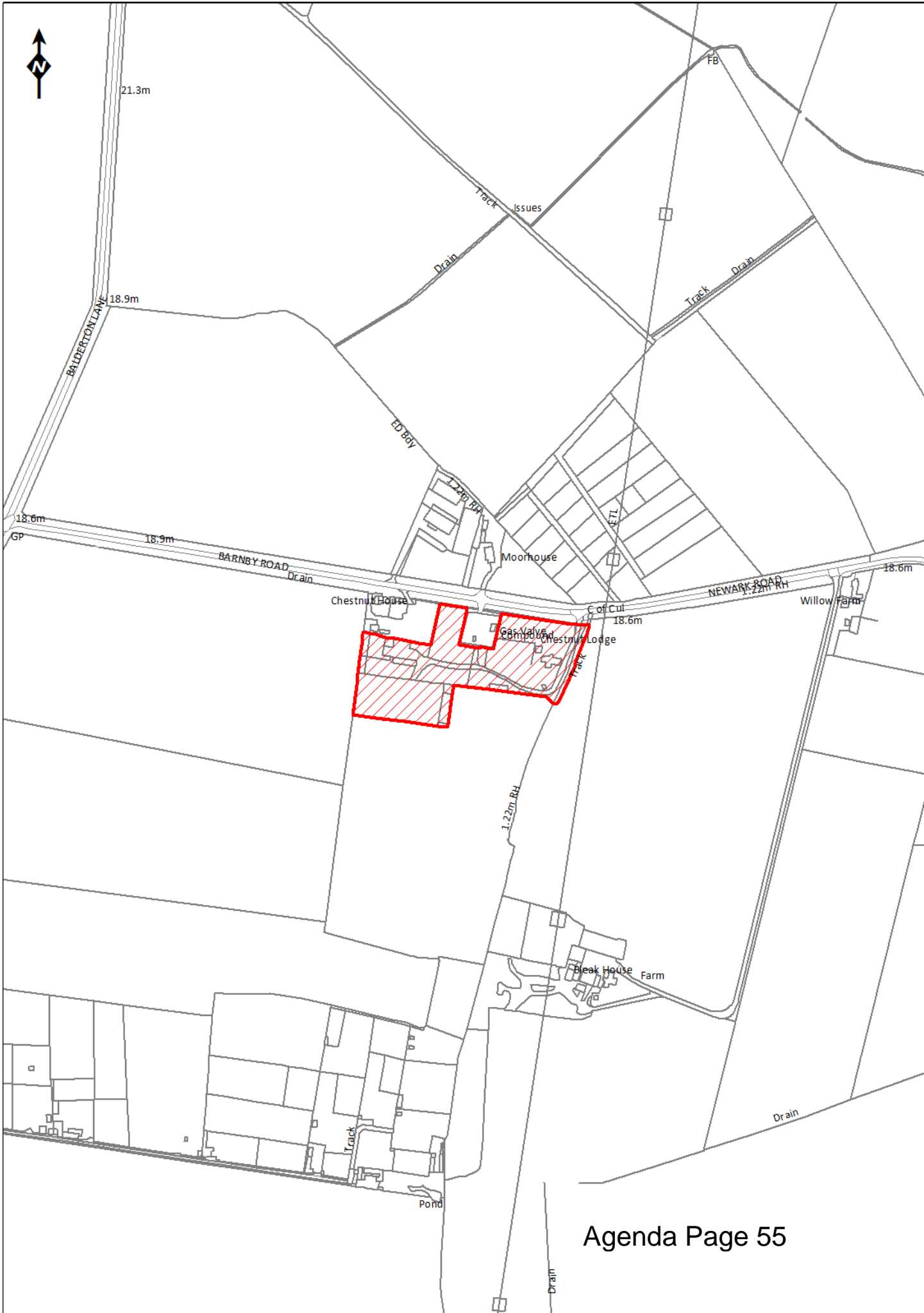
Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

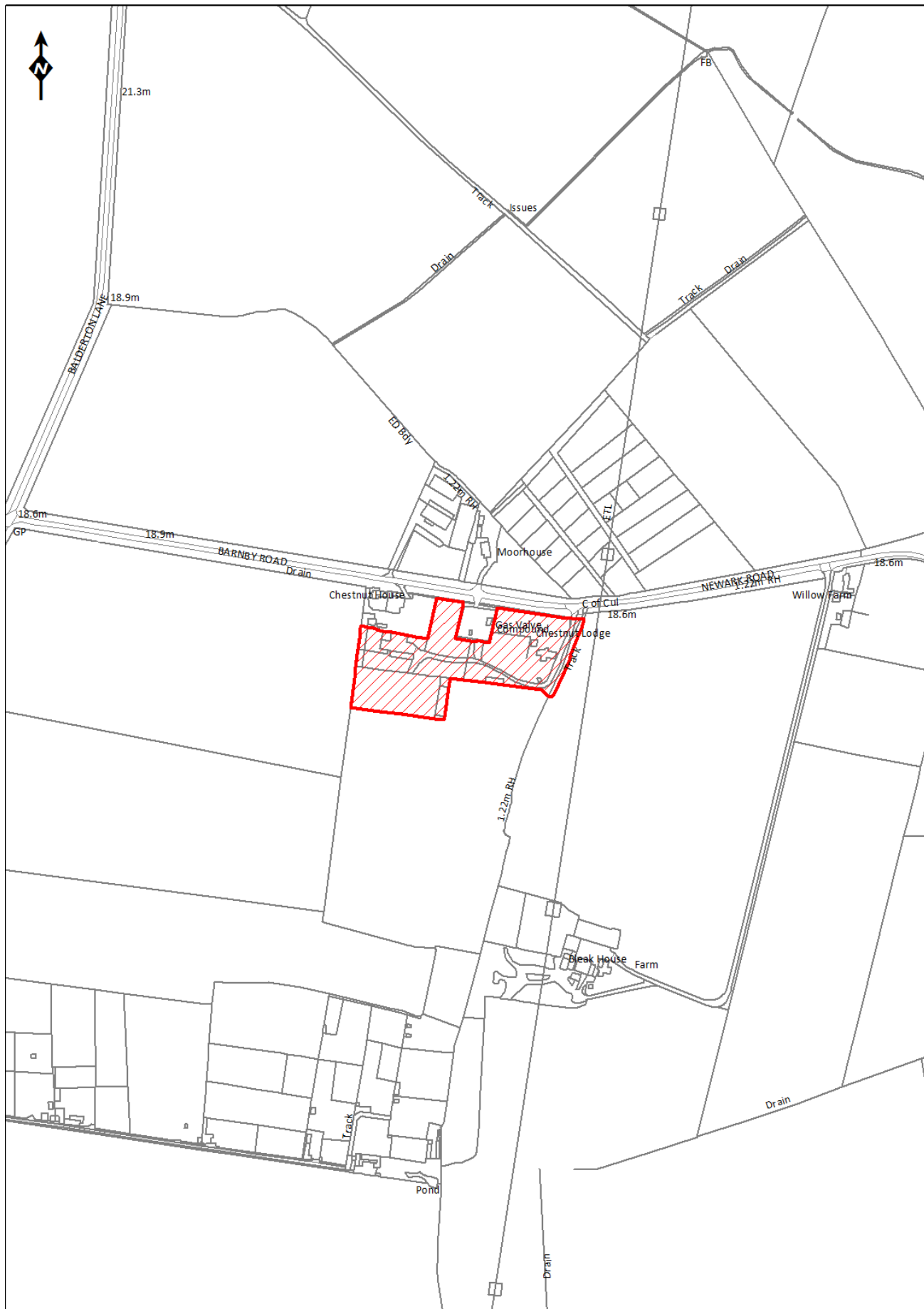
Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

BACKGROUND PAPERS

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

Application case file.





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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	22/02176/FUL		
Proposal	Demolition of two single storey bungalows and construction of 8 dwellings that include off-street parking provision and outdoor amenity space.		
Location	Land At Greenaway, Rolleston		
Applicant	Newark And Sherwood District Council - Mr. Kevin Shutt	Agent	RG+P Ltd - Mr. Dale Radford
Web Link	22/02176/FUL Demolition of two single storey bungalows and construction of 8 dwellings that include off-street parking provision and outdoor amenity space. Land At Greenaway Rolleston (newark-sherwooddc.gov.uk)		
Registered	08.11.2022	Target Date / Extension of Time	03.01.2023 / 27.04.2023
Recommendation	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 comprises land at Greenaway which is a road to the south of Staythorpe Road within the settlement of Rolleston. The land includes two existing bungalows, a parking area located on the north side of Greenaway and a grassed area with tarmac access leading to Rolleston Village Hall located to the north east of the site. A play area with open space is also located to the north east of the site. The majority of the boundaries of the site comprise hedgerow with a number of mature trees also scattered within the site. A TPO tree is also

located close to the south west corner of the site (outside of the application boundary). Open countryside is located to the east of the site with residential properties located to the south and west.

Part of the entrance to the site is located within Flood Zones 2 and 3.

A right of way also runs through the site and runs along its south east boundary past the village hall.

2.0 Relevant Planning History

09/00001/FUL Erection of play equipment, construction of access road and hard surfaced play area/overspill car park – permission 12.03.2009

05/01775/FUL Change of use from agricultural use to playing field – permission 19.09.2005

04/00439/FUL New village hall – permission 22.04.2004

03/02850/FUL Proposed new village hall – permission 13.01.2004

5478992 Erect village hall – permission 03.10.1978

5477671 Village hall - permission 27.09.1977

5476384 2 No OAP bungalows – permission 02.06.1976

3.0 The Proposal

The application seeks full planning permission for the demolition of two existing bungalows and the erection of eight dwellings in their place and on the grassed area between the existing bungalows and the village hall site. There would be a mix of affordable dwellings and market dwellings provided as follows:

House Type	Tenure	No.
1 bed bungalow	Affordable	1
2 bed bungalow with accommodation in roof space	Affordable	2
2 bed semi-detached house	Affordable	2
3 bed detached house	Market	3

Each of the dwellings would be provided with off street car parking spaces and an area of private amenity space.

The three market dwellings would also each have a single detached garage located to the side/rear.

The existing access to the site would be utilised. Generic visitor parking which exists to the north of the access road would be retained (6 spaces).

The application has been considered on the basis of the following plans and documents, which for the avoidance of doubt have been revised during the application as discussed in more detail in the appraisal section below:

- Site Location Plan – 100-201/(P)001J;
- Proposed Plans and Elevations (M Plots 06-07) – 100-201/(P)008F;
- Boundary Treatment Plan – 100-201/(P)010L;
- Proposed Highways Plan – 100-201/(P)011G;
- Proposed Plans and Elevations (C2 Plots 01-02) – 100-201/(P)012E;
- Proposed Plans and Elevations (A3 Plot 03) – 100-201/(P)013B;
- Proposed Plans and Elevations (D Plots 04-05) – 100-201/(P)014E;
- Proposed Site Plan – 100-201/(P)019H;
- Proposed Plans and Elevations (M Plot 08) – 100-201/(P)022;
- Street Scenes – 100-201/(P)023;
- Large Refuse Vehicle Swept Path Analysis – Drawing No. 001;
- Planning Statement by rgp dated November 2022;
- Ecological Appraisal & Baseline BNG Assessment by bakerconsultants dated October 2022;
- Flood Risk Assessment & Drainage Strategy by bsp consulting – 20-0622 dated February 2021;
- Phase 1 Desk Top Study Report by collinshallgreen – ID191 dated August 2019;
- Phase 2 Ground Investigation Report by collinshallgreen – ID191 dated March 2020 Rev. A;
- Phase 2 Pre-development Arboricultural report by Wharnccliffe Trees and Woodland Consultancy dated September 2022;
- Sequential Test Assessment by Town Planning Services dated February 2021;
- Covering Letter to additional information dated 27th January 2023 – 100-201/DR;
- Flood maps x3 received by email dated 27th January 2023;
- A Reaffirmation of Housing Needs Survey for Rolleston dated November 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional round of consultation has been undertaken based on the revised plans.

Site visit undertaken on 29th November 2022.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport
Core Policy 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
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

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

6.0 Consultations

Rolleston Parish Council –

Comments on the revised scheme:

Conclude the proposed Amendments illustrated fail to address any of the material concerns raised previously (meeting held on 5 December 2022) and consequently councillors continue to oppose the application, and also wish to make the following additional comments:

- (i) The Play Park referred to in the supporting documents is owned by Rolleston Parish Council and not the Village Hall, and the hard standing (basketball Court) suggested as being suitable for overspill parking would therefore never be available for such use.
- (ii) The revised plans are likely to impact adversely on future exercise of the legal rights of way through the scheme to the field to the rear
- (iii) The revised plans show the approach road to the village hall to remain unadopted, with consequential issues relating to maintenance costs and access.
- (iv) The Housing Needs Survey referred to in the application relates to the whole of the NSDC region and not Rolleston and therefore fails the sequential test
- (v) There remains concern over the lack of provision for relocation of the Resilience Store and the size of trees proposed to be planted adjacent to a high, shaded hedge.

Original comments received:

Object for the following summarised reasons:

- i) The development would be detrimental to the amenity and viability of the adjacent village hall and it likely to cause conflict between uses. The loss of a facility would be contrary to Spatial Policies 3 and 8;
- ii) Loss of long standing amenity car parking for the village hall leading to on street parking;
- iii) Existing sewerage and drainage in the area are sub-standard with frequent pumping out required;
- iv) Density of development is over-intensive and not in keeping with a site adjoining the open countryside, would increase the population of the village by more than 10% so not small scale in accordance with Spatial Policy 3;
- v) Access road at high risk of flooding with no other means of escape;
- vi) The viability of additional social housing is questioned due to the inadequacy of bus and rail services available for new residents who are more likely to be on low incomes or elderly;
- vii) Tandem parking provision;
- viii) In addition to where indicated above, it is the view of the Parish Council that the proposed development does not comply with current planning policy in the following respects:
 - a. The proposal is not supported by Spatial Policy 1 or 2 which directs 100% of housing growth into the Newark Urban Area, Service Centres and Principal Villages;
 - b. By virtue of the scale, layout, density, and design of the proposal, it will cause harm to the character and appearance of the location and its setting, thus the proposal is in conflict with the 'Character' criteria set out in Spatial Policy 3;
 - c. The location fails to provide safe, convenient, and attractive access and thus conflicts with Spatial Policy 7;
 - d. The introduction of additional highway to adoptable standards serves to erode the environment and character of the area and thus conflicts with Spatial Policy 7;
 - e. The site would not meet the criteria to be considered a suitable site for housing allocation as set out in Spatial Policy 9 and should thus be considered inappropriate for housing development;
 - f. The proposal would constitute inappropriate backland development and thus conflicts with Policy DM5.

NCC Highways – No objections subject to conditions.

NCC Rights of Way – No objections subject to conditions.

Ramblers Association – No comments received.

NCC Flood – No comments specific to this application.

Environment Agency – No objections. Acknowledgement that the access road is at risk of flood and recommend consultation with emergency planners and emergency services.

NSDC Tree Officer – Concerns regarding potential negative impacts on T10 (protected by Tree Preservation Order) and trees shown to be retained.

Cadent Gas – No objection, informative note required.

NSDC Environmental Health (land contamination) – The site is low risk, certification of imported material should be controlled by condition.

NSDC Environmental Health (noise) – Noise attenuation would be required for the proposed dwellings given the proximity to the village hall.

NSDC Emergency Planner - No comments received.

Emergency Services - No comments received.

Strategic Housing - The proposal as presented will contribute to meeting both the affordable housing need and market demand in the local area of Rolleston and the Housing Strategy and Development fully support the proposal.

Severn Trent Water – No comments received.

22 letters of representation have been received, details of which can be summarised as follows:

Principle

- There is no evidence to suggest that the intense development of this space will address the housing needs of the village;
- Rolleston does not have a range of local services and the pub is currently closed;
- Bus and train links are infrequent;
- If the development were to go ahead it would put at risk the village hall which is being used as evidence to support it;
- Compensation should be given to the village hall for loss of revenue;
- There have been two council houses empty since 2017 – if there was a need the council would have put people in them;
- People were assured that Rolleston offered only minor infill development opportunities;
- The proposal constitutes inappropriate backland development;
- The applicant is negligent in not taking the tourism this site generates into account – every booking of an event e.g. weddings bring people from outside the District;
- If the village hall becomes unsustainable because of the development then all children will the village will have to go elsewhere for activities;

Impact on highways including footpath

- The land is used for overflow parking for the hall;
- There are many events at the hall where parking far exceeds the available space;
- The only other available alternative parking is on Staythorpe Road which would cause traffic congestion;
- Tandem parking is likely to lead to cars parking on the road;

- The hall only has 12 designated spaces in the car park which proves to be insufficient for most events in the hall;
- The existing playground could be relocated to use the space for additional parking;
- Tandem driveways are likely to lead to parking on the road limiting access to the village hall;
- Visitors will use the village hall parking spaces or be forced to park on the main road which may block driveways;
- Danger and risk to life through increased traffic at the junction;
- The stopping up of the footpath is in direct conflict with the policy to safeguard footpath networks;
- Any new development cannot be deemed to serve any sustainable transport policy;
- Footpaths help mental health;
- The access along the Haulage Way to the land adjacent will be unusable without dropped kerbs;
- Visitor parking is likely to block access to the land to the east;

Drainage and flooding

- The development would create a lot of sewerage – the sewer pipe is only a 6 inch diameter pipe which is already inadequate;
- The main road through the village recently had to be closed because the overloaded pipe exploded;
- The access road is liable to flooding meaning residents will be trapped in a flood event;
- Developments in the last 5 years have already added pressure to the pumping station in the village;
- There was a road closure in 2022 whilst the sewerage system had emergency repairs;
- STW do not have a statutory responsibility to accommodate foul flows;
- Sewerage from Averham and Staythorpe is fed into Rolleston pumping station for storage – upgrades would be a major infrastructure project requiring massive inputs of capital;
- There are many illnesses associated with overflowing sewers and the council has a duty of care for safety;
- Tankers pump through the night at the adjacent pumping station;
- Any further development will increase the problems that residents are suffering;

Impact on Amenity

- The village hall is situated in open space with views over the countryside making it attractive for celebrations – income will be lost if the development goes ahead;
- The building period will affect vehicular access to the hall;
- Rolleston has no outdoor amenities other than the village hall and church – any diminution of facilities will seriously affect the village;
- The new owners are likely to complain about noise from the village hall;
- Removing this area will be excluding those with dogs the ability to exercise their dog whilst their children can be supervised on the play area;
- Rooflights will overlook neighbouring garden and living room and remove current open views of the countryside;

- The pumping activity related to the sewerage system regularly generates noise and light disturbance at night;
- Plots 2&3 would be much closer to neighbouring boundary and increased heights;
- Plot 3 would be intrusive and overbearing to a neighbouring dining room window;
- Concern that parked cars will block existing right of access;
- The upper floor level window will overlook neighbouring amenity space;
- The solar panels will cause a possible glare;
- The loss of valuable open greenfield space will have wider detrimental amenity impacts;
- There should be acoustic surveys of village hall events;
- House type C2 has a ground floor bedroom without a boundary in front;
- The height of house C2 is more than double the existing bungalow leading to overbearing;
- There is a privacy issue from the full height glazing of house type M;
- The development would make the walk to the play park dangerous;

Impact on Character

- The scheme reduces the rural and open atmosphere of Rolleston;
- The proposals show an overly intensive development with houses very close to the boundary of the village hall;
- Dwelling M008 should be removed to allow for more open space;
- The plans would lead to a suburbanisation of a rural setting;
- Loss of trees will erode the existing distinctive character of the area;
- The scale of the development is disproportionate compared against existing development;
- The setting of Rolleston is a rural countryside location thus the development will fail to adhere to the Landscape Character Assessment policy zone;
- The proposal appears to be based on standard house types rather than responding to the site and its context;
- It is unclear how the soft landscaped area facing plots 6-8 would be maintained;

Other Matters

- The development will destroy important environmental habitat for numerous wildlife;
- The manner in which the Council has gone about trying to sneak this through in an underhand manner should be investigated by an independent reviewer;
- Great Crested Newts have been present in the area;
- Potential residents may not be aware of hedgerow regulations therefore there is a high risk of the hedge being removed;
- The land should be used for biodiversity net gain;
- No method of safe access for the play park during construction;
- Site plans appear inaccurate and encroach onto neighbouring properties;
- Other applications in Rolleston have been refused and dismissed at appeal which are comparable – 18/01592/OUT; 19/01776/OUT and 21/02435/OUT.

The following additional comments have been submitted in relation to the amended plans,

including comments from the Village Hall Management Committee:

- Amendments do not address the main objections already submitted;
- The proposed tree planting will block light into neighbouring houses;
- There will still be issues with the sewerage system;
- The introduction of rear dormer windows add additional concern to overlooking impacts and will provide outlook into neighbouring rear garden and dining room;
- The windows should be in the front roof slope not the rear or the properties should be moved so that property 03 backs onto the neighbouring plot;
- The applicant has no understanding as to how the village hall functions, ample car parking is vital to its ability to sustain this external income stream;
- New trees will overshadow neighbouring residents;
- The agents position in disputing that the proposal will cause detriment to the longevity of the village hall is naïve;
- The access to the village hall will be the responsibility of the residents and there is concern that it will become pot holed and dangerous to users;
- The hall committee will seek financial compensation for the access being blocked during construction;
- The hall is used by many organisations during the working day;
- There is a locked gate from the current hall parking area past that play area (owned by the Parish Council, not by the Hall) to prevent vehicle access and remove the danger of traffic mowing down small children;
- Adequate engagement with all interested village stakeholders has not taken place.

7.0 Comments of the Business Manager – Planning Development

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

Principle of Development

The Settlement Hierarchy 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. At the bottom of the hierarchy are 'other villages' within which development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The settlement of Rolleston falls into this 'other village' category. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. The policy requires the proposal to be assessed against five criteria including location, scale, need, impact and character which are set out below.

Location

The site as existing is largely laid to grassland and visually reads as being associated with the village hall (other than the residential curtilages associated with the existing semi-detached bungalows). The eastern boundary is defined by a hedgerow which in my view represents the edge of the village. On this basis I consider it is reasonable to conclude that the site is within the main built up area of the village. Whilst Rolleston is one of the District's smaller rural villages and has limited services, it does have a public house (albeit currently closed), church and village hall and is located in relatively close proximity to Southwell and is connected to other more sustainable settlements through regular bus links.

Scale

The proposal would result in a net addition of six dwellings which is not considered to be high in numerical terms relative to the scale of Rolleston overall with further consideration of the physical characteristics of the site set out in the relevant sections below.

Need

The proposed dwellings would potentially support community facilities and local services in the local area. A further explanation of the need for the proposed dwellings is set out in the Housing Mix/Tenure section below.

Impact

This element of the policy refers to ensuring that new development does not generate excessive car borne traffic or unduly impact on local infrastructure including drainage and sewerage etc. The impact on the highways network is discussed separately below.

Locally, there is concern that the development would worsen existing issues with the sewerage system in the village. Whilst it does not fall for this proposal to fix existing issues with the sewerage system, the impact on local infrastructure is a legitimate concern which requires consideration.

National planning guidance (an online resource known as the NPPG), states that where possible, preference should be given to multi-functional sustainable drainage systems and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

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.

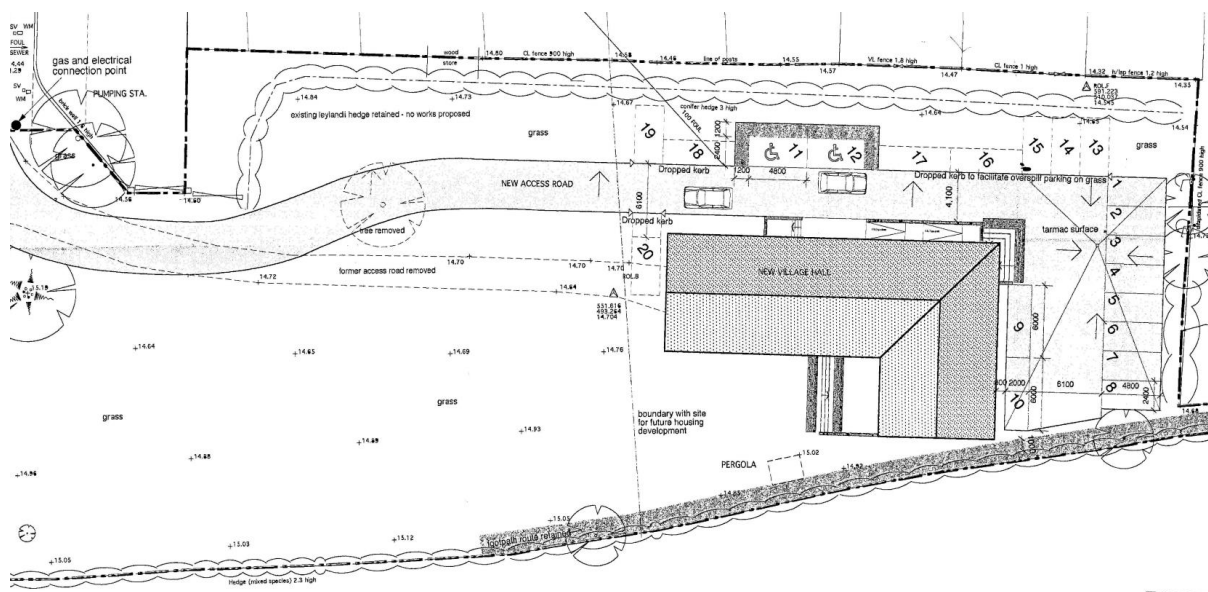
The application has been accompanied by a Drainage Strategy which confirms that based on the geology of the area, together with a potentially high water table, it is unlikely that permeable ground conditions are present at the site. As a result, the discharge of surface

water runoff by infiltration based systems has been ruled out. There are no open watercourses within the immediate vicinity of the site which could accept surface water runoff from the site and therefore the only option available for the development would be to drain surface water to the public sewer network. Surface water drainage rate and new foul public sewer connections will be subject to agreement by Severn Trent Water through a separate Section 106 (Water Industry Act 1991) application.

Given the local concerns raised, a consultation has been undertaken with Severn Trent Water but unfortunately despite several requests, no response has been received. Nevertheless, noting the drainage strategy submitted, I consider that the proposal has done enough to demonstrate that the dwellings could be adequately catered for in the existing network and ultimately any formal drainage approval would be controlled outside of the planning process.

Several neighbour comments have also raised concern regarding the impact that the proposed development would have on the village hall noting that as existing the site is informally used for overflow parking for village hall events (and thus if the site was no longer available for parking the use of the village hall would become less viable). In the context of Spatial Policy 8 and the NPPF, any detrimental impact to an existing community facility would clearly weigh negatively in the overall planning balance.

The village hall was constructed through a 2004 permission (reference 04/00439/FUL) with the approved plan indicating a total of 20 parking spaces (including 2 disabled) on land to the east of the Hall (outside of the application site for this current application):



Having visited the site, not all of the spaces have been laid out as approved albeit there would remain some land available for further parking in the areas where spaces were originally approved:



It is noted a 2009 application (09/00001/FUL) for the erection of play equipment, construction of access road and hard surfaced play area / overspill car park indicated that part of this application site would be used for overspill parking for the village hall. However, this did not fall within the red line application boundary for that application and thus these spaces did not form part of the wider proposals (and indeed have not been provided on site).

NCC Highways have considered the potential displacement of parking and agree that the parking for the village hall would be as per the relevant permissions given. Their comments also make reference to an area of overspill parking from the 2009 permission (a basketball court annotated as having potential for overspill parking) but as per the comments of the Parish Council, this is understood to *not* be available for users of the village hall. This has been discussed with NCC Highways and they have confirmed that the lack of availability for parking in this area does not change their position. Whilst I appreciate local concern in respect to this matter, in the absence of a highway safety objection, it would not be reasonable to resist the development of the site purely on the basis that the land would no longer be available for overspill parking when larger events are taking place within the hall. The parking which has been taking place on the application site is purely an informal arrangement and does not fall within the relevant permissions for the village hall.

The other potential risk to the longevity of the village hall is that if the development were to come forward then the occupiers of the dwellings (mainly plot 8) may potentially be disturbed by the noise and disturbance of events within the hall. Paragraph 187 of the NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they

were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Colleagues in Environmental Health have confirmed that the village hall has a licence permitting regulated entertainment until midnight 6 days a week and until 10:30pm on Sundays. The hall could therefore reasonably be used for events such as weddings which would create noise into the evenings. The access for the hall would also clearly run in front of the dwellings meaning that the occupiers are likely to experience disturbance from comings and goings associated with the hall. There is also a play area adjacent to the village hall which could also create noise impacts.

Whilst the hall is intended to serve a village community, and is already close to residential neighbours, the occupiers of this proposed development are likely to experience a greater impact in terms of noise and disturbance given their proximity to the hall and given the access to it. Colleagues in Environmental Health have verbally advised they have not received complaints from existing nearby residents but point out that the proposed occupiers would be more impacted. They also point to the Agent of Change principle (the principle is encapsulated in the NPPF paragraph quoted above) and point out that the developer will need to provide an appropriate level of sound attenuation to mitigate as far as possible noise from the hall. No noise survey has been undertaken and indeed it would be difficult to undertake given the ad hoc nature of the use. The noise attenuation measures would likely need to comprise best endeavours to reduce the noise impacts through noise attenuating (triple) glazing for example albeit exact details could be secured by condition. In conclusion, the impact from the village hall may cause nuisance to occupiers of the new dwellings (of an unknown frequency) and not all of this can be mitigated. This will need to be weighed into the balance.

Character

The criterion character of Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscape setting. The impact on character is set out in more detail in the Impact on Visual Amenity section below.

Housing Mix/Tenure

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

Based on a site area of 0.37 hectares, the development for 8 dwellings would lead to a development density of around 22 dwellings per hectares thereby below Core Policy 3 aspirations. However, as is acknowledged by the submitted Planning Statement (and discussed in detail below), parts of the site are at risk of flooding which the layout has

responded to by restricting any built form outside of Flood Zone 1. A lower density proposal is not considered fatal on this basis but also in acknowledgement that the site is at the edge of the village and therefore to insist on a higher density proposal would likely disrupt the transition between the countryside and the village.

The development is partly being put forward as part of a five-year building programme by Newark and Sherwood District Council to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Five out of the eight dwellings would be for affordable purposes.

In May 2020 Midlands Rural Housing conducted a follow-up survey to an original 2016 survey relating to the housing needs of Rolleston to confirm the need for affordable and open market housing that exists in the village. The results of the survey were combined with information from the housing needs register and, in total, a need was identified for 10 affordable homes and for 3 open market homes in the village.

The affordable provision forming part of this proposal would make a meaningful contribution towards the need identified in the village as well as contributing to the overall affordable housing delivery in the District. This represents a significant benefit of the proposal.

In respect to the market dwellings the survey demonstrated a need for 1 x 2-bed house, 1 x 2 bed bungalow and 1 x 3 bed bungalow. The proposal for 3 x 3-bed houses would therefore not be addressing the specific needs of the survey. However, I am mindful that housing needs evolve over time. Given that the site is within the village and the principle for market dwellings is potentially acceptable in principle (notwithstanding matters of flood risk discussed below), then I do not consider it would be reasonable to be overly prescriptive to the results of the 2020 survey. The market dwellings would make a small contribution to the overall housing needs of the District and thus again would hold positive weight in the overall planning balance (albeit not to the same degree that the affordable provision does).

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.

Whilst the part of the site proposed to accommodate the housing does not fall within Flood Zone 2 or 3 its access/egress arrangements do. Based on current mapping during a flood event of sufficient magnitude the part of the site proposed for development would risk being effectively cut-off from the surrounding area. I note that the public right of way passing through the site does enable a pedestrian escape route to the main road and a flood zone 1 area to the north east of the site – however this would be restricted to pedestrians as opposed to vehicles. As such, it is still necessary to apply the sequential test (an approach supported

by the Inspector in determining the appeal for application reference 20/01807/OUT where similarly the area at risk of flooding was the site access).

This is acknowledged by the application submission which includes a Sequential Test document. It is noted that the layout has changed since the version included within this document but I agree with the stance of the Planning Statement that this is not fatal to the overall conclusions.

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 land at risk of flooding for the supply of housing. However, the Planning Practice Guidance states that:

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. (Paragraph: 027 Reference ID: 7-027-20220825).

The originally submitted Sequential Test was based on a search for sites within a search area that includes the catchment area of nearby schools considering sites with planning permission, land for sale, and development opportunities. Other than quoting advice from the PPG, there was no substantial justification as to why local schools were used to define the search radius for the Sequential Test.

Three specific planning applications were referenced; one in Southwell and two in Thurgarton. Each are discounted for various reasons but consistently that the schemes would not be suitable for the delivery of affordable housing. The report includes a small section on property web site searches concluding that there are no other development opportunities in the search area that are suitable.

It is noted that reference is made to another application in Rolleston (20/00534/FUL) where Officers did not resist an application where the access was in Flood Zone 2. However, as is stated, the circumstances of that application were materially different in that an extant

permission existed on the site. Moreover, the current application seeks a net increase of 6 residential units which is not directly comparable to the quoted application which was for a single dwelling.

Even at its restricted scale which Officers did not consider was appropriately justified, the originally submitted sequential test is light touch. If the school catchment restriction were to be accepted, then this search area should include the larger more sustainable settlement of Southwell. Southwell has various residential site allocations. Whilst some would be beyond the scope and size of the development proposed here, others are more comparable and do not appear to have been considered as part of the sequential assessment undertaken. On this basis, Officers raised concerns with the Sequential Test document to which the agent has responded during the application.

The response has changed the emphasis in comparison to the original document now stating that the Test has been restricted to Rolleston on the basis of the housing needs for the village (discussed in detail in the preceding section). Flood maps have been presented to demonstrate that 'large areas' of Rolleston are within Flood Zones 2 and 3 and therefore in the context of the PPG paragraph above, there is unlikely to be reasonable alternatives for the development within the settlement of Rolleston.



The above flood risk map covering the village does show that there is essentially an island within Flood Zone 1 with the village being surrounded by areas within Flood Zones 2 and 3. The majority of Staythorpe Road is at risk at flooding and therefore it is likely that the development of most of the area within Flood Zone 1 would have the same issue as the

application site that the access would be at risk of flooding (and therefore would be no more sequentially preferable compared to the application site).

It is notable that the District Council has resisted the restriction of the Sequential Test on the basis of housing need in the past, an approach which has been supported by the Planning Inspector (namely an application for 4 market dwellings in Sutton on Trent – 19/00868/FUL). However, I accept there are material differences here, specifically that the current proposal includes affordable housing and that the dwellings themselves would be in Flood Zone 1 (the Sutton on Trent scheme were all market properties proposed in Flood Zone 2).

It is also material that the national guidance has changed since the Sutton on Trent decision with the indication that there will be cases where local circumstances will legitimately restrict the area of the Sequential Test.

Based on the site specific factors relevant to this application (i.e. the housing needs of the village and that the dwellings themselves are within Flood Zone 1) the restriction of the revised Sequential Test to the extent of Rolleston is deemed appropriate. Given the large areas of the village affected by Flood Zones 2 and 3, it is accepted that there would be no other sites within the village which could reasonably accommodate the scale of the development proposed. The Sequential Test is therefore considered to be passed.

The proposed development is defined as ‘more vulnerable’ within Table 2 of the Technical Guidance to the NPPF. The application submission suggests that addressing the unmet need for new housing in the village is a significant benefit to the community that outweighs the identified flood risk thereby complying with the first element of the exception test. A site specific flood risk assessment sets out proposed mitigation including the setting of finished floor levels above existing ground levels and flood evacuation plans.

The Environment Agency have been consulted on the submitted Flood Risk Assessment and have raised no objections acknowledging that the proposed dwellings are not located within Flood Zone 2 or 3. Their comments do however go on to discuss the need for the authority to consider safe access and egress in a flood event, recommending consultation with emergency planners and emergency services. Whilst consultation has been undertaken with these parties, unfortunately no responses have been received. The mitigation measures set out within the Flood Risk Assessment could be secured by condition. It is accepted that there may be additional pressure on the emergency services in a flood event noting that there is no means for vehicles to exit the site without entering an area at risk of flooding but it is equally accepted that the dwellings themselves should provide safe refuge and that the public right of way passing through the site does enable a pedestrian escape route to the main road and a Flood Zone 1 area to the north east of the site.

Based on the above discussion, it is not considered reasonable to resist the proposal on flood risk grounds.

Impact on Visual Amenity

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design of an appropriate form and scale to its context complementing the existing

built and landscape environments. Policy DM5 of the DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

The site is located in a mixed-use area with a range of building types and sizes. The nearest residential properties comprise a mixture of more modern brick semi-detached dwellings albeit there are some larger detached and smaller terraced properties in the vicinity.

Whilst the proposal would represent a form of backland development partially on land not previously developed, there are already examples of backland development in the vicinity including the cluster of dwellings directly to the south of the site. As such, the proposed layout and density is broadly consistent with the pattern of housing development in the vicinity.

As existing the site is predominantly an open attractive landscape. Mature trees form the focal point for the entrance into the site which through this proposal would be removed to enable to the main highways access and turning head. The vista through to the site from the Greenaway on the original scheme would have been almost entirely hardstanding forming the road as well as some of the associated car parking spaces (serving plots 4 and 5). The revised proposal has amended this slightly such that the spaces for Plot 5 have been moved to the north of the dwelling and there would be a small area of side garden next to Plot 4 but it remains a negative of the scheme that existing tree cover would be lost. This in my view represents a failure of the proposal to take account of existing features within the site albeit it is appreciated that the position of the access road is somewhat dictated by the need to retain the existing vehicular access to the village hall.

Plot 4 would in a sense represent a corner plot which has been reflected in the revised plans showing an additional living room window on the side elevation. Whilst this is still not a true dual frontage it does at least add additional opportunity for surveillance and visual interest.

At present there is a public right of way which runs along most of the eastern boundary of the site (taking access from the Greenaway). The proposal intends to divert the route of this path down the main vehicular access and to the side of Plot 8 which would be bounded by a fence, in part on both sides. Again, this is considered to be a missed opportunity to take account of the existing features within the site given that the revised route would clearly be less attractive when compared to the current route running alongside the open landscape to the east. However, the revised plan does at least show that the northern boundary of the path would have a fence with trellis which would be less obtrusive than a full height timber fence.

The dwellings themselves would have a relatively modern appearance and use of materials as well as sustainability benefits such as the inclusion of solar panels. Other benefits to the

layout and design include the retention of meaningful areas of open space (for example in the north western corner of the site).

Whilst there remain elements of the layout failing to take account of the existing opportunities within the site (namely the loss of existing trees and realignment of the footpath) the revised proposal is considered to present an acceptable layout which would not adversely affect the visual character of the area.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The original application was accompanied by a Tree Survey which stated that all but one of the trees (a Category C Sycamore) on the application site would need to be removed to accommodate the proposed layout. The revised plan now intends to retain a further three trees. The survey is based on a site visit undertaken in 2019 and therefore the agent has been asked to confirm that the advice remains unchanged given the intervening time. The following response from the author of the report has been provided:

The survey was completed in October 2019. This was after the end of that year's growing season. There have only been three growing seasons since the survey. Whilst the tree crowns and stems will have grown in that time they won't have grown enough to significantly change the tree dimensions on the tree constraints plans.

Of the 11 specimens surveyed, the majority were classed as Category C with only one Category B Sycamore tree (a tree on neighbouring land which is separately protected by a Tree Preservation Order) and one Category U Rowan tree. Whilst replacement planting is proposed, the suggested quantum of 5 trees would not be sufficient to mitigate for the intended loss.

The Council's Tree Officer has commented on the proposals. Their initial comments raised concerns on various matters including that the TPO tree to the south west of the site will overhang the roof and garden of Plots 1 and 2 and that retained trees, noting species and proposed works should actually be regarded as removed.

The agent has responded to the concerns raised. There is an acceptance that the tree to the south west of the site (T10, protected by a Tree Preservation Order) would create an amount of shading to the rear garden of Plot 1. However, it is contended that this will occur in the late afternoon / early evening leaving a greater proportion of the day where the south facing garden would be unaffected by the tree. Having reviewed the response, the Tree Officer remains of the view that, when future growth is taken into account, the proposed development is very likely to require the removal of the tree.

Whilst I agree with the agent's conclusions that the tree is only likely to affect the garden at certain parts of the day at the moment, I equally acknowledge that the tree will grow and the

impacts could increase in the future. However, I am conscious that there are already two bungalows in this part of the site and therefore these impacts are likely to occur for two residential properties irrespective of whether they are the existing or proposed bungalows. Taking this into account, I do not consider that it would be reasonable to resist the proposal purely on the potential impacts of this tree.

Regarding trees shown as being retained, particularly the four to the north of Plot 8, it is stated that the public footpath realignment would be hand dug and of a permeable surface to limit detriment to these specimens. This, as with other tree protection measures, could be secured by condition.

The matter remains that, even with additional landscaping which could be secured by condition, the proposal would lead to a net loss of tree cover within the site and would have potential negative impacts on retained specimens in the future. This will need to be weighed in the overall planning balance below.

An ecological appraisal has also been submitted with the application noting that the site has the potential for ecological interest. The report acknowledges that the site is largely composed of regularly mown modified grassland along with hedgerows and individual trees.

In respect to protected species, the site assessment found no features present that may accommodate bat roosts, concluding specifically in relation to the existing dwellings:

The walls, of unknown construction, have relatively recently been rendered with pebble dash, which continues to the roof, with few gaps visible between the wall and roof joint.

The roof is of metal construction base, topped with a roofing felt lined feature covering another layer of roof of unknown material (likely also to be metal). Wooden fascias surround the roof and each dwelling has a small, brick chimney on the roof. The windows and doors are composed of uPVC material, with no gaps present between the frames and walls.

Each dwelling has a brick outhouse, connected to each dwelling via a brick wall and wooden gated entrance.

The dwellings are in a good state of repair externally, with no gaps or holes present in brickwork or wooden fascias etc, although no internal inspection in either dwelling was possible due to the lack of access and the external area of the tenanted property was also not assessed for similar reasons.

One of the properties was more thoroughly inspected due to the other being tenanted at the time of the survey. The property inspected has negligible roosting potential for bats and based on the observations on site the same conclusions are drawn for the attached property, albeit it is recommended that a check prior to the works taking place is undertaken to confirm the assumptions made. The building is prefabricated and from what was assessed, showed no roosting potential for bats due to being well sealed and offering no access opportunities. A pre-commencement check is therefore considered reasonable in this case.

Other mitigation measures are suggested such as gaps in garden fences for hedgehogs and placement of bat boxes. These could be secured by condition. It is noted that a neighbouring comment has raised that the site is used for great crested newts but this was not identified within the survey (albeit it is acknowledged that there is some favourable habitat in the area with smooth newts having been found within 1km of the site). In the absence of evidence to the contrary it is not considered reasonable to resist the application based on perceived impacts to this species.

The report includes a “Baseline Biodiversity Net Gain Assessment” which identifies the value of the site as 0.81 habitat units and 1.11 hedgerow units. It appears that at the time of writing the Ecological Assessment, the layout was not fixed and therefore an assessment of the post development plans was not included (albeit areas for mitigation were highlighted). Of notable concern however, is reference to a loss of key habitats, in particular semi-mature trees which has already been highlighted as an issue and will weigh negatively in the overall planning balance below.

Impact on Highways including Public Right of Way

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal would rely on a single point of access from Greenaway which has been demonstrated with footpaths on either side up to Plot 6. Plots 6-8 inclusive would be served by an unadopted driveway leading to the existing access to the community hall which would be retained.

NCC have been invited to comment on the application in their capacity as the Highways Authority. Their original comments raised concerns regarding discrepancies between the submitted plans and the highway boundary records on the north east side of the access road. Site measurements have therefore been taken which essentially show that 5.5m parking bays are not available without stopping up the highway. Nevertheless, there is an acceptance that the discrepancy would be minimal and 5.4m bays would be available (these are existing spaces sought to be retained through the application) therefore no objections are raised subject to the imposition of conditions.

The Council has adopted a Supplementary Planning Document for Residential Cycling and Parking Standards. Numerically, the proposal achieves the level of parking provision required by the SPD. The revised plans show that the spaces would also meet the requirements of the SPD in terms of their size.

Reference has already been made to the intention to divert the existing footpath from its current location. Notwithstanding that this would require separate approval outside of the planning process, NCC Rights of Way team have been asked to comment on the application. No objections have been raised subject to conditions including in relation to the proposed surfacing of the re-diverted route.

Impact on 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 promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

Being at the edge of the village, the site would have limited impacts on existing neighbouring residential properties. For example, whilst strictly speaking the dwellings would be behind properties on Staythorpe Road, there would be a distance of approximately 47m from the neighbouring rear elevations to the proposed front elevations. Clearly the neighbouring dwellings outlook will change from what is currently a relatively open site but this in itself would not impose amenity harm worthy of resisting the proposal.

Despite their appearance of being single storey in nature, Plots 1 and 2 would have accommodation set across two floors with the first floor bedrooms being served by dormer windows on the rear elevation. The gable end of Plot 1 would be just 16m away from the two storey side gable of no. 12 which has two obscurely glazed windows. Given that there is only a ground floor window on the elevation facing north west this is considered to be an acceptable relationship.

The dormer window at first floor for Plot 1 would be orientated towards 1 Gorse View but there would be an approximate distance of 23m from the window to the nearest element of neighbouring built form which is a single storey part of the property. The window serving Plot 2 would be closer to neighbouring built form at around 15m away but this is towards a side gable and therefore is less sensitive in amenity terms. Owing to the distances, the dormer windows on the southern elevation are not considered to create overlooking which would amount to amenity harm.

Overall no amenity harm has been identified to neighbouring plots given in part the height of the proposed dwellings and also the distances mentioned.

Each of the dwellings would be afforded an area of garden space to the rear which would be private by the proposed use of boundary treatments. These vary in size but would be broadly commensurate with the size of the dwellings proposed. I have considered whether or not it would be appropriate to remove permitted development rights for the proposed dwellings but do not consider it to be reasonable or necessary in this case. The size of the gardens would likely restrict the desire for significant extensions in any case but I can see no automatic harm arising if individual occupiers did intend to take advantage of permitted development rights.

Overall the proposal would comply with the amenity considerations of Policy DM5.

Other Matters

The Councils Environmental Health Officer has commented on the submitted ground investigation report initially querying a lack of results for PAH analysis testing. However, later

comments have acknowledged that the site is low risk and so an overarching land contamination condition is not required. They have however requested that the certification of imported material should be controlled by condition.

Neighbour comments have referred to other applications in the village which have been refused (namely outline applications). None of these are considered directly comparable to the detailed scheme at hand here. Each application must be considered on its own merits and the previous decisions referred to are not considered material to this application.

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

It is accepted that the site is within the village of Rolleston and that the residential development of the site is acceptable in principle. The proposal includes 5 affordable dwellings and 3 market dwellings, the former of which would make a meaningful contribution to the specific local housing needs of the village (the market dwellings would too to some extent albeit not necessarily in respect of their size / type).

The access to the site would be at risk of flooding but the dwellings themselves would be in Flood Zone 1 according to the Environment Agency maps. Based on the information provided to support the application, and taking account to changes within national planning guidance, Officers are satisfied that the extent of the Sequential Test can be restricted to Rolleston and that there are no other reasonably available sites within Rolleston that could deliver the development proposed. Subject to appropriate mitigation being secured by condition, matters of flooding are considered acceptable.

The application has been subject to numerous amendments which has led to some design improvements. However, as is detailed in the appraisal, there remain compromises and missed opportunities to the overall design approach. Namely, the proposal would lead to significant loss in tree cover and potential future loss as raised as a concern by the Council's appointed Tree Officer.

It is notable that there is also local concern in respect to the potential impacts on the long term usage of the village hall should this development come forward. Officers acknowledge that the proposed occupiers are likely to experience some noise and disturbance through events at the village hall due to the proximity to the site. This is a further compromise of the scheme but on balance but the impacts are likely to be reduced to an acceptable level through noise attenuation and could be secured by condition.

Other matters such as impact highways have been found to be acceptable by Officers albeit it is appreciated that there remains local concern in respect to these issues.

Taking all matters into account, whilst it is a very fine balance, I consider that the positive weight that the affordable housing brings would tip the balance towards an 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

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

03

The development will require the diversion of a public right of way and no part of the development hereby permitted, or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the right of way is retained in such a state that it achieves continuity with the wider rights of way and highway networks

04

Approval of the details of the surface treatment and maintenance, width of the public right of way, area of demarcation along private estate road shall be obtained from the Local Planning Authority in writing before the development commences and shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives

05

No development shall be commenced until a Construction Environmental Management Plan (CEMP) to include precautionary methods of working and habitat creation in accordance with the recommendations of the Ecological Appraisal & Baseline BNG Assessment by bakerconsultants dated October 2022 and associated timescales for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include the siting and design of any wildlife enhancement measures including bird and boxes and details of a precautionary pre-commencement inspection of the tenanted property to confirm the negligible bat roost assessment once the property is vacant.

Development shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintain and enhancing biodiversity.

06

Prior to the importation of any soil material into the site, the imported material shall be tested in compliance with YALPAG Verification Requirements For Cover Systems (Ver 4.1) document as evidenced through a validation report to be submitted to and agreed in writing with the Local Planning Authority. The material shall thereafter be brought onto the site in accordance with the approved details.

Reason: To ensure that matters of land contamination are adequately dealt with.

07

Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

08

No part of the development hereby permitted shall be brought into use until the adoptable access road to the site has been completed and surfaced in a bound material in accordance with details to be first submitted and approved in writing by the the Local Planning Authority.

Reason: In the interest of highway safety.

09

No part of the development shall be brought to use until a new footway connection has been provided along the Greenaway separating the off-street parking bays with the carriageway as

shown for indicative purposes only on the attached plan ref. Proposed Highways Plan – 100-201/(P)011G to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

10

No part of the development hereby permitted shall be brought into use until all private drives and any parking or turning areas are provided and surfaced in a hard bound material (not loose gravel)- The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

11

No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the discharge of surface water from the driveway/parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

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

12

Notwithstanding the submitted details, the dwellings hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for losses noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. For the avoidance of doubt, size shall be 12-14cm girth nursery stock;
- details of new boundary treatments, including gates (height and appearance);
- existing and proposed levels;
- details of any other means of enclosure;
- permeable driveway, parking and turning area materials;
- other hard surfacing materials.

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details and the commencement of development. If within

a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

The approved hard landscaping elements shall be provided on site prior to the occupation of the development and thereafter retained for the lifetime of the development.

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

13

Notwithstanding the submitted details, no works or development shall take place until an updated 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 the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows including details of hand digging of the re-aligned footpath (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 the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

14

The dwellings hereby approved shall not be occupied until details of sound insulation and attenuation measures for the dwellings have been submitted to and approved in writing by the local planning authority. The measures shall have particular regard to the noise associated with amplified music from the village hall to the north-east of the site.

The agreed details shall be implemented prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity and to protect the operations of the existing adjacent commercial use.

15

The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment & Drainage Strategy by bsp consulting – 20-0622 dated February 2021, including but not limited to:

- The prospective site management should register to receive flood warnings;
- The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development.

Reason: To protect the occupiers in a flood event.

16

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

- Site Location Plan – 100-201/(P)001J;
- Proposed Plans and Elevations (M Plots 06-07) – 100-201/(P)008F;
- Boundary Treatment Plan – 100-201/(P)010L;
- Proposed Highways Plan – 100-201/(P)011G;
- Proposed Plans and Elevations (C2 Plots 01-02) – 100-201/(P)012E;
- Proposed Plans and Elevations (A3 Plot 03) – 100-201/(P)013B;
- Proposed Plans and Elevations (D Plots 04-05) – 100-201/(P)014E;
- Proposed Site Plan – 100-201/(P)019H;
- Proposed Plans and Elevations (M Plot 08) – 100-201/(P)022;

Reason: So as to define this permission.

17

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.

18

Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on 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 outside of existing areas of hardstanding within the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

19

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of species on site.

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

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

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

03

Section 38 Agreement (Highways Act 1980) – new road details

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

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

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

04

Section 278 Agreement (Highways Act 1980)

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

Correspondence with the Highway Authority regarding Section 38 and Section 278 application should be sent to Highway Development Control team's email: hdc.north@nottscc.gov.uk For further details, please contact Sarah Hancock, Principal Development Control Officer (Newark & Sherwood area), on 01158 043 168.

05

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.

06

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.

07

Signs

Non-statutory signs are not permitted within the limits of the public highway.

08

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

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

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

09

It is recommended that early discussions are held with the Rights of Way Team at NCC (Via) on any impact a development might have on a right of way (surface, width, location etc) or potential change to the route, before the development commences. Contact countryside.access@nottsc.gov.uk

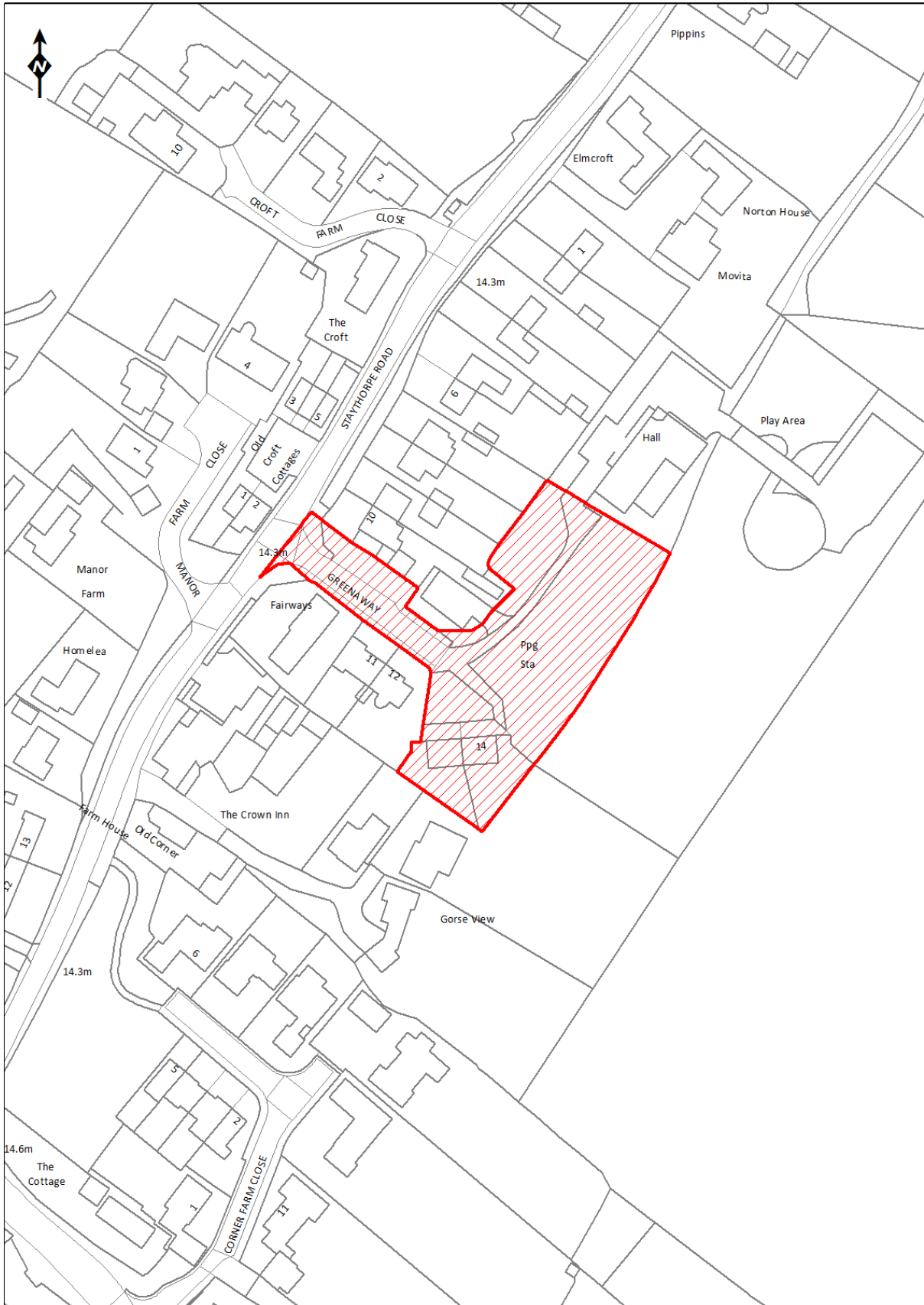
The proposed development requires a public right of way to be diverted because it cannot be accommodated on the legal line within the scheme then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public Rights of Way affected by development. No part of the development hereby permitted, or any temporary works shall obstruct the public right of way until an Order has been secured.

The safety of the public using the path should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the PROW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting 2 the Rights of Way section countryside.access@nottscc.gov.uk , The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. A TRO application will only be granted on a PROW to be temporary closed and diverted as a result of the development once the application to stop up or divert the PROW under the TCPA 1990 has been accepted by the LPA.

BACKGROUND PAPERS

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

Application case file.



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	22/02086/FUL		
Proposal	Change of use of agricultural land to proposed turning area		
Location	Hutchinson Engineering Services Ltd, Great North Road, Weston, NG23 6SY		
Applicant	Hutchinson Engineering Services Ltd	Agent	Mike Sibthorpe Planning
Web Link	22/02086/FUL Change of use of agricultural land to proposed turning area Hutchinson Engineering Services Ltd Great North Road Weston Nottinghamshire NG23 6SY (newark-sherwooddc.gov.uk)		
Registered	08.11.2022	Target Date	03.01.2023
		Extension of Time Requested	17.03.2023
Recommendation	That planning permission is REFUSED for the reasons detailed at Section 10.0		

This application is before the Planning Committee as the request of Cllr S Michael who supports the views of the Parish Council which differ from the officer recommendation.

1.0 The Site

Hutchinsons Engineering is situated on the western side of the Great North Road within Weston parish, approximately 15 km (9.5 miles) north of Newark. Plans deposited with the application show that the wider site has a depth of approximately 300m from the back edge of the highway boundary to Great North Road and approximately 71 metres width across. Buildings are primarily grouped towards the northern part of the site behind and adjacent to staff/visitor car parking facilities located immediately behind the road frontage. Vehicular access to the site is gained from an access point alongside the eastern boundary onto the

Great North Road. The existing site appears to comprise approximately 2.11 hectares in area. The boundaries are demarcated primarily by mixed hedgerows and concrete security fencing on the inside. There are significant areas of open storage on the wider site comprising high sided vehicles, plant and equipment, to the rear of the existing group of buildings.

On the site subject to this application, hardcore has already been laid, concrete security fencing installed and the spoil and self-set saplings that were on site have been removed.

The housing within the village of Weston lies to the north of Great North Road. The East Coast Railway Line passes from southeast to northwest to the northeast of the village whilst the A1 trunk road passes through the open countryside to the southwest, along a line broadly parallel with the railway.

There is open agricultural land to the east, south and west of the site. A short distance to the west is a substantial open space upon which is located the grounds of the Weston Cricket Club.

2.0 Relevant Planning History

There has been extensive planning history to this site (the most recent of which towards the bottom- is of most relevance) which is summarised below:

60/76480 – Extension to offices. Approved 07/06/1976 (Hempsalls Transport Ltd)

60/76753 - Relaxation of condition on previous planning consent relating to sales of commercial vehicles from the site. Approved 07/09/1976.

60/76231 – Extension to workshop. Approved 06/04/1976.

60/77596 – Extension to transport depot. Approved 17/08/1977.

60/80856 – Extensions to offices. approved 29/08/1980.

60/82814 – Extension to workshops for servicing good vehicle. Approved 04/011/1982.

60/891265 – Rural workshop development to house light industry on land at rear of existing facility (includes the site now being considered). Refused 20/11/1990.

98/51958/FUL (FUL/980457) - Extension to offices, alterations to flat roof to offices to form new pitched roof (retrospective). Approved 08/06/1998.

98/51959/FUL (FUL/980458) - Change of use of agricultural land to form parking area for haulage/commercial vehicle repair depot. Refused 04/08/1998) and related to land now in use as the yard.

9951844/FUL (FUL/990429) - Extended parking area for existing haulage /commercial vehicle repair depot. erection of workshop/store and related land (related to a site that now forms part of the existing yard) Refused 23/07/1999.

02/00511/LDC - Continue use of land for storage of vehicles and equipment on area of hardstanding on former agricultural land (related to part of the site now used as yard and part open countryside). Refused 21/05/2002.

03/00027/FUL - Change of use from agricultural land to form additional rear yard space to engineering services depot. Restoration of hardstanding to south to former state. Withdrawn 15/07/2003.

03/01966/FUL - Change of use of agricultural land to form additional rear yard space to depot. Restoration of hardstanding to south to former state. This application related to the land immediately north of the current proposal. Refused 06/10/2003 on grounds:

01

This proposal is also subject to Policy NE1 (Development in the Countryside) of the adopted Newark & Sherwood Local Plan and Policy 3/1 (Control of Development in the Countryside) of the adopted Nottinghamshire Structure Plan Review. These policies state a general presumption against development in the countryside, unless it meets one of the exceptions listed. This proposal does not meet any of the exceptions listed and is therefore contrary to the above policies.

02

The site is subject to Policy E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan. This Policy state that planning permission will not normally be granted for employment development in the countryside. It provides a list of exceptions, one of which is 'the reasonable expansion of an existing business, provided inter alia, that the development would not intrude into the openness of the countryside.' Policy 2/9 of the Nottinghamshire Structure Plan adopts a similar stance. In the opinion of the Local Planning Authority, the proposal does not constitute a reasonable expansion and constitutes a harmful intrusion into the open countryside. Therefore the proposal is considered to be contrary to the above-mentioned policies.

04/01305/FUL - Change of use of land to form extended parking/storage area for existing haulage/commercial vehicle depot. Related to land north of the application currently being considered. Approved 23/07/2004.

05/01571/FUL - Partial change of use of site to enable 'end of vehicle life' operations, including the extension of an existing concrete cutting bay, storage of end of life vehicles and their de-pollution and disposal. (related top small area of land in centre of site) Approved 12/10/2005.

07/00606/FULM –‘Change of use agricultural land to industrial (Class B2) and formation of associated bunding, demolition of existing workshop and erection of extension to rear to form new maintenance and storage facility’. The extension into the open countryside comprised a vehicle turning facility encompassed by a security bund to the rear of the site around which the existing boundary hedge was proposed to be retained. This was refused 02/08/2007 (delegated) on the following grounds:

01

The proposed workshop extension does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.

02

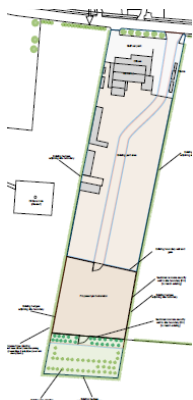
The proposed change of use of agricultural land to industrial (Class B2) use does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.

APP/B3030/A/08/2067961 – The applicant appealed against this decision and the appeal was dismissed on 13th June 2008.

17/00901/FUL – Change of use land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods. Application was withdrawn in August 2017.

17/01389/FUL - Construction of Pitched Roof on Ancillary Industrial Buildings (Retrospective) approved 02.10.2017

18/00251/FUL - Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods (revised proposals following application 17/00901/FUL) approved March 2018 and implemented. Condition 3 required the planting of 26 heavy standard native trees, which either has not not been undertaken at all or maintained as required by the condition. The proposed planting area is the area where this latest change of use is now sought. The reason for the condition was to help mitigate and reduce the level of visual harm from the development.



21/02245/FUL – Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods. Refused (under delegated powers) on 2nd December 2021 for the following reason:

In the opinion of the LPA the proposal does not represent a small scale or proportionate expansion and further expansion into the countryside is considered to be unsustainable

and would unacceptably harm the open flat landscape. Furthermore the application has not demonstrated there is a need for this level of expansion into the open countryside and in any event the harm is now considered to outweigh any such need taking into account the amount that the business has already expanded over time. This application would also result in the inability to mitigate existing visual harm to the countryside through an approved soft landscaping scheme in 2018. The proposals are therefore considered to be contrary to Core Policy 6 (Shaping our Employment Profile), Core Policy 13 (Landscape Character) and Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy DPD and policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management DPD which together form part of the Development Plan as well as being contrary to the NPPF, a material planning consideration.

APP/B3030/W/22/3293016 – An appeal was lodged and dismissed on 05.08.2022

3.0 The Proposal

Full planning permission is sought for the change of use of land to form an extension to an existing haulage yard. This time however, the application is said to relate to the provision of an HGV turning area and explicitly notes on the proposed plans that it would not be for the parking of vehicles, trailers or storage of goods. Indeed the description of development is noted as being for the ‘change of use of agricultural land to proposed turning area’.

The plans show the area to be c0.3 hectares in area, between c38m and c48m deep by 71m in width which is the same site area as the most recent appeal decision. This would apparently utilize all land within the applicant’s ownership and is said to be required to meet the growing needs of the business.



The boundaries proposed are 2m high concrete sectional fencing (which has now already been installed). The plans annotate the existing hedge along the boundaries would be gapped up and that 70 new trees would be set within this. Compacted hardcore has already been laid at the site over the entire site area.

It is not clear if the land is already in use for the turning area but given the physical development has already been undertaken, the proposal is therefore part retrospective.

The Submission

Proposed Block Plan, MSP:225/011A (revised 01.02.2023)

Site Location Plan, MSP:225/001C

Letter from Duncan and Toplis, 21.10.2022

Landscape and Visual Assessment, by Mike Sibthorpe

Planning Statement by Mike Sibthorpe

Business Plan 2022-2025 (received 01.02.2023)

Commentary on Business Plan (received 01.02.2023)

Revised Plan showing soft planting, unreferenced (received 20.03.2023)

4.0 Departure/Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter. The application has also been advertised as a departure to the Development Plan.

Site visit undertaken November 2022 and February 2023.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM4 – Renewable and Low Carbon Energy Generation

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

6.0 Consultations

Cllr S Michael – Supports the scheme and requested the application be considered by the Planning Committee in the event of a refusal.

Weston Parish Council – Support and feel that:

- The turing area will make the site safer;
- There will be less noise;
- The proposal will not have a detrimental effect on the village.

NCC Highways Authority – ‘The addition of a turning area to the premises is welcomed as it will enable vehicles to exit the highway in a forward gear as such there are no objections to the proposal. The plan has however not been accompanied by any swept path analyses so it is assumed that the design is fit for purpose for the applicants purposes.’

Interested Parties/neighbours – None received.

7.0 Comments of the Business Manager – Planning Development

Preliminary Matters

An application for the ‘*change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods*’ was refused and dismissed on appeal in August 2022. The main issues were identified by the Inspector to be:

- whether the proposed development would represent an unacceptable encroachment into the open countryside; and
- if the proposed development is an unacceptable encroachment whether this would be justified by the reasonable needs of the existing business.

The Inspector found there there was unacceptable encroachment in the countryside and that this was not justified by the reasonable needs of the business.

This application seeks to directly respond to the concerns raised in the previous refusal and dismissal. The application has been assessed on its merits albeit the report that follows is based on the previous report and updated where necessary.

Principle of 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.

The starting point in assessing this scheme is with the Development Plan. Spatial Policies 1, 2 & 3 set out the settlement hierarchy in the district and where growth should be distributed

to. At the top of the hierarchy (as detailed in Spatial Policy 1) is the Sub Regional Centre (Newark, Balderton and Fernwood) followed by a number of Service Centres, Principle Villages and then at the bottom is 'Other Villages'. Spatial Policy 2 sets out the distribution of employment sites across a number of areas. In terms of providing context, Weston village itself would be considered a rural area where Spatial Policy 3 would become relevant. However as the site lies outside of the settlement and in the open countryside this policy acts as a signpost to other policies within the Development Plan which are Core Policy 6 (Shaping our Employment Profile) and Policy DM8 (Development in the Open Countryside).

CP6 provides that most employment land should be at the Sub Regional Centre with a lesser scale directed towards Service Centres and Principal Villages. It goes on to say (in its penultimate bullet point) the economy within the district should be strengthened and broadened to provide a range of employment opportunities by *'helping the economy of Rural Areas by rural diversification that will encourage tourism, recreation, rural regeneration and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.'*

Policy DM8 (at point 8 – Employment Uses) states that *'Small-scale employment development will only be supported where it can be demonstrated the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of CP6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through the sequential test.'*

I am mindful that the NPPF also represents a material planning consideration, notably the 3 dimensions to sustainable development which have economic, social and environmental roles. Paragraph 84 (supporting a prosperous rural economy) is particularly pertinent which states that *'Planning policies and decisions should enable (A) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...'*

It is against this policy context above that the scheme needs to be assessed. Some of the key points which are worthy of further exploration are:

- 1) Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?
- 2) Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute 'sustainable growth' as required by the NPPF.

I explore these issues as I move through the report. Other key considerations that need to be considered are:

- 3) Whether the scheme would have harmful impacts on the open countryside and
- 4) Whether the findings of the appeal dismissal in 2007 and from August 2022 remain valid.

A number of other considerations are also explored (highways, residential amenity, ecology

etc) and then all matters will need to be weighed in the planning balance which I undertake at the end of this report.

Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?

The applicant's company operate a range of engineering and manufacturing services as well as specialist haulage services from 3 sites in the area; Weston and Sutton-on-Trent which are within NSDC jurisdiction and a depot at Tuxford (their specialist trailer division) falling within Bassetlaw District Council's area. The Weston site operates the haulage side of the business which specializes in heavy and abnormal loads.

The applicant previously set out that as the business has expanded so has the need to expand the space on site and there is no capacity at any of the other sites and that in any event it would be costly and inefficient to do so. The agent advises that as abnormal loads vary in form it is necessary to have a varied stock of trailer types available for use and therefore for every vehicle operating from the site, there will be several different, compatible trailers available to be used. When not in use these need to be stored at the site and ready to be used according to the demands of the business. They go onto explain that the plant and crane hire operation has also expanded significantly (by around 30%) since 2018. Two additional mobile cranes have been added with the number of access platforms having increased from 15 to 24. Off-loading shovels have increased from 4 to 7. Four large fork-lift trucks (up to 30 tonnes capacity) have been added, as well as two, 20-tonne excavators and two, 25 tonne bulldozers. Other smaller items have also been added to the inventory. The rapid growth of the business has meant that the needs of the enlarged fleet cannot reasonably be accommodated within the site alongside the other site activities, including specialist equipment hire and in-transit goods. They say there is a real and evident need to expand the site to accommodate the day-to-day needs of the business.

In considering the previous scheme (dismissed on appeal) it was noted that whilst the application gave a strong anecdotal commentary on the need for the space, no plans or details have been submitted that evidence how the existing site might be rationalised and better used or if this is even possible. The employment position also suggested a neutral impact on sustaining existing jobs. Ultimately neither officers nor the Planning Inspector were persuaded that that there was a demonstrable need for the additional space on site to meet the needs of the business.

This latest application is supported by additional evidence of the business and its needs. The auditors letter submitted in support of this application indicate the gross turnover for the year ending 30.04.2021 was £10.523m and on 30.04.2022 was £12.225m demonstrating growth. This business plan relates only to the haulage division at the Weston site. They also make the case that the turning facility will free up space within the existing yard to allow additional specialist HGVs and specialist equipment to be stored, which would allow vehicles to more safely leave the application site and create employment opportunities for around 20 jobs. The submitted Business Plan (BP) (for the period 2022 to 2025) indicates the projection for both sustaining and creating employment (by 24% over the next 3 years) which is significant for a rural area.

There is limited evidence presented (other than anecdotal commentary) to show why the business needs a rural setting and cannot be relocated to a more urban setting such as the industrial estate. Clearly this would have cost implications for the applicant who owns the site at Weston and it would appear to be unpalatable. It is accepted that the business has operated from this site for a long period and is close to the A1 so has reasonable access to one of the major transport links.

Like many others in its sector, the business faces the challenges of a shortage of experienced and qualified drivers and well as volatile and increasing fuel costs but is said to remain resilient given its specialisms in abnormal loads and involvement in major projects such as the HS2. The Business Plan makes the case that there is a need to allow expansion to allow the business to grow to gain new clients and offer valued added services to existing ones. The business is said to be turning away work in part due to the physical limits of the Weston site. Clearly this application would only solve part of the problem and efforts would be required to make more efficient use of the yard to create additional capacity. This application is not accompanied by any plans or evidence to show how the use of the existing site could be made more efficient. Whilst not fully demonstrating the case for the need in this location, there does appear to be a reasonable case in economic terms to allow this business to expand.

Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute 'sustainable growth' as required by the NPPF?

The business has been incrementally expanded over a long period of time to more than 1 ½ times the size of the original business, a matter noted by the Inspector in his latest decision letter at para.19. The Inspector concluded that the expansions that had gone before should be considered cumulatively and that there was no evidence the proposal amounted to sustainable growth that would be justified by the reasonable needs of the business.

Small-scale is not defined anywhere in policy but is a matter of judgement based on fact and degree. Whether this proposal constitutes 'sustainable growth' as required by the NPPF is a difficult matter to grapple with. The business has been allowed to expand over decades and it difficult to know where the line should be drawn in terms of saying enough expansion is enough in the context of when a site should take no more. I remain of the view that the proposal, taking into account the previous expansions does not amount to 'small-scale' as required by Policy DM8.

This Council has both supported and resisted expansions throughout the business' history at this site and the operator is clearly an important and well established business. However, such support should be within the context of the land use constraints of the site. The justification for DM8 states that 'it should be recognised that the expansion of any given site is likely to be limited at some point by its impact on the countryside.' The key question is where that limit should be. This is, in part, inextricably linked to its impact on the open countryside which I now consider further.

Whether the scheme would have harmful impacts on the open countryside?

This is a matter that was explored with the recent appeal that was dismissed. At that time it was proposed that vehicles would be parked within the site now subject to this application. The Inspector found there would be harm. At para. 6 of his DL it states:

“As the proposal would introduce development and vehicles onto land that is currently open it would represent an encroachment into the countryside. Additionally, in the context of the above it would be likely to have a significant adverse visual impact on the openness of the countryside. It would also therefore fail to ensure that the rural landscape has been protected and enhanced. I note that the extended yard would not always be full of vehicles. However, this is not the same as the proposal having no visual impact at all in this regard.”

The Inspector also noted that the hedgerow proposed would not sufficiently obscure the proposal fully given the visibility from the A1, the footpaths and bridleways. They also noted there was no evidence to support the appellant’s claim that the impact was moderated by the low profile of the on-site parking and storage and the screening in the form of a Landscape and Visual Impact Assessment. The Inspector concluded that the proposal represented an unacceptable encroachment into the open countryside. This revised scheme seeks to remedy these criticisms by providing a Landscape and Visual Impact Assessment (LVIA) and by no longer including vehicles parking within the area.

The LVIA submitted has been undertaken by the planning agent and does not appear to follow objective methodology usually employed by qualified landscape architects in undertaking such assessments. It concludes there would be no adverse impact on the existing landscape and no material change to the appearance of the site. I do not agree with this assessment.

The site lies within the Mid-Nottinghamshire Farmlands landscape and falls to be assessed against Policy Zone 20: Ossington Village Farmlands with Ancient Woodland where landscape condition is defined as good and its sensitivity is defined as moderate giving a policy action of ‘conserve and reinforce’ according to CP13 and the SPD on Landscape Character.

It has already been concluded (at both District Council level and upon appeal in 1998, again in 2007 and in 2022) that developing a larger parcel of land (albeit part of the same land) for an extension of the haulage yard would have a harmful impact on the countryside. One appeal was also for a physical building (new storage facility) as well as the change of use of the land in question which was retrospective at the time the appeal decision was made and was in use for some parking and open storage with low bunding along two sides.

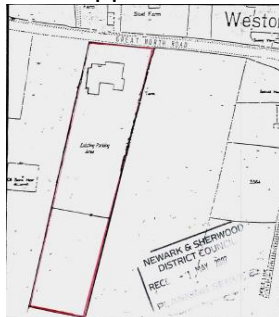
The Inspector concluded that the new storage facility was harmful and with specific reference to the change of use stated:

‘With regard to the change of use of the southern part of the appeal site, even with bunds in place this intrusion into the countryside is very evident and is materially damaging to the rural landscape...On the information before me I am not persuaded that the business needs of the appellant company are such as to outweigh the harm caused by this commercial intrusion to the rural landscape.’

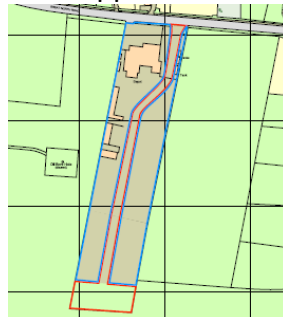
This aspect of the appeal scheme therefore conflicts with the provisions of local plan policy E.28 and with the objectives of PPS7 and RSS8.'

It is clear that the Inspector concluded that the expansion would have represented an unacceptable encroachment into the open countryside in 2007 (and before that in 1998). In the last 16 years since that appeal was determined, the boundaries of this parcel of land have been planted up with hedgerows thus providing slightly more robust boundary treatments and offering some screening. The site was granted permission for an extension in 2018 for the same as what was found harmful, on the basis that the harm could at least be partially mitigated, though it was accepted that some harm would still ensue. The previous conclusions drawn by the previous appeal inspector was that the parking of large vehicles (approximately 5m high) would be very apparent in the landscape and visible from public vantage points including the A1 trunk road and thus the mitigation was intended to strike a balance between allowing expansion and allowing some mitigation.

2007 application



2021 application



In 2018 the issue of whether the harm could be mitigated formed a key consideration. At that time the applicants put forward a landscaping scheme comprising 26 standard heavy mature native trees on the site (now subject of this latest application) as an attempt to overcome Officer concerns. However there is no evidence of planting having taken place on site; the applicant says these died but the condition required their replacement if indeed they had failed. Therefore the harm arising from the approved scheme has not yet been mitigated. In fact the land in question (the application site) has now been covered entirely with hardsurfacing.

The applicant argues that the proposed turning area would have no discernible additional impact on the landscape. However the previously consented development was conditional upon soft landscaping in mitigation which has not happened. The extended part of the application site has been bounded by a 2m high solid concrete wall closer to the A1 which is stark and alien in the landscape. Upon clarification, it would appear there is only limited space (2m deep) on the outside of the wall where the applicant proposes to plant around 70 trees to comprise a native hedgerow comprising oak, field maple, ash, holly, rowan and alder. This amount of space is limited and is unlikely to allow sufficient space for the species to mature and thrive albeit could be managed to form an effective hedge over time. This would provide some limited mitigation to the harm of both the physical wall and the land use but not in the short term and in any event this would not fully mitigate the harm.

The application is retrospective and it is noted that vehicles have been observed as being kept within the application despite only being advanced as a turning area. It has been suggested

to the applicant that the scheme should be amended to include landscaping of the whole site (other than the turning area) which would offer comfort that the remainder of the site would not be used for the parking of vehicles and to provide the mitigation that was expected to be in place for the 2018 permission that has been implemented. However the applicant has only shown an additional landscape belt inside the concrete sectional fence. This plan is not to scale but it would appear to be a belt approximately 4-5m wide. Given the presence of the concrete fence and the limited width of planting compared to the depth of planting (which on average would have been 43m deep) that was supposed to be provided in mitigation for the previous approval, I consider that the effectiveness of this will be limited and is not comparable. This would not properly mitigate the visual impacts for the 2018 permission nor this scheme which would worsen the impacts.

Image: Extract of plan showing 2018 area of landscape mitigation

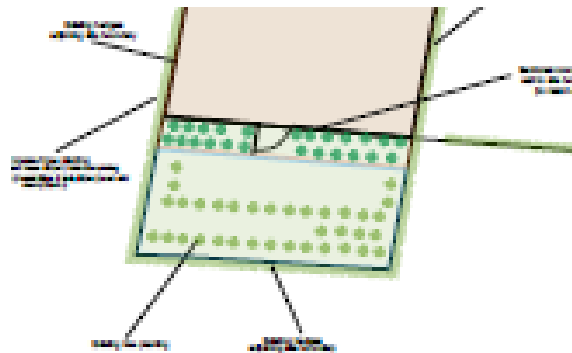


Image: Proposed landscaping in pink. Area highlighted in yellow is also unauthorised hardstanding that the applicant is unwilling to landscape as part of this application.



I note that the proposals are said to be for a turning area only. However I am also mindful that hardstanding that has been laid over the entire site and there is an apparent reluctance to undertake meaningful landscaping on the open areas outside of the turning area. This is of concern as there would clearly be a temptation for the land to be used for storage purposes without any physical barriers in place which have also been suggested but have not been advanced in amendments. Whilst the transient nature of the vehicles turning area would negate some concerns regarding prolonged visual harm, the limited landscaping does not provide sufficient mitigation for either the 2018 approved scheme nor this latest application. Clearly the proposal also represents an encroachment further into the countryside.

Residential Amenity

The nearest residential properties are situated on the opposite side of the carriageway to the site entrance. No objections have been received to the application.

The existing business is operating without any controls in terms of operating hours, lighting etc and indeed early morning vehicle movements appear to be necessary to allow for the proper functioning of the business. An expansion of the size promoted would likely give rise to some further impacts but I do not consider that these would amount to a reason to resist the application in themselves should other matters be considered acceptable. Certainly these were not matters that warranted refusal previously in similar (and larger size in site area) appeals at this site in the context of policies DM5 and CP9.

Highway Impacts

SP7 sets out the policy context for development that affects highways in terms of capacity and impacts further afield as well as ensuring there is suitable access and parking.

In this case no physical changes are being proposed to the site's access and the scheme represents an intensification of the site's access. Parking elsewhere in the site would remain unchanged.

It is noted that NCC Highways Authority have commented that 'the turning area is welcomed as it will enable vehicles to exit the highway in a forward gear'. My understanding (given that this application has not been advanced as a highway safety improvement by the applicant) is that vehicles using the site already (prior to the currently unauthorised turning area being created) leave the site in a forward gear and therefore the application is not a benefit that can be weighed in the balance but rather is a neutral factor.

Other Matters

Having been to site, I consider it unlikely that the site contains habitat for any protected species (nor would it have been likely to prior to the hard surfacing being laid) and no further assessment is necessary. With regards to flood risk, the site located within flood zone 1 and given its size is just under 1 ha, it does not meet the threshold for a flood risk assessment and I am satisfied that no further assessment is necessary. If approved a condition could be imposed to require any hard surface to be permeable to allow for natural percolation of surface water.

8.0 Planning Balance and Conclusions

It is acknowledged that policies at both national and local level allow for the growth of rural businesses albeit the shift to an economy for growth is caveated by the sustainability theme that runs through policy which is seen as the golden thread in policy terms.

I have carefully considered the scheme in light of all material planning considerations including the most recent appeal decision from 2022. No harm to residential amenity, the highway or ecology has been identified. From the submission I have identified no tangible highway benefit either and the scheme has not been advanced as such.

I accept that the proposal would sustain employment and the Business Plan shows a projected growth of 20% additional employment over the next 3 years which accords with CP6 and DM8. However the proposal taking into account the growth of the business previously, does not amount to small scale expansion and in this regard is a departure from the policy. Continued expansion at this site is unsustainable and the development encroaches into the countryside causing harm to the landscape and visual impact of the area, a matter which the previous Inspectors have agreed on. Some of this harm could be mitigated with appropriate landscaping but not all of this. The applicant has declined to amend the scheme to provide a more meaningful landscape mitigation package to the unused open areas of the site.

The applicant says the latest application is in response to the urgent business needs of the company and that the impact is now limited. In an attempt to evidence their case, additional supporting information has been submitted indicating a need for expansion and whilst not fully convinced on the need for a rural location per se, I accept the business is well established, a local employer and close to the A1 so has merit. When weighing all matters up this is a finely balanced judgement. It is noted that the proposal is now retrospective so the impacts (minus the mitigation) can be judged in situ and it is also noted that the Parish Council support the proposal.

However whilst I acknowledge that the applicant has now demonstrated there is a reasonable need for the business to expand, this must be countered against the encroachment and landscape/visual impacts. Harm was established previously for the use of this land. Previous decisions have made clear that this land was required for the purposes of landscaping to mitigate that harm. Now, hardstanding in the form of the road and the residual site would lead to the same net effect, in my view, as the previous refused and dismissed proposal in so far as it leaves a full hardstanding site without meaningful landscaping in terms of extent, depth and ability to mitigate this and previous development. If the proposal had been limited to a turning area for vehicles alongside meaningful landscaping, the planning balance may have been different. However as it is not, I conclude that the application has not done enough to mitigate the harm it causes and therefore recommend refusal for the reasons set out below.

9.0 Implications

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

10.0 Reason for Refusal

01

In the opinion of the Local Planning Authority the proposal does not represent a small scale or proportionate expansion and further expansion into the countryside is considered to be unsustainable and would unacceptably harm the open flat landscape. Whilst it is accepted that the applicant has an economic need to expand their growing business, it remains that no

proper evidence has been advanced to demonstrate why it needs to be in this rural location. In any event the visual and landscape harm is considered to outweigh any such need taking into account the amount that the business has already expanded over time and given the level of hardstanding that has been laid without meaningful mitigation in the form of landscaping to areas of hardstanding outside of the turning area. This application would also result in the inability to mitigate existing visual harm to the countryside, resulting from and required for planning application 18/00251/FUL, through an approved soft landscaping scheme in 2018. The proposals are therefore considered to be contrary to Core Policy 6 (Shaping our Employment Profile), Core Policy 13 (Landscape Character) and Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management Development Plan Document which together form part of the Development Plan as well as being contrary to the National Planning Policy Framework, a material planning consideration.

Informatives

01

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

Proposed Block Plan, MSP:225/011A (revised 01.02.2023)
Site Location Plan, MSP:225/001C
Letter from Duncan and Toplis, 21.10.2022
Landscape and Visual Assessment, by Mike Sibthorpe
Planning Statement by Mike Sibthorpe
Business Plan 2022-2025 (received 01.02.2023)
Commentary on Business Plan (received 01.02.2023)
Revised Plan showing soft planting, unreferenced (received 20.03.2023)

02

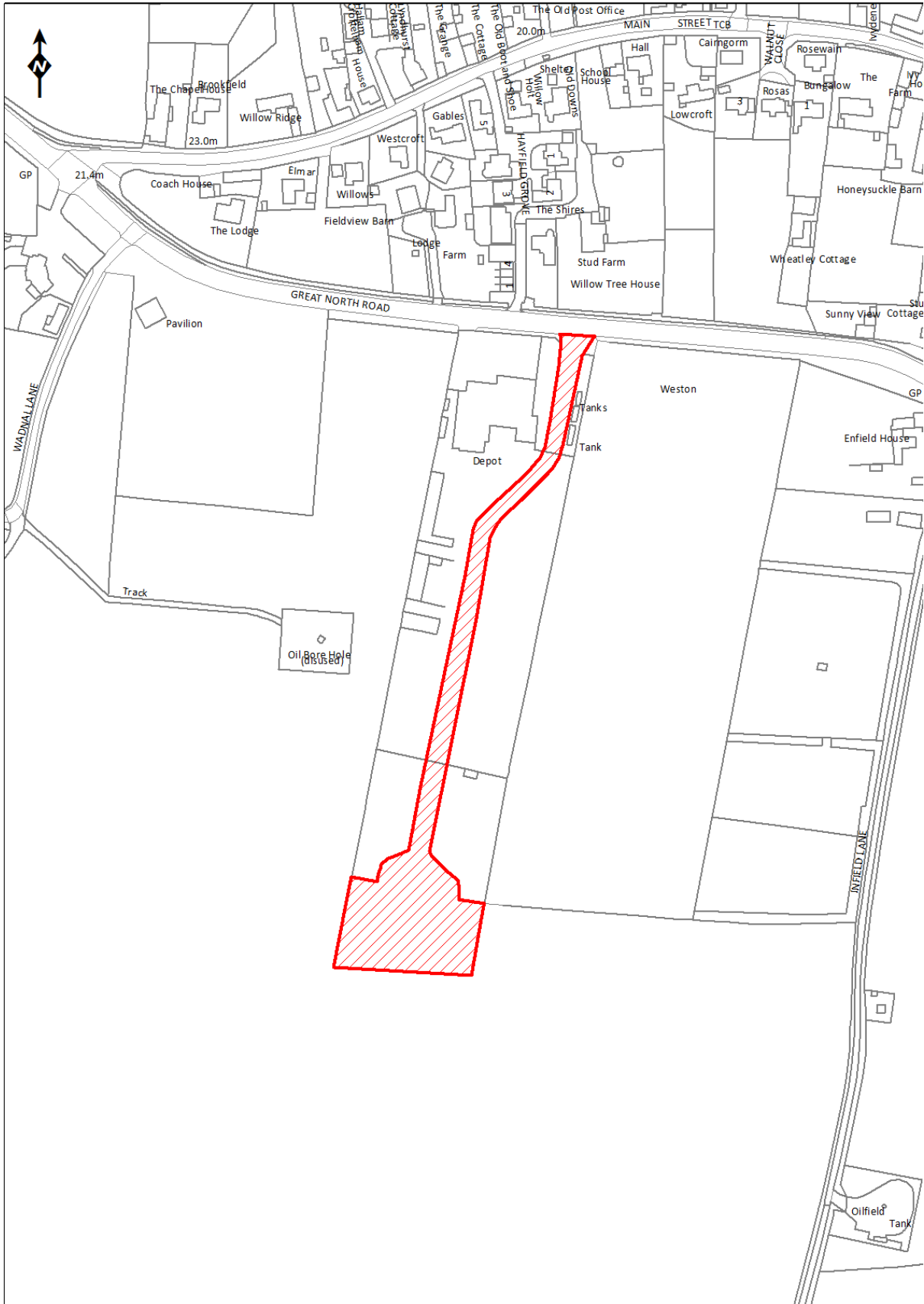
The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to make the scheme acceptable but ultimately the amendments advanced were insufficient to tip the balance to an approval.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/02086/FUL



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5973

Report Summary			
Application Number	22/02469/RMA		
Proposal	Reserved matters application pursuant to application 21/02680/OUT for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works		
Location	Broadlands, Southwell Road, Farnsfield, NG22 8EB		
Applicant	Lawford & Evans Ltd - Mr Simon Lawford	Agent	Finola Brady Architectural Services - Ms Finola Brady
Web Link	22/02469/RMA Reserved matters application pursuant to application 21/02680/OUT for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works Broadlands Southwell Road Farnsfield NG22 8EB (newark-sherwooddc.gov.uk)		
Registered	29.12.2022	Target Date	23.02.2023
		Extension of Time	21.04.2023
Recommendation	Approve, subject to conditions set out in Section 10 of the report.		

This application is being referred to the Planning Committee for determination at the request of Cllr Bruce Laughton because the Officer view differs from the view of Farnsfield Parish Council and concern that demolition of the bungalow and replacement with three dwellings represents over intensification of the site and would set a precedent for similar sites.

1.0 The Site

The site contains a vacant bungalow (Broadlands) with associated garden and a detached garage located in the settlement of Farnsfield as defined by the Allocations and Development

Management DPD. The bungalow is constructed out of traditional facing brickwork with a hipped roof and chimney, covered with a plain tile roof covering. The garage is constructed out of traditional facing brickwork with a pitched roof, covered with cement roofing sheets.

To the north and east of the site is a new housing estate, comprising 2, 3, 4 and 5 bedroom new build 2 storey houses, constructed in a mixture of facing brick and render, with concrete tiled roofs. To the South and West of the site is Southwell Road, lined with detached 2 storey houses, constructed in a mixture of facing brick and render, with tiled roofs. The site is currently accessible directly from Southwell Road.

The trees to the front of the site are protected by Tree Preservation Order.



The building is not listed and is not within a Conservation Area. The site is designated as being within Flood Zone 1 on the Environment Agency Flood Maps.

2.0 Relevant Planning History

21/02680/OUT Outline application with all matters reserved (except for the means of access) for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works – granted 25.06.2022

3.0 The Proposal

The proposal seeks reserved matters (including appearance, landscaping, layout and scale) for the erection of 3 detached dwellings following the demolition of Broadlands. The site benefits from outline consent which included permission for the proposed site access (to be widened to allow for 2-way traffic) with turning provision off a shared private drive. Each dwelling would be served by off street parking spaces and a private rear garden. Detached garages are proposed to serve two of the proposed dwellings (Plots 1 and 2).

Proposed materials would comprise red bricks (Wienerberger Hartlebury Oast Russet Sovereign) and grey roof tiles (Marley Duo Edgemere Interlocking).

Revised plans have been submitted since the application was submitted to reduce the proposed property sizes, increase offsets (from the adjacent dwelling 'Aldershay') and to be more similar to the indicative proposed site layout submitted with the outline application.

The application has been considered on the basis of the following:

- FB22-1106 EX03 Existing Site Sections
- FB22-1106 EX02 Existing Site Plan
- FB22-1106 EX01 Existing Location and Block Plans
- Design and Access Statement 23.12.2023
- Arboricultural Method Statement Rev B 29.03.2022
- FB22-1106 PL01-C Proposed Location and Block Plans
- FB22-1106 PL02-C Proposed Site Plan (amended plan received 28.03.2023)
- FB22-1106 PL03-C Proposed Site Sections
- FB22-1106 PL04-C Proposed Ground Floor Plans
- FB22-1106 PL05-C Proposed First Floor Plans
- FB22-1106 PL06-C Proposed Roof Plans
- FB22-1106 PL07-C Proposed Elevations – House 1
- FB22-1106 PL08-C Proposed Elevations – House 2
- FB22-1106 PL09-C Proposed Elevations – House 3

4.0 Departure/Public Advertisement Procedure

Occupiers of 8 neighbouring properties have been individually notified by letter.

Site visit undertaken on 21.01.2022 and 07.03.2023.

5.0 Planning Policy Framework

Farnsfield Neighbourhood Plan 2016-2033

FNP1: Housing development within the village envelope of Farnsfield

FNP2: Infill development within the village envelope

FNP7: The quality of development

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 10 Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted 2013)

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

DM5 Design

DM7 Biodiversity and Green Infrastructure

DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

NSDC Residential Cycle and Car Parking Standards and Design Guide SPD (2021)

6.0 Consultations

Farnsfield Parish Council – Object as the proposed is contrary to FNP2: New dwellings on infill plots within the village envelope. The submitted layout will create a sense of enclosure for the neighbouring property and would therefore negatively impact the enjoyment of their amenity space. Due to the mass of the proposed property this will create a feeling of “being overlooked” by neighbouring properties.

Access to this site is compromised with the change of speed and discharge onto the main road. The revision of access does not alleviate this concern.

The scale and landscape of the proposed design does not take into account the character of the village and the surrounding properties and does not consider its effect of its effect on the impact on the entry of the Village. The extent of blank masonry and the overall mass and scale of the proposed development could be unpleasant at the entrance to Farnsfield. The proposal is not “sympathetic to local character and history” including the character of the surrounding countryside. The design policies outline that developments should reflect local aspirations and will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”. Farnsfield Parish Council does not feel that the proposed development will be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping”. While design issues might be solved by conditions or revised proposals, these could not remedy the scale of the “development” in relation to the existing dwellings.

In conclusion, this planning application is unsympathetic to its location on the edge of the village. The build is conflicting with the design of surrounding households and would have an overbearing and negative effect on neighbouring properties and therefore their privacy.

NCC Highways Authority – No objection. Sufficient useable on-site car parking, with the ability to charge electric vehicles is provided. Each property also has cycle parking, albeit it appears it will be unsheltered which would not encourage cycling, as bicycles would be open to the elements. This however can be easily rectified by way of a pre-occupation condition.

NSDC Tree Officer – no objection confirmed verbally.

Representations have been received from 2 local residents/interested parties (it is noted that these representations relate to concerns from the occupier(s) of the same neighbouring dwelling).

The reasons set out in the letters of representation received prior to the amendment of the application, are summarised as follows:

- Agreement in principle but the proposed height, bulk and scale constitutes overdevelopment
- Terracing effect not benefitting edge of settlement location
- Loss of outlook / blank wall / sense of enclosure to detriment of residential amenity
- Poor design, building too close to a boundary

One letter of representation was received post amendment of the application (which has moved the position of the proposed dwelling further away from the boundary alongside relocation of the proposed detached garage adjacent to the boundary) which state that the scheme is a much improved housing proposal - however, the detached garage would be too high.

Further amended plans have been received since the receipt of these comments which reduce the proposed roof pitch and repositioned the proposed garage further forward on the plot. Reconsultation with the neighbouring dwelling has been triggered and if any further comments received, they will be reported via Late Items.

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 principle of development has been established through the granting of outline planning permission (application no 21/02680/OUT) in June 2022.

This decision-making process included consideration of the issues previously raised at outline stage by Farnsfield Parish Council in relation to their preference for a single property in this location. It is neither necessary nor appropriate to appraise any issue relating to the principle of development or access to the site at this reserved matters stage as the outline decision considered that the site was capable of accommodating 3 two storey dwellings.

It is however important that the detailed reserved matters relating to scale, layout, landscaping and appearance can satisfy the relevant aspects of the District's development plan. It is also necessary for the reserved matters application to comply with the conditions attached to the outline consent. For the avoidance of doubt the conditions attached on the outline application (summarised in the table below) would remain relevant to the development and therefore their repetition is not necessary in any reserved matters approval.

Outline planning consent condition	21/02680/OUT Requirement	Reserved Matters (RM) Compliance
1	Time limit RM to be submitted within 3 years	Submission date complied with.
2	Development to begin not later than 2 years of approval of last RM	Timescales for commencement to be complied with.
3	RMs to be submitted and approved	To be complied with prior to the commencement of development
4	Dwelling no more than 2-storey	To be complied with – RM proposed 2 storey dwellings.
5	Access construction	To be complied with prior to use/occupation of development.
6	Provision of visibility splays	To be complied with prior to the occupation of development.
7	Amended dropped vehicular footway	To be complied with prior to the occupation of development.
8	Arboricultural Method Statement	To be submitted at reserved matters stage – an Arboricultural Method Statement has been submitted
9	Details of bird and bat boxes	To be submitted at reserved matters stage – the proposed elevations illustrate the proposed location of the require boxes
10	Site clearance outside of bird nesting season	To be complied with.

Impact on Visual Amenity and Character

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the DPD requires the local distinctiveness of the District’s landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Policy FNP2 of the Neighbourhood Plan (Infill Development Within the Village Envelope) supports new dwellings on infill plots within the village envelope where they would have no adverse impact on the amenity of neighbouring properties; the access and car parking requirements of the proposal can be appropriately addressed without the potential for adverse impact in the locality; it would respect the scale and character of the village (as defined within the Farnsfield Character Appraisal, January 2017) and it would include measures to maximise the sustainability of development and to encourage biodiversity. Policy FNP7 of the Neighbourhood Plan states that new development within Farnsfield should demonstrate how it has taken into account the character of the village in its design approach, specifically in relation to scale, materials, density, landscape and designing out crime.

The site is very visible, located on the junction of Southwell Road and Esam Road which is the entrance to a new housing development. The existing plot which contains a single bungalow and detached garage is wider than adjacent plots and sits between 2-storey dwellings. The proposed development would split the existing site into three and the resultant size of each plot would become more similar in size to adjacent plots. As such, the proposed layout is considered to be in keeping with the character and layout of other dwellings in the immediate vicinity.

The introduction of three 2-storey dwellings would alter the current appearance of the site. The development would be more prominent in the street scene due to the proposed increased scale of the development. In addition, the new access and turning area (approved at outline stage) combined with the proposed parking spaces would result in a more engineered frontage to the site than that which currently exists. However, this hardstanding would sit behind the protected trees and hedge which runs along the frontage of the site, which would be retained as part of the development (in addition to the triangular shaped grassed area, which sits adjacent to the Esam Close junction). This would soften this impact. The scale of the proposed dwellings would also be similar to that of adjacent dwellings (as demonstrated in the proposed street scene below) and the dwellings would roughly follow an informal building line formed by the existing dwellings located to the east of the site. Whilst the dwellings would sit forward of the adjacent dwelling (Aldershay to the west), the buildings are staggered to help reduce this contrast and existing trees and landscaping located to the front of adjacent dwellings located to the west of the site would also partially screen views of the site when travelling east along Southwell Road.



Extract from Drawing No FB22-1106 PL03-C

The submitted plans show additional tree planting adjacent to the frontage of the site. This would increase the level of filtered views of this site. A condition requiring a more precise landscape scheme is recommended.

The proposed design of the dwellings would be modern in appearance, albeit does contain some traditional features such as chimneys. The Agent was asked if a more traditional farmhouse design/design more reflective of the historic buildings located in Farnsfield could be considered. However, such an amendment has not been forthcoming and given that the site is not located in a Conservation Area nor in the immediate setting of any designated heritage assets, there are no planning grounds to insist on this design approach. The proposed red brick and grey tiled roofs would be in keeping with similar dwellings in the area. As such, the proposed design is considered acceptable and would be in keeping with the design of dwellings located near to the site.

Overall subject to conditions, the proposed development is considered to respect the character of the area and no detrimental adverse impact upon visual amenity would result in accordance with the requirements of Core Policy 9, and Policies DM5 of the DPD.

Impact on 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. Policy DM5 also states that new development that cannot be afforded an adequate standard of amenity or creates an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The side of No 1 Esam Close is located immediately to the east of the application site. The side of this dwelling contains no windows. Whilst overlooking from the proposed rear windows towards the rear garden may be achievable, this would not result in a materially worse overlooking impact over and above existing levels. As such, it is considered that an acceptable relationship between No 1 and the proposed dwelling can be achieved.

Aldershay is located immediately to the west of the application site. It contains a secondary bedroom window in its 1st floor side elevation, in addition to windows at ground floor level (albeit separated from the application site by a 1.8 m high approx. close-boarded fence). The 1st floor window in Aldershay would overlook the rear gardens of the proposed dwellings. The 1st floor windows in the more recently constructed dwellings partially overlook the application site also. The nearest first floor bedroom window would be located less than 14 metres away from the secondary bedroom window in Aldershay. However, these views would be oblique and partly obscured by the proposed louvre (to prevent views sideways) shown on the proposed plans and the position of the detached garage. In addition, a degree of overlooking between properties in more suburban areas is not unexpected and it is not considered that a material adverse overlooking impact would result upon the future occupiers of the proposed dwelling (to justify refusal of the application).

The set forward of the proposed dwellings in relation to the position of Aldershay, would assist in ensuring no adverse overbearing impact would result upon the window in the side of Aldershay or its rear garden. Whilst the side of the proposed dwelling would be visible from the front windows of Aldershay, I do not consider this would result in material adverse impact on the current open aspect of this property given the separation distances and position of existing development. The proposed garage serving Plot 1 would be located close to the boundary and would largely sit forward of the windows in the side elevation of Aldershay. As such, it is not considered that the proposed garage would result in any adverse overbearing or loss of light or outlook impact.

The side of No 2 Halifax Place and side/rear of No 3 Halifax Place are located to the rear/north of the application site. There is separation gap of 18 metres approx. between the rear of the nearest proposed dwellings and the side of No 2. A separation gap of 25 metres is provided between the rear of the nearest proposed dwelling and the rear of No 2. These separation distances are considered acceptable. Again, whilst overlooking between gardens may be achievable, it is not considered that this would be at a level materially worse than existing levels of overlooking experienced by existing occupiers in the vicinity.

The proposed layout would provide an adequate amount of private amenity space for future occupiers.

It is recommended that a condition be imposed to ensure that bathroom windows (some of which are proposed on side elevations) are obscure glazed and non-opening below 1.7 metres floor level to prevent overlooking between dwellings. It is also recommended that a condition is imposed to remove certain permitted development rights to control future extensions and for means of enclosure. This is due to the close proximity of dwellings adjacent to the site and to ensure that any future fencing that could be erected within the site retains the current open and green aspect of the site and does not give rise to any adverse visual impact.

Overall, subject to conditions relating to obscure glazed windows and the provision of the louvre, it is not considered that the proposal would have a significant adverse impact on neighbouring dwellings in accordance with Policy DM5 of the DPD.

Impact on Trees

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

The outline consent requires an Arboricultural Method Statement to be submitted with the application. The trees along the site frontage are protected by Tree Preservation Order (TPO). Following a review of the submitted Statement, the Tree Officer raises no objection to the application. Outline condition 8 ensures compliance with the submitted Method Statement to ensure that the TPO trees would not be adversely affected by the proposed development.

The removal of a 7.4m (approx.) section of hedgerow between the existing driveway and the edge of the TPO tree canopy was approved at outline stage. It was acknowledged that this loss is regrettable; however it is considered that appropriate mitigation for its loss can be secured through compensatory planting on and around the proposed site. The proposed landscape scheme condition would ensure additional planting (including tree planting) is secured to mitigate this loss.

Overall, subject to conditions it is not considered that the proposed development would result in any adverse impact on trees of the area in accordance with Core Policy 12 and Policy DM5.

Impact on Highways and Parking

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

The proposed access arrangements were appraised and considered acceptable at outline stage. Each dwelling would have 4 bedrooms, which requires each dwelling to provide 3 parking spaces. If the parking space proposed within the proposed garage is counted, plots 1 and 2 would have enough off-street parking for 4+ cars. Plot 3 would be served by 3 parking spaces. The amount of parking provision and manoeuvring space for each of the plots is therefore considered acceptable.

Subject to a condition relating to cycle parking (as requested by the Highways Officer), the proposed development would not result in any adverse impact upon highway safety in accordance with the requirements of Spatial Policy 7 and DM5.

Other

The impact on biodiversity was appraised and considered acceptable at outline stage.

8.0 Implications

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

9.0 Conclusion

The site benefits from an extant outline consent for the proposed development. The reserved matters submission is therefore considered acceptable with regards to impact on visual amenity and is compliant with the parameters defined at outline stage. The application is not considered to result in any adverse impact upon visual amenity, residential amenity, highway safety, trees or ecology subject to conditions (some of which were previously imposed at outline stage). As such, the recommendation is for approval as set out below.

10.0 Conditions

That Reserved Matters approval is granted subject to the following conditions:-

01

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

- FB22-1106 PL01-C Proposed Location and Block Plans
- FB22-1106 PL02-C Proposed Site Plan (amended plan received 28.03.2023)
- FB22-1106 PL03-C Proposed Site Sections
- FB22-1106 PL04-C Proposed Ground Floor Plans
- FB22-1106 PL05-C Proposed First Floor Plans
- FB22-1106 PL06-C Proposed Roof Plans
- FB22-1106 PL07-C Proposed Elevations – House 1

- FB22-1106 PL08-C Proposed Elevations – House 2
- FB22-1106 PL09-C Proposed Elevations – House 3
- Arboricultural Method Statement Rev B 29.03.2022

Reason: So as to define this permission.

02

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.

03

Notwithstanding the submitted information, no dwelling hereby permitted shall be occupied until further details of proposed sheltered cycle parking has first been submitted to and approved in writing by the Local Planning Authority. Thereafter each dwelling shall be provided with the approved cycle parking details prior to the first occupation of each dwelling and retained for the lifetime of the development.

Reason: In the interests of sustainable travel, and to ensure adequate on-site car parking is provided to deter on street parking on Southwell Road in the interests of highway safety.

04

No dwelling shall be occupied until the features listed below have been installed for that dwelling in accordance with the details contained on the relevant approved plans listed in Condition 1.

- bat block/brick and swift nest box;
- louvre;
- chimneys.

These features shall thereafter be retained for the lifetime of the development.

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

05

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- means of enclosure;

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

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

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

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, aside from that approved following submission of information under condition 05.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in the interests of visual and residential amenity.

08

The first-floor bathroom windows on each dwelling shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This

specification shall be complied with before the dwelling is occupied and thereafter be retained for the lifetime of the development.

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

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

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

02

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

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

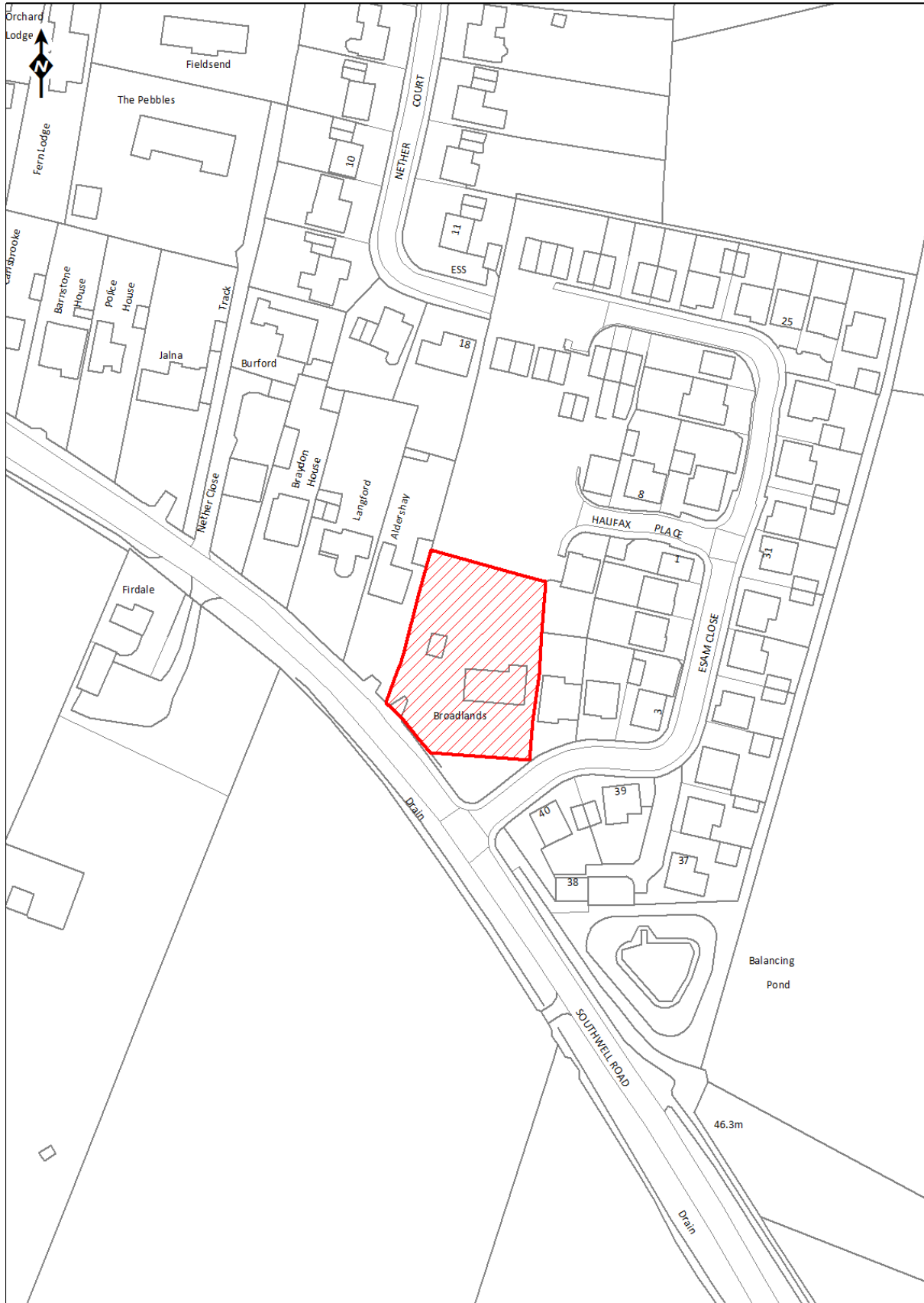
04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

BACKGROUND PAPERS

Application case file including the outline consent file 21/02680/OUT.

Committee Plan - 22/02469/RMA



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	22/00852/FUL		
Proposal	Change of use and conversion of hall to 8 new apartments with new bin and cycle store		
Location	Ollerton Hall, Main Street, Ollerton		
Applicant	Severns Developments (Middleton House) Ltd	Agent	Brick Architects
Web Link	22/00852/FUL Change of use and conversion of hall to 8 new apartments with new bin and cycle store Ollerton Hall Main Street Ollerton Nottinghamshire NG22 9AD (newark-sherwooddc.gov.uk)		
Registered	14.07.2022	Target Date	07.09.2022
		Extension of Time	28.04.2023
Recommendation	Approve, subject to conditions (to follow).		

In line with the scheme of delegation, this application is being referred to the Planning Committee for determination as the Council currently retains ownership of the building.

1.0 The Site

The application site is situated on the western side of Main Street, within the defined built up part of Ollerton (a 'Service Centre' as defined by the Core Strategy) and within its Conservation Area. Part of the site (along the north-west boundary) lies within Flood Zones 2 and 3 of the adjacent River Maun.

Ollerton Hall is Grade II* Listed. It is a three-storey Ashlar dressed brick and hipped plain tile roof country house circa 1700 within a generous associated curtilage and in an elevated

position, allowing it to enjoy views from all elevations. Internally the building retains a limited number of original features although the plan form of the building is still readily visible despite the many alterations the Hall has endured over the years. The site is bounded by a 2 metre high brick wall and fencing to Main Street.

To the north lies the river Maun and its periphery vegetation. To the east and south, the site is bound by a mixture of vegetation and trees. The site slopes from the east down to the River Maun on the western boundary. Along the northern boundary of the site are three modern dwellings. To the south and east, on the opposite side of Main Street are more dwellings of differing age.

There are mature trees along and close to the south-western boundary of the site and part the way along the boundary with the river Maun. An isolated group of Fir trees has been protectively enclosed at the northern end of the site. Within the curtilage, the site is overgrown. Previous development that had taken place by the partial erection of two extensions to the north elevation of the Hall and an extension to the west, in between the Hall and the river have now been removed from the site.

2.0 Relevant Planning History

84/00687 and **84/00687(LB)** - 'Restoration/Conversion to Residential Home for the Elderly' and associated listed building application for 'Internal Alterations & Alterations to doors & windows to form home for the elderly'. Both were granted 23/01/85.

89/01420 and **89/01420(LB)** - 'Renovation of hall to form a health care building including a single storey extension- and its associated listed building application which were both approved on 30/01/90 and 23/03/90 respectively. This scheme has been implemented and a start has been made to the extensions. Work on the extensions commenced in November 2007 although the larger extension to the west was not built in accordance with the approved plan. This led to the submission of the further applications (as follows) which were to regularise the position.

08/00703/FULM and **08/00704/LBC** – 'Erection of single storey extensions to provide additional nursing home accommodation' and 'Erection of single storey extensions' both approved on 06/02/09. The Local Planning Authority did not agree to the discharge of the materials condition. It was never pursued further by the applicant and accordingly these consents expired on 5th February 2012. These extensions were commenced under the 1990 consent but the extension to the west was not being erected in accordance with the approved plan. I understand that this was because it was too close to a sewer that crosses the site. As such the applicant submitted a fresh planning application in 2008, which was approved but the conditions were not discharged, hence the applicant did not make a lawful start. It therefore follows that part of what has been erected on site so far is unauthorised.

12/00415/FULM (& 12/00417/LBC) - Alterations and extensions to form a total of 25 dwellings. Provision of associated parking, public open space, bins stores and flood compensation. Refused due to 1) harm to listed building itself 2) harm to setting of grade II* building 3) failure to demonstrate safe in flood risk terms 4) lack of affordable dwellings without justification 5) lack of community facilities contribution and 6) adverse impact on

highway safety. Appeals were lodged (APP/B3030/A/13/2190642) and dismissed on 1st October 2013.

PREAPP/00176/21 – Conversion to 9 residential apartments, advice given June 2021

PAFU/00221/21 – Conversion to 8 residential apartments, advice given September 2021

22/00853/LBC - Refurbishment of hall to provide 8no. new apartments. Pending Consideration.

3.0 The Proposal

Full planning permission is sought to convert the hall into 8 apartments. Following amendments, a detached garage building to the north-west of the hall has been deleted from the scheme. A detached cycle and bin storage building is proposed to the north-east adjacent to Main Street. Associated formal landscaping is proposed immediately in front of the hall. A total of 22 car parking spaces are proposed alongside the northern boundary and to the north-west. Vehicular access would be via the existing vehicular entrance on Main Street.

Conversions

Ground Floor

Unit 1 comprises 141m² of floor space with an open plan kitchen/dining/living area, cloakroom, 4 bedrooms (1 with ensuite) and separate bathroom.

Unit 2 comprises 105m² of floor space with kitchen/diner, living room, utility, bedroom and shower room.

Unit 3 comprises 84m² of floor space with open plan kitchen/living space, bedroom and bathroom.

First Floor

Unit 4 is 148m² comprising open plan kitchen/living/dining area, cloakroom, bathroom and 3 bedrooms (2 with ensuite).

Unit 5 is 77m² comprising kitchen, living/dining room and bedroom with ensuite.

Unit 6 is 111m² comprising open plan kitchen/living/dining area, cloakroom, bedroom and bathroom.

Second Floor

Unit 7 comprises 183m² of floor space comprising open plan kitchen/living/dining area, cloakroom, bathroom and 4 bedrooms (2 with ensuite).

Unit 8 comprises 133m² floorspace comprising of kitchen, living/dining area, 3 bedrooms, bathroom and cloakroom.

Cycle and Storage

A four bay brick and tile hipped outbuilding is also proposed to provide storage for communal bins, general storage and a covered shelter for 14 bicycles. This would measure approximately 13.7m by 4.3m deep with an eaves height of 2.8m with the ridge 4.7m.

The Submission:

Site Location Plan, drawing no. 21-018-PL-200 Rev B
Existing Site Plan, drawing no. 21-018-PL-101
Existing Arrangement Basement Floor Plan, 21-018-PL-104
Existing Ground Floor Plan, drawing no. 21-018-PL-105 Rev B
Existing First Floor Plan, drawing no. 21-018-PL-106 Rev A
Existing Second Floor Plan, drawing no. 21-018-PL-107 Rev A
Existing Roof Plan, drawing no. 21-018-PL-108 Rev A
Existing South East Elevation, drawing no. 21-018-PL-115
Existing North East Elevation, drawing no. 21-018-PL-116
Existing North West Elevation, drawing no. 21-018-PL-117
Existing South West Elevation, drawing no. 21-018-PL-118
Existing Arrangement Internal/Wing Elevations, drawing no. 21-018-PL-119
Proposed Site Plan, drawing no. 21-018-PL-201A Rev C
Proposed Bike and Bin Store, drawing no. 21-018-PL-203A
General Arrangement Basement Floor Plan as Proposed, drawing no. 21-018 PL-204 Rev A
Proposed Ground Floor Plan, drawing no. 21-018-PL-205 Rev D
Proposed First Floor Plan, drawing no. 21-018-PL-206 Rev C
Proposed Second Floor Plan, drawing no. 21-018-PL-207 Rev E
Proposed Roof Plan, drawing no. 21-018-PL-208 Rev D
Proposed South East Elevation, drawing no. 21-018-PL-215 Rev B
Proposed North East Elevation, drawing no. 21-018-PL-216 Rev B
Proposed North West Elevation, drawing no. 21-018-PL-217 Rev B
Proposed South West Elevation, drawing no. 21-018-PL-218 Rev C
Existing Location Plan, drawing no. 21-018-PL-100
Proposed Inside Wing Elevations South West Elevation, drawing no. 21-018-PL-219 Rev C
Proposed Staircase Details, drawing no. 21-018-PL-310 Rev C
Proposed New Sash Window Details, drawing no. 21-018-PL-347 Rev A
Proposed New Sash Window Details, drawing no. 21-018-PL-348 Rev A
Proposed New Sash Window Details, drawing no. 21-018-PL-349 Rev A
Proposed New Sash Window Details. drawing no. 21-018-PL-350 Rev B
Proposed New Sash Window Detials, drawing no. 21-018-PL-351 Rev B
Proposed New Dormer Window Details, drawing no. 21-018-PL-352 Rev A
Amended Landscape Strategy, drawing no. 22.01730.001 Rev C
Proposed Drainage Strategy, drawing no. 5968-DR-01 Rev P1

Heritage Impact Assessment, Berrys, February 2023

RIBA Stage 3+ fire safety strategy, March 2023

Acoustic Design Advice from ENS dated 8 December 2022

Preliminary Ecology Appraisal, Morph Ecological Consultants June 2022

Bat Activity and Reptile Surveys
Design and Access Statement Rev D, Brick Architects, February 2023
Flood Risk Assessment, KSA Consulting, May 2022

4.0 Departure/Public Advertisement Procedure

Occupiers of eighteen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. Re-consultation has taken place in respect of amendments. Site Visits undertaken July 2022 and 31 March 2023.

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 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
ShAP2 – Role of Ollerton & Boughton

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)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Ollerton Town Council – (July 2022) Support

Historic England – (4 April 2023) In summary, welcome the amended plans which have largely addressed their concerns subject to details design (which is deferred to the in-house conservation officer). However they continue to raise concerns regarding the setting of the

hall from the bin and cycle store which they consider is larger than necessary and awkwardly sited in relation to the entrance and boundary wall and principal elevation resulting in a harm to the overall significance of the hall. Recommend that the LPA will need to be satisfied that this element has clear and convincing justification.

(9 March 2023) in response to previous set of plans, confirmed they had concerns on heritage grounds and advised that the LPA should seek advice from our heritage advisor in this regard. They recommend seeking amendments in order to comply with national heritage policy. (Amendments have since been sought and forthcoming)

NSDC Conservation – Initially raised concerns and requested further information, analysis and amendments. In response to amendments made in March 2023, no objections have been raised. Details comments can be reviewed on the planning file.

NCC Highways Authority –

08.02.2023 – Comments made that if there are plans to resurface the access in front of the gates this would need to be bound to prevent loose material from ending up on the highway. Raise queries over refuse collection and whether collection vehicles would need to enter the site and can turn in a forward gear and if there are plans to install electric vehicle charging points. Make observations regarding allocating spaces.

21.07.2022 – Queries raised including is the access to be gated? Are the spaces to be allocated, will there be electric charging points, what are arrangements for refuse collections? What is the width of the access and is it wide enough for two cars to pass.

Representations from two interested parties/residents have been received which are summarised as follows:

- Bin & cycle store should not be higher than listed wall to preserve the view of the hall;
- No details on waste collection;
- Concern that 14 car parking spaces won't be enough and that 18-22 will be required;
- No electric vehicle charging points;
- Garage block is unnecessary;
- No landscaping details;
- No ecological surveys provided;
- Concerns with earlier versions of plans;
- Insufficient details on basement plans.

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.

Background

Ollerton Hall has been empty and in a state of disrepair for many years. Planning permission was granted in 1990 to convert the building to a health care facility which included a single storey extension. This was implemented albeit the extension was built in the wrong place. A previous scheme for a more intensive conversion to 25 residential units by the previous owner was refused and dismissed on appeal 10 years ago.

Ollerton Hall has recently come back into the ownership of the District Council following years of uncertainty and a lack of progress on site by the previous owner. The unauthorised extensions have now been demolished. The Council has a new land deal with new developers (the applicants); the building is being offered on a lease until such time that the development is satisfactorily complete at which point the sale can progress to the developers. However for the avoidance of doubt, this scheme should be determined on its own merits in accordance with the development plan and any other material considerations.

Principle of Development

Ollerton is defined as a Service Centre in the District Council's settlement hierarchy and Spatial Policy 2 sets out that 30% of overall service centre growth is expected to be accommodated here. Ollerton has a good range of services, facilities and access to public transport. Located within the settlement, the conversion of the hall represents a windfall development which is acceptable in principle subject to the site specific impacts being considered acceptable.

Housing Type and Density

Core Policy 3 sets out that the District Council will seek to secure new housing to adequately address the housing needs of the District, namely family housing of 3 bedrooms or more, small houses of 2 bedrooms or less and housing for the elderly and disabled population.

In this case, the proposal relates to the conversion of a Grade II* listed building which somewhat constrains the density and type of units that can be proposed.

The District wide Housing Needs Survey from 2020 suggests the overall housing need in the Sherwood Sub Area (which Ollerton is part of) has a limited housing need for apartments; with a need of only 1.2% for 2 or more bedroom flats and no recorded need for 1 bedroom flats.

This scheme offers a range of apartment types and sizes comprising one bedroom units x 4 (two of which are ground floor), three bedroom units x 2 and four bedroom units x 2. These units will be unique and could appeal to a wide range of people including older persons and therefore I am satisfied that this scheme is appropriate in terms of housing mix given the constraints of the site.

Impact on Heritage and Visual Amenities

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that this statutory requirement operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation. This is also reflected in CP14 and DM9 of the Development Plan. Policies DM5 and CP9 detail a more general expectation for a high standard of design.

This scheme involves internal alterations to a high grade listed building which are discussed in detail in the associated listed building application. The considerations in respect of this full application are confined to the alterations to the external appearance of the building and development in the grounds. The scheme as advanced is positive and does not rely on new build elements within the grounds. Following extensive negotiation, the proposal is now significantly revised and raises no objection from Conservation colleagues.

External appearance of the hall

The proposal involves replacement windows and glazing patterns, details of which have now been agreed following negotiation. A number of new windows within currently blocked openings are also proposed. In some cases the infill is clearly modern and the proposal would enhance the significance of the listed building, in others it is a later, albeit maybe a later C19, infill that would be removed, and then there are two recessed blocked openings that may be of greater age, but there is no conclusive evidence as to their age or significance. A balanced view has been taken in acknowledgement that there would be the potential loss of historic fabric and significance, but that it does help deliver a well-considered internal plan form and does provide an acceptable external appearance.

The external elevations have been carefully considered and where alterations are being made these will be harmonious with the formal qualities of these high quality facades and alteration of historic fabric is minimal. There will be some improvements to elements of the façade.

The key architectural features of the building will be conserved, repaired and reinstated in a sympathetic manner which will preserve and enhance the architectural and aesthetic interest of the Hall.

Development within the Grounds

The proposal initially proposed two detached outbuildings; a four bay garage and separate store building. Following concerns raised regarding the impacts and need, the garage building has now been omitted from the scheme.

The proposed outbuilding that remains would be located adjacent to the eastern boundary wall close to the site entrance. This would offer covered cycle storage for residents, communal bin store area, as well as general storage. I consider that it is reasonable for a hall

of this size to require storage for equipment that will be required to maintain the grounds. The covered cycle storage is required in policy terms and an area to keep bins out of site would also appear sensible. Planning for this now should prevent the need for ad-hoc structures moving forward. This building would also allow for a compensatory bat loft to be created within it rather than it being located in the hall itself which would be more harmful in heritage terms. It is noted that heritage colleagues had queried the scale of the building and revisions have decreased its height albeit Historic England remain concerns about its impact on the setting of the hall. Materials have been changed to show this outbuilding would be timber clad. However a simple brick and tile structure would be more suitable than the weatherboarding which does not reflect local vernacular. This is a matter that can be dealt with by condition. Taking all aspects into account, I consider that the outbuilding (subject to conditions regarding materials and detailing) is justified and its location is discrete having a minimal, albeit adverse, impact on the setting of the hall.

The lack of entrance gates are noted. The applicants are currently investigating the potential to reinstate the historic gates currently not within their ownership, albeit it would appear that the entrance has moved positions and shape during the twentieth century and it is not known if the original gates would fit the entranceway. Details of gates and whether there are any to be provided could be dealt with by condition.

The overall landscaping strategy is considered to propose a suitable scheme for this Country House context and will bring about improvements to the setting of the listed building.

Overall I consider that the scheme will bring about much needed repairs to the hall which have been detailed and are suitable to the special fabric and its setting. Whilst it is accepted that the outbuilding would have a moderately harmful impact on the hall (less than substantial harm in NPPF terms), I consider that its amended form is justified and when considered holistically, the scheme, with appropriate conditions, will overall achieve the minimum requirement of preservation and will bring about some enhancements from having this appropriate new use achieving the policy objectives set out.

Impact upon Residential Amenity

The impact on proposed and existing residents is a key consideration in assessing development with Policies CP9 and DM5 being relevant.

The proposed use of the hall for residential development of this intensity is considered to be acceptable and achieves an appropriate balance of making an efficient reuse of the hall whilst ensuring that the site is not over-developed. All units are generously proportioned and meet the minimum nationally described space standards for internal floor space.

Residential dwellings lie to the north and south of the proposal. The dwellings to the south have their rear gardens side on with the site and this relationship would not change as the land between them would be used as garden/amenity space.

There are three modern dwellings to the north of the site. The vehicular access and parking area to the north of the site would be located relatively close to existing dwellings. The access point is existing and from a heritage perspective, the proposed parking cannot be sited

anywhere else. Whatever the use of the hall, car parking would inevitably be required and this is the only place for it to be located.

The boundary between the dwellings to the north comprises a listed wall and the proposed landscaping plan now shows space for a hedgerow to also be planted alongside it which would assist with reducing impacts arising from general disturbance from the comings and goings of cars, headlights and car doors slamming. It is noted that gravel is proposed to be used in and around the parking areas. I do not foresee unacceptable noise transfer from the gravel given that vehicles passing over it would be travelling at low speed.

As part of the scheme, the grounds of the hall would be landscaped into formal gardens, wildlife areas and amenity space for residents to enjoy. Whilst residents would not have access to their own private amenity space, the communal and extensive nature of the grounds is considered commensurate for the quantum of units. Given the location of the proposed new outbuilding adjacent to the eastern boundary, no impact on residential amenity has been identified.

I am therefore satisfied that the proposal accords with the identified policies in terms of living conditions.

Impact upon Highway Safety

Spatial Policy 7 seeks to minimise the need for travel, provide safe, convenient and attractive accesses for all including the elderly and others with restricted mobility, provide links to the existing network of footways, be appropriate for the network in terms of volume and nature of traffic and provide appropriate and effective parking provision amongst other things. Policy DM5 mirrors this. The Council's SPD on Residential Cycle and Parking Standards sets out guidance on design and quantum.

Vehicular access would be gained from Main Street via the existing entrance which is 4.13m wide. This is not wide enough to allow two cars to pass one another. However the wall and pillars are listed and existing. The pinch point of where gates would be attached (details to be subject to condition) to the pillars is set back 5.5m from the back edge of the footpath so would allow a car to pull in off the highway whilst the gates (if used) open and users would be able to clearly see one another before committing to a manoeuvre such that I do not consider this to be a significant issue. Widening the access would have an adverse impact on the listed wall in any event. NCC Highways Authority have not objected to the scheme and taking all matters into account, I consider that the access point, whilst not optimum for modern standards, would be unlikely to present any highway safety concerns and when balanced with the wall's listed status is acceptable.

The applicant has confirmed that waste vehicles would not need to enter the site (and therefore not need to turn within the site in a forward gear. The site entrance can be bound in a hard surface to prevent loose chippings from entering the highway (a matter to be controlled by condition) and 3 electrical charging points are being proposed.

The quantum of car parking expected for residential developments within Service Centres is 1 space per 1 bed dwelling, 2 spaces for 2 & 3 bed dwellings and 3 spaces for 4 bed units.

Based on the housing mix, the total number of spaces required would be 14. The scheme has been amended to provide 18 spaces which have now been broken up with soft landscaping (on the 4:1 rule) as recommended in the Council's adopted parking SPD. The proposal therefore accords with the SPD in terms of both quantum and design and there would be 4 additional spaces that would be available as visitor spaces. How the spaces are allocated would be a management issue.

Based on housing mix, the quantum of covered cycle storage required by the SPD is 14 spaces, which is shown within the proposed outbuilding.

Taking into account all of the above the proposal is considered to be satisfactory from a highway and parking perspective and in line with the policy expectations.

Impact upon Ecology and Trees

CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP." The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

A preliminary and an extended ecological appraisal, along with further bat and reptile surveys accompany the application which has considered the hall itself and the grounds.

Bats

The ecological appraisal undertaken, identified 3 trees within the grounds to have moderate bat roost potential. However as these trees will be retained, no further assessment is required. Within the building itself however, bat droppings were noted and further surveys have identified there is a summer roost (brown long-eared and common pipistrelle) within the loft space. As such a European Protected Species licence from Natural England will be required before works can commence.

Local Planning Authorities are required to be satisfied that a license is likely to be granted when determining a planning application and would need to have in mind the three tests set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

- a. The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- b. There must be "no satisfactory alternative"; and
- c. The action authorised "will not be detrimental to the maintenance of the

population of the species concerned at a favourable conservation status in their natural range.

In terms of the first and second of these tests, the building in question is of important heritage value in need of a viable new use to ensure investment and its longevity in the public interest. There is no reasonable alternative other than conversion. In relation to the final test, the applicant has outlined a mitigation and compensation strategy and these measures are acceptable, in line with the third test of the Regulations.

It is noted that the survey indicate that if works are to be carried out in the basement, further hibernation surveys will be required over winter. At this stage it is not known (nor it is possible to know) if any works will need to be undertaken in the basement as this will depend on the last phase of fire protection survey which can only reasonably happen further into the process. Given the exceptional circumstances I consider that it reasonable to condition this element.

Any external lighting proposed within the grounds would need to be bat sensitive and details would be conditioned.

Reptiles

Surveys identified the presence of one adult common lizard within the grounds. Due to the overgrown nature of the grounds, access was limited but is likely that only a small population exists. The loss of habitat is unlikely to have a significant impact on the common lizard population and habitat would be retained on site which could support this species along with enhancements in these areas. Mitigation/avoidance measures would be required to ensure no harm is caused during works. These can be dealt with by condition.

Breeding Birds

Old bird nests were found within the hall and there are numerous opportunities for birds nesting within the wider site. A condition would need to be imposed to avoid site clearance during nesting season unless first inspected by a suitably ecologist. It is proposed that 6 bird artificial nests are installed on trees within the site. Given the habitat, specially protected birds (skylark/night jar) are unlikely to be present and an appropriate assessment is not considered necessary under the Habitat Regulations.

Other Species

The grounds of the hall are currently overgrown and comprise, brambles, scrub, grassland and tall ruderal habitat. Given its location adjacent to the river, its semi-rural location and habitat there is potential for various species to present. The Ecological Appraisal identifies the site as a river commuting corridor for bats with the grounds a suitable habitat for reptiles, amphibians, badgers, nesting birds, otter, water vole, rabbits and foxes. Mitigation and avoidance measures will be required to safeguard these species including to prevent disturbance for foraging/commuting bats. As scrub would need to be removed, a condition to control vegetation clearance and compensation nest opportunities will be required.

Ecological Enhancements

In line with the requirements of the Development Plan and the NPPF, consideration of how the scheme would contribute towards habitat creation. A scheme of enhancements would need to be controlled by condition to secure a range of features such as bird boxes and refuges ect. A landscape strategy has also been submitted to demonstrate ecological enhancements, as well as showing retained habitat. The strategy shows formal gardens immediately in front of the hall and paving to its rear but with a more natural 'wildlife garden'to the north-west of the hall adjacent to the river to accomodate native scrub and shrub planting, proposed grassland creation which would be interwoven with pathways. Further details would be required that build upon this but the principles are considered acceptable.

Overall I am satisfied that subject to conditions the scheme can be delivered without undue harm to ecology.

Flood Risk

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. A corridor to the north-western boundary of the site lies in flood zones 2 and 3. The area where the new external development would occur (i.e the outbuilding and parking) and the hall itself all lie within zone 1, which is at lowest flood risk. Th sequential test is not therefore engaged.

The application is accompanied by a flood risk assessment which sets out that in flood risk terms the development is 'more vulnerable'. Finished floor levels are 2.54m above the modelled floor levels and the development is considered appropriate posing no risk from fluvial flooding.

In terms of surface water drainage, the applicant has indicated that surface water run off would be improved over the existing situation as a new drainage soakaway system will be installed to restrict discharge and the proposed impermeable area for the gravel driveway and parking. This would be a matter controlled by other legislation and the matter need not be considered further.

Other Matters

As the scheme falls under the relevant thresholds, no developer contributions would be required for this development.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implicatio; 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

The principle of converting the hall to new residential use is considered acceptable in terms of its locational requirements and in terms of finding an appropriate new use for this high grade listed building. The impacts upon existing residents amenity can be made acceptable with conditions and no highway safety harm has been identified. The proposal would involve the disturbance of a bat roost within the hall, albeit compensation, mitigation and avoidance measures can be employed to minimise the impact alongside the EPS licence that will be necessary. Following extensive negotiations, overall it is considered that the development to the hall would be harmonious and bring about some improvements to the facade. Whilst the presence of a new outbuilding would adversely affect the setting of the hall, this would be minimal (at the lower end of less than substantial harm) and its impacts have been diminished through reducing its size and scale. Moreover the outbuilding is needed to enable the hall to be converted and overall the heritage impacts are considered acceptable having attracted no objections from heritage professionals.

10.0 Conditions

Conditions and informative to follow.

BACKGROUND PAPERS

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

Application case file.



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	22/00853/LBC		
Proposal	Refurbishment of hall to provide 8 no. new apartments		
Location	Ollerton Hall, Main Street, Ollerton		
Applicant	Severns Developments (Middleton House) Ltd	Agent	Brick Architects
Web Link	22/00853/LBC Refurbishment of hall to provide 8no. new apartments Ollerton Hall Main Street Ollerton Nottinghamshire NG22 9AD (newark-sherwooddc.gov.uk)		
Registered	14.07.2022	Target Date	07.09.2022
		Extension of Time	28.04.2023
Recommendation	Approve, subject to conditions (to follow)		

In line with the scheme of delegation, this application is being referred to the Planning Committee for determination as the Council currently retains ownership of the building.

1.0 The Site

Refer to corresponding FUL report (22/00852/FUL)

2.0 Relevant Planning History

Refer to corresponding FUL report (22/00852/FUL)

22/00852/FUL - Change of use and conversion of hall to 8 new apartments with new bin and cycle store. Pending Consideration.

3.0 The Proposal

Listed building consent is sought to convert the hall into 8 apartments; 3 each on the ground and first floors and 2 within the attic. This subdivision would involve modest alterations to the plan form, alterations to window glazing patterns, the opening of blind/blocked apertures and insertion of new windows, 6 new attic rooflights, thermal upgrading, repairs, restoration and new internal finishes to walls, floors and ceilings.

The Submission:

Site Location Plan, drawing no. 21-018-PL-200 Rev B
Existing Site Plan, drawing no. 21-018-PL-101
Existing Arrangement Basement Floor Plan, 21-018-PL-104
Existing Ground Floor Plan, drawing no. 21-018-PL-105 Rev B
Existing First Floor Plan, drawing no. 21-018-PL-106 Rev A
Existing Second Floor Plan, drawing no. 21-018-PL-107 Rev A
Existing Roof Plan, drawing no. 21-018-PL-108 Rev A
Existing South East Elevation, drawing no. 21-018-PL-115
Existing North East Elevation, drawing no. 21-018-PL-116
Existing North West Elevation, drawing no. 21-018-PL-117
Existing South West Elevation, drawing no. 21-018-PL-118
Existing Arrangement Internal/Wing Elevations, drawing no. 21-018-PL-119
Proposed Site Plan, drawing no. 21-018-PL-201A Rev C
General Arrangement Basement Floor Plan as Proposed, drawing no. 21-018 PL-204 Rev A
Proposed Ground Floor Plan, drawing no. 21-018-PL-205 Rev D
Proposed First Floor Plan, drawing no. 21-018-PL-206 Rev C
Proposed Second Floor Plan, drawing no. 21-018-PL-207 Rev E
Proposed Roof Plan, drawing no. 21-018-PL-208 Rev D
Proposed South East Elevation, drawing no. 21-018-PL-215 Rev B
Proposed North East Elevation, drawing no. 21-018-PL-216 Rev B
Proposed North West Elevation, drawing no. 21-018-PL-217 Rev B
Proposed South West Elevation, drawing no. 21-018-PL-218 Rev C
Existing Location Plan, drawing no. 21-018-PL-100
Proposed Inside Wing Elevations South West Elevation, drawing no. 21-018-PL-219 Rev C
Proposed Staircase Details, drawing no. 21-018-PL-310 Rev C
Proposed New Sash Window Details, drawing no. 21-018-PL-347 Rev A
Proposed New Sash Window Details, drawing no. 21-018-PL-348 Rev A
Proposed New Sash Window Details, drawing no. 21-018-PL-349 Rev A
Proposed New Sash Window Details. drawing no. 21-018-PL-350 Rev B
Proposed New Sash Window Detials, drawing no. 21-018-PL-351 Rev B
Proposed New Dormer Window Details, drawing no. 21-018-PL-352 Rev A
Amended Landscape Strategy, drawing no. 22.01730.001 Rev C
Proposed Drainage Strategy, drawing no. 5968-DR-01 Rev P1
Heritage Impact Assessment, Berrys, February 2023
RIBA Stage 3+ fire safety strategy, March 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of eighteen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. Re-consultation has taken place in respect of amendments. Site Visits undertaken July 2022 and 31 March 2023.

5.0 Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment
- National Planning Policy Framework 2021
- Planning Practice Guidance
- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
- Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment

6.0 Consultations

Ollerton Town Council – (July 2022) Support

Historic England – (4 April 2023) Welcome amended plans which have addressed concerns subject to detailed design (which is deferred to in-house conservation officers).

(9 March 2023) in response to previous set of plans, confirmed they had concerns on heritage grounds and advised that the LPA should seek advice from our heritage advisor in this regard. They recommend seeking amendments in order to comply with national heritage policy. (Amendments have since been sought and forthcoming)

NSDC Conservation – Initially raised concerns and requested further information, analysis and amendments. In response to amendments made in March 2023, no objections have been raised. Details comments can be reviewed on the planning file.

Representations from two interested parties/residents have been received which are summarised as follows:

- Bin & cycle store should not be higher than listed wall to preserve the view of the hall;
- No landscaping details;
- Concerns with earlier versions of plans;
- Insufficient details on basement plans

7.0 Comments of the Business Manager – Planning Development

The key consideration in this application is the impact upon the Grade II* listed building.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that this statutory requirement operate as ‘the first consideration for a decision maker’.

The development within the grounds is considered by the full application only and this listed building application is confined to the consideration of the impacts in respect of works to the listed building internally and externally. Following extensive negotiation, the proposal is now significantly revised. The scheme has been thoroughly assessed and now attracts a no objection from our heritage professionals, subject to the need for extensive heritage related conditions that will follow.

Internal Alterations

The layout has sought to retain as much historic fabric as possible according to the room sizes and window positionings. Small areas of existing walls will have to be removed albeit demolition would be minimised. The majority of new partitions are proposed at second floor where many original walls have been removed.

The most significant fixtures and fittings within the building comprise the grand staircase (damaged by fire and neglect), timber panelling to walls and the 2nd floor chapel timber framework which once supported the lath/reed and plaster.

Further details have been requested and submitted to ensure that the remaining wall panelling can be retained alongside appropriated treated walls. Initially dry wall lining was proposed, but significant concern was raised from conservation and the proposal has now evolved to lining the walls with a lime based plaster solution for the external walls and internal walls with prominent architectural features to remove both the potential harm from an incompatible fabric and also to reduce the impact on architectural features. The exception will be behind the panels in room F2 where no fresh wall covering, other than the restored panels itself, will be required. On the remaining internal walls a narrow section boarding solution will be used – the details of which are yet to be agreed, however it is understood that this less authentic approach is a reasonable balance in deference to the more limited architectural interest of these areas, their more altered state and the more robust nature of internal walls generally.

For clarity, it is now agreed that only solid floor areas of the building at ground floor require an additional insulated floor covering (with the exception of the flag floor in the stair way enclosure which will not be raised in height and will be restored) and the location of these areas have now been detailed by correspondence. Discussion has been detailed which now justifies that to overboard these floors, rather than to excavate, is the preferred solution. An agreed solution is to be use a damp proof membrane (now detailed to be a breathable solution like that suggested in Historic England technical guidance), floating timber floor and cosmetic cover over (exact details to be conditioned). It is accepted that this will negatively impact on architectural features in some identified areas and that these features will need to be lifted and replaced accordingly. However, the scheme has now been agreed to be the minimum necessary and the most suitable means of achieving a reasonable balance between heritage, Building Regulations and heat insulation improvements. The agreed build up over solid floor areas will be c 120-130mm in total (which is less than the standard limecrete type approach).

The applicant has now advised that previous proposed works to line the ceilings and walls will now be omitted, albeit further clarity on fire separation may yet require upgrades here, so this should be conditioned to ensure that if necessary the details can be controlled.

The grand staircase will be restored and the applicant has confirmed that the 3 spindles per tread existing scheme will also form the restored scheme. The dado height panelling will be restored and the coving detail will be recreated under the acoustic ceiling which is considered the best overall approach to provide the necessary acoustic screening. The scope of refurbishment of the panelling to the underside of the staircase has now been confirmed by plan and is acceptable.

External Alterations

The hall will be restored, its brickwork cleaned (with some repointing), windows repaired and details renewed to restore its original appearance. Other works will include replacement timber doors as necessary, new flashing, repairing eaves and guttering etc.

The proposal involves replacement windows and glazing patterns, details of which have now been agreed following negotiation. A number of new windows within currently blocked openings are also proposed. In some cases the infill is clearly modern and the proposal would enhance the significance of the listed building, in others it is a later, albeit maybe a later C19, infill that would be removed, and then there are two recessed blocked openings that may be of greater age, but there is no conclusive evidence as to their age or significance. A balanced view has been taken in acknowledgement that there would be the potential loss of historic fabric and significance, but that it does help deliver a well-considered internal plan form and does provide an acceptable external appearance.

The external elevations have been carefully considered and where alterations are being made these will be harmonious with the formal qualities of these high quality facades and alteration of historic fabric is minimal. There will be some improvements to elements of the façade.

The key architectural features of the building will be conserved, repaired and reinstated in a sympathetic manner which will preserve and enhance the architectural and aesthetic interest of the Hall.

The lack of entrance gates to the entrance are noted. The applicants are currently investigating the potential to reinstate the historic gates, currently not within their ownership, albeit it would appear that the entrance has moved positions and shape during the twentieth century. It is therefore not known if the original gates would fit the entranceway. Details of gates and whether there are any provided at all could be dealt with by condition.

Overall I consider that the scheme will bring about much needed repairs to the hall which have been detailed and are suitable to the special fabric and its setting. When considered holistically, the scheme, with appropriate conditions, will achieve the minimum requirement of preservation and will bring about some enhancements from having this appropriate new use achieving the objectives set out in Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and adequately takes into account other material considerations including the NPPF.

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

This proposal would enable the conversion and restoration of this important, high grade listed building. The works to the building are generally considered harmonious to the building which would in part better reveal the significance of the building and seeks to minimise any harmful impacts to those that are unavoidable and necessary to enable a new viable use. With the amendments now submitted, the impact on the special historic interest of the building is considered acceptable and the application is recommended for approval.

10.0 Conditions

Details conditions and informative to follow.

BACKGROUND PAPERS

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

Application case file.



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	23/00436/FUL		
Proposal	Change of use from village hall to dwelling with rear two storey extension and demolition of existing flat roof extensions		
Location	Village Hall, Main Street, Morton		
Applicant	Mr Roger Blaney	Agent	Mr Mark Goodwill-Hodgson
Web Link	23/00436/FUL Change of use from village hall to dwelling with rear extension Village Hall Main Street Morton (newark-sherwooddc.gov.uk)		
Registered	13.03.2023	Target Date	08.05.2023
Recommendation	APPROVE, subject to the conditions in Section 10.0		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the applicant is an elected Member of the Council.

1.0 The Site

The site relates to a relatively modest plot of land approximately 0.09 hectares in extent to the south of Main Street. The existing church hall within the site is of brick construction with a slate roof. The building occupies a prominent position fronting Main Street at the eastern end of the built form to the south of Main Street. There are rear extensions which are less attractive but overall the building itself is still considered as a non-designated heritage asset.

The site is within the designated Conservation Area with the Grade II* listed St Dennis's Church on the opposite side of the road. The site is within Flood Zone 2 according to the Environment Agency maps.

2.0 Relevant Planning History

There is no planning history of relevance to the proposal.

3.0 The Proposal

The application seeks permission to convert the existing Church Hall into a four bedroom dwelling. To facilitate the change of use, a rear extension is proposed following the demolition of existing 20th Century additions. The extension would be two stories with an approximate width of 12.3m and depth from the rear elevation of 6m. The first floor would be served by two roof dormers and a single roof light. The approximate ridge height of the extension would be 5.6m with eaves around 3.2m. The proposal also includes the demolition of two existing flat roof extensions at the rear of the building. Vehicular access would remain as existing with three parking spaces provided to the east of the proposed extension and a garden area to the side and rear.

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

- Design and Access Statement – dated 8th March 2023;
- Heritage Impact Assessment – dated 7th March 2023;
- Flood Risk Assessment – dated 6th March 2023;
- Site Location Plan – received 9th March 2023;
- Block Plan – received 9th March 2023;
- Plan, Elevation & Section as existing – L(08)01 A;
- Plan, Elevation & Section as proposed – L(20)01 A.

4.0 Departure/Public Advertisement Procedure

Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Site visit undertaken on 23rd March 2023.

5.0 Planning Policy Framework

Fiskerton cum Morton Neighbourhood Plan (made 12 December 2019)

FCM1: Residential Development
FCM5: Character and Design Policy
FCM6: Views and Vistas
FCM7: Community Facilities
FCM10: Heritage Assets
FCM13: Flood Risk

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Residential Cycle and Car Parking Standards SPD June 2021
- District Wide Housing Needs Assessment – Dec 2020

6.0 Consultations

Fiskerton Parish Council – Comments due 17th April 2023 (to be reported on the Schedule of Late Communication).

NSDC Conservation – In summary, the proposal would cause a minor degree of harm to the character and appearance of the Conservation Area and wider setting of the listed church and moderate degree of harm to the significance of the non-designated heritage asset (NDHA). This would be contrary to s.66 and 72 of the Act. With reference to planning policies, this would be ‘less than substantial harm’ to the designated heritage assets (para.202 of NPPF and policy DM9 of the local development framework). There has been clear and convincing justification provided for the level of harm to the designated heritage assets (para.200 of NPPF) and there would be heritage-related public benefits resulting from the proposal as a longterm optimal use would be secured for the building (para.202 of NPPF). On balance the significance of the NDHA would not be completely lost via the proposed development and some elements of the proposal would better reveal and enhance its architectural and interest (para.203 of NPPF). This is a sensitively designed scheme which would result in positive long-term conservation of a heritage asset. There are no objections to the proposal from a conservation perspective.

Historic England – No comments specific to this application.

NCC Flood – No comments specific to this application.

No letters of representation have been received to date, consultation expiry is 17th April.

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 setting of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.”* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”* Section 72(1) also 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.66 and 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 NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Fiskerton cum Morton Neighbourhood Plan was made in December 2019 and now forms part of the Development Plan. The Plan defines the built up area of Morton and includes the building itself within the built up area but not the wider curtilage.

Policy FCM1 refers to residential development outside of the built up area being restricted to uses which require a rural setting which should then comply with the Scale, Impact and Character criteria of the same policy. These factors are discussed further below.

Loss of Community Facility

Policy FCM7 identifies the building as a community facility, the loss of which will not be supported unless one of two criteria are met. This is in line with Spatial Policy 8 of the Core Strategy. The two criteria are:

- a) *an alternative facility to meet local needs is available that is both equally accessible and of equal benefit to the community, or*
- b) *all options for continued use have been fully explored and none remain that would be financially viable. This would require demonstration that the facility has been marketed for its current use for an adequate period of time, at an appropriate price, and through adequate advertising strategies, and that no interest has been received.*

The use of the building as a community facility has diminished since the erection of a purpose built hall on the Arthur Radford sports ground. The Church Hall is modest in its size and would require renovation to have a long term viable use as a community facility. The Arthur Radford sports ground building on the other hand (also identified as a community facility by Policy FCM7) is a purpose built modern facility which has a hall; meeting room; kitchen and associated changing facilities. These facilities provide a much better offer than the Church Hall and therefore represent equal if not increased benefit to the community. Although at the other end of Morton, it would still be easily accessible to the occupiers within the village. The Arthur Radford building would therefore be sufficient to count as an alternative facility to meet local needs and satisfy criteria a) above. There is therefore no objection in principle of the loss of the community facility through a change of use to residential.

Location of Development

Spatial Policy 3 is clear that, *'Where Neighbourhood plans define village envelopes, development will only be supported beyond them if they meet the requirements of relevant policies within the Core Strategy or Allocations & Development Management DPD.'*

Core Policies 1, 2 and 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy to 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. At the bottom of the hierarchy are 'other villages' will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

The division on the map appears slightly unusual compared to what is 'on the ground.' Having visited the site, it is clear that the wider area within the site location plan is curtilage associated with the Church Hall being largely mown grass defined by a hedgerow on the eastern boundary. It seems in reality the whole site could have been included as part of the built up area.

It is notable that in assessment against Spatial Policy 3, the supporting text for locational criteria includes community facilities which I would infer to mean the facility and its associated curtilage. It is therefore considered that the whole site could reasonably be considered as part of the village which would therefore potentially meet the requirements of

the relevant policies within the Development Plan. However, if permission were to be granted, it is deemed necessary and reasonable to remove permitted development rights for outbuildings etc. for the wider curtilage so that the local planning authority retains control over where these buildings would be positioned and their potential resultant impact on the character of the area.

As above, it is necessary to assess the proposal against the Scale, Impact and Character criteria of Policy FCM1. Given that the building is within the built up area, for completeness the proposal would also require consideration against the need element of the policy.

Scale

This element of the policy requires new housing proposals to be small in scale and of a density consistent with the character of the neighbouring area. The proposal would be for a single dwelling facilitated through the conversion of an existing building. The proposal would therefore comply with this part of the policy.

Need

The proposal would create a four bedroom dwelling. Policy FCM1 refers to a need for 1-2 bed bungalows in particular being required to support the ageing population. It is noted that this would be for a larger dwelling but in the context that the property would have all primary means of accommodation at ground floor, I find that it would be facilitated by the need evidenced in the policy irrespective of the number of bedrooms. It is also notable that the Southwell sub-area, to which this site forms part of, has identified a meaningful need for 4 or more bedrooms dwellings (24%, second only to 3 bedroom properties at 33.3%). The identified need for larger units post dates the adoption of the Neighbourhood Plan being based on surveys undertaken in 2020.

Impact

There are a number of elements of FCM1 in respect to Impact which would need to be addressed. These are material planning considerations in their own right which are discussed in further detail below.

Character (including heritage)

Development proposals will be supported where they do not have a detrimental impact on the Character of the Parish, as detailed in the Fiskerton cum Morton Neighbourhood Profile, and contribute to maintaining and enhancing the existing character of the villages, in line with Policy FCM5 (Character and Design). Noting the heritage significance of the building itself; the site's location within the Conservation Area and opposite to the Grade II* listed church, FCM10 (Heritage Assets) is also relevant.

It is noted that the existing building has been previously extended at the rear including through non-sympathetic flat roof additions. The intention to demolish these elements of the building is welcomed. The existing building has an attractive street frontage and a prominent position being at the northern edge of the built up area. An extension to the rear of the

building is supported in principle as it would inevitably have less impact from public vantage points.

However, being at the edge of the village, there will still be visibility of the proposed two storey rear extension on approach to the village from the east. The extension would be connected to the main existing building through an existing link which somewhat expands the depth of the proposed dwelling. The proposed extension would be no higher than the existing building and the gable width would be similar to the main building. The position of the site, and the additional chimney, would mean that the primary existing building would continue to be legible to a degree that the value as a non-designated heritage asset would be retained. Given the scale of the proposed extension compared to the existing building, it is considered reasonable to remove permitted development rights for further extensions so that the impact on the non designated asset can be fully considered if there were to be an intention to further extend or alter the building.

Colleagues in Conservation have commented on the submitted details as follows:

“The proposal would involve demolition of modern flat roof extension, erection of a rear two storey extension and external alterations to facilitate the conversion of the village hall to residential use.

Overall, the proposal would seek to bring a redundant heritage asset back into use and this would contribute to long-term conservation of the NDHA and Conservation Area. There would be some positive alterations to the rear of the building via the removal of the 20th century flat roof incongruous additions. The proposed rear extension would, however, erode and diminish the historic plan form and layout of the original building which would result in a moderate degree of harm to the NDHA (par.203 of NPPF). This harm would be minimised by the separation of the extension from the main part of the hall, and it would not completely subsume the historic footprint and could be legibly understood as a modern addition. In addition, the extension has been designed sympathetically in its scale, form, style and palette of materials. It would, therefore, not dominate or compete with views and appreciation of the NDHA.

The village hall is situated in a key view on the approach to the Conservation Area and listed church from the north. The proposed extension, whilst located to the rear, has the potential to cause some visual distraction upon the approach to these designated heritage assets. The extension would be modest in scale and, along with the proposed palette of materials, it would be reflective of the traditional character that is typical of much of the village. There would be some external alterations to the building, such as replacement of windows and doors and slight increase in height of the chimney stack. The latter is based upon historic photographs and would not harm the significance of the heritage asset. Subject to detailing, the proposed replacement of windows and doors would likely have a negligible impact on the significance of the heritage assets. There would likely be a minor degree of harm to the setting and significance of the designated heritage assets due to the siting of the extension in a key view. However, this level of harm has clearly been justified in terms of seeking the optimal viable use of the building (par.202 of NPPF) and the proposed alterations have been designed to be sympathetic and harmonious with the local distinctiveness of the village.”

As is inferred from the comments, the NPPF states at paragraph 202 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, that harm will need to be weighed against the public benefits of the proposal. In this case, I would agree with the Conservation Officer that bringing the building into a long term and viable use, as well as the positive alterations to the building itself (removal of flat roof extensions and reinstatement of the chimney) would amount to public benefits which outweigh the less than substantial harm identified.

It is therefore considered that the character and heritage impacts of the scheme are acceptable and in compliance with Policy FCM5; FCM10; Core Policies 9 and 14 and Development Management Policies 5 and 9 as well as the relevant paragraphs of the NPPF.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The residential use of the site could arguably be less intensive than the existing community use potentially reducing overall noise and disturbance. Notwithstanding this, the site is positioned at the edge of the main built up area and therefore neighbouring properties are limited in any case.

One of the most likely affected neighbours would be Rose Cottage to the west. The proposed two storey extension would not feature any additional windows on the elevation facing the neighbour but it would extend southwards beyond the neighbouring building line and therefore consideration must be given to potential overbearing or overshadowing impacts. The extension would be set approximately 2m away from the shared boundary. The closest element of the neighbouring single is a 1.5 storey element with garage and bedroom above (the latter served by a dormer window on the principal elevation and roof light on the rear). According to planning records for the neighbouring property from 2019 and confirmed by the Officer site visit, the closest element at the rear is a 'garden store' (greenhouse) which is predominantly glazed. This is a small room accessed from the back of the garage (the 2019 plans show no internal linkage to the rest of the house) and therefore I do not consider this to be a principal habitable room. There would undoubtedly be visibility of the proposed extension from the garden store but I do not consider that this would amount to an overbearing impact noting both the use of the room but also the relatively modest height of the extension and the set back from the boundary.

There is also a dwelling to the south west of the site but this property is orientated at a perpendicular angle so that its rear elevation faces eastwards. There is a window on the gable end facing north-westwards but this is more orientated towards Rose Cottage than the application site. It is estimated that the proposed roof dormer to serve bedroom 3 would be approximately 14m away from the rear windows of the south western neighbour. However, any outlook between the windows would be at an oblique line of sight and given the vegetated boundary treatment, which would be retained, it is not considered that the impacts

of the two storey extension to this neighbour would amount to amenity harm worthy of refusal.

The occupiers of the dwelling would be afforded an adequate standard of outdoor amenity for a dwelling of the proposed size. The proposal is therefore compliant with the relevant elements of Policy DM5.

Flood Risk

Core Policy 10 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD states that new development shall be steered away from those areas at highest risk of flooding, by applying the sequential approach to its location. To pass the Sequential Test, the application must demonstrate that there are no reasonably available sites in lower risk Flood Zones in which the development can be located.

Paragraph 168 of the NPPF states that applications for some minor development and changes of use should not be subject to the Sequential or Exception Tests. The sequential test would not be required for the change of use. However, the proposal would also include the operational development of extending the existing building which would require the application of the Sequential Test. Taking a pragmatic view, if the principle of the change of use to residential is acceptable then extensions would essentially form development akin to householder development. In this context sequentially there would be no other location to extend the existing building and therefore the Sequential Test is considered to be passed.

The application has been accompanied by a site specific Flood Risk Assessment (FRA) which confirms the proposal represents a more vulnerable use. The document goes on to state:

The design events to consider are the 1 in 100 year plus 50% climate change and the 1 in 100 year plus 30% climate change defence breach, whichever is the higher scenario. For this stretch of the River Trent, the 1 in 100 year 50% CC breach scenario is the worst and results in a peak flood level of 15.39m AOD on the site. The LiDAR from the EA (backed by site dimensions) suggests an external ground level of between 14.90m and 15.12m AOD.

This would result in between 300mm and 500mm of water on-site and which would be 240mm above the existing floor level and 220mm above the proposed floor level. Whilst it would be ideal for the dwelling to have a minimum floor level with a freeboard of 300-600mm above this peak, that would not be possible to achieve within the existing building. In this situation, it is understood that the EA will generally accept a floor level no lower than existing, providing significant mitigation is put in place.

It is acknowledged that part of the proposal relates to an existing building and it is accepted that to insist on the increase of existing floor levels would be unreasonable. The report goes on to detail flood mitigation measures to be incorporated into the design.

The proposal falls to be assessed against the Environment Agency Standing Advice. This clarifies that if floor levels cannot be raised to meet the minimum requirement then they should be raised as much as possible; consider moving vulnerable uses to upper floors and include extra flood resistance and resilience measures.

The agent has been asked to clarify why the proposed extension cannot have increased floor levels above the 300mm requirement. It has been confirmed that it would not be possible to achieve the two storeys if the finished floor levels in the extension were to be raised and that it would also compromise the inclusive access if there were a level change to the bedrooms in the rear extension.

The dwelling would have areas of refuge at first floor and it is noted that there are areas of the village (including the church opposite) which are within Flood Zone 1 at the lowest risk of flooding. The FRA measures, subject to being secured by condition are considered sufficient to protect the occupiers at a time of flood such that there are no objections to the development on flood risk grounds.

Impact on 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.

The dwelling would rely on the existing vehicular access into the site. As with the amenity assessment, there is a case to be made that a single residential unit would be less intensive than the existing community use and therefore the impacts on the highways network are considered acceptable.

The Council has an adopted SPD for cycle and parking standards which details the need for three car parking spaces. These have been annotated on the proposed site plan of an appropriate size and there is also provision for cycle parking. On this basis the proposal is compliant with Spatial Policy 7.

Other Matters

There are existing trees and hedges around the boundaries of the site but these would be sufficient distance away to not be affected by the proposed operational development and therefore it was not considered necessary to request a Tree Survey. Equally, the existing building is still in active (albeit infrequent) use and therefore an ecological appraisal is not required.

The proposed elevations show that the dwelling would have solar panels on the south facing roof slope. The use of solar panels represents a benefit to the scheme in terms of the use of renewable energy sources.

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 to change the use and extend an existing building considered of local interest in heritage terms. The principle of the change of use is acceptable noting the availability of alternative community uses in the village and the proposed design of the extension would be appropriate in character and amenity terms. It is noted that less than substantial harm has been identified to the character and appearance of the Conservation Area and wider setting of the listed church and moderate degree of harm to the significance of the non-designated heritage asset (NDHA). However, this harm would be outweighed by the benefits of the proposal in terms of bringing the building into a long term viable use.

Although the site is within an area at risk of flooding, the FRA submitted to support the application demonstrates adequate mitigation to protect the proposed occupiers of the dwelling in a potential flood event. The proposal would bring a marginal benefit to the delivery of the Councils 5 year housing land supply and in the absence of any other demonstratable harm, the recommendation is for approval subject to the conditions outlined below.

10.0 Conditions

01

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

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

02

No development shall commence above slab level until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and samples.

Reason: In the interests of visual amenity and to protect the heritage assets within the site.

03

No development shall take place above slab level until details of the design of external windows including rooflights and dormer windows; doors and their immediate surroundings, including details of glazing and glazing bars which should be timber; treatment of window and door heads and cills; verge and eaves; rainwater goods; copings; extractor vents; flues and chimneys; meter boxes; solar panels; soil and vent pipes have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the heritage assets within the site.

04

All external joinery including windows and doors shall be of a timber construction only. Rooflights shall be conservation types and installed flush fitting with the roof plane. Details of the design, specification, method of opening, method of fixing and finish of all external joinery, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The works shall be carried out only in accordance with the agreed window and door details.

Reason: To preserve the special architectural and historic interest of the building.

05

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be implemented prior to the occupation of the dwelling.

Reason: In the interests of residential and visual amenity.

06

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting). The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows which are to be retained, together with measures for protection during construction;
- proposed finished ground levels or contours;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures for example, bin or cycle storage;
- proposed and existing functional services above and below ground (for example, electric charging points).

Reason: In the interests of visual amenity and biodiversity.

07

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years

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

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

08

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

- Block Plan – received 9th March 2023;
- Plan, Elevation & Section as proposed – L(20)01 A.

Reason: So as to define this permission.

09

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

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

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

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

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

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

10

The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment dated 6th March 2023, including but not limited to:

- The proposed ground floor level throughout will be 15.14m AOD;
- All door openings and any floor vents will be fitted with removable flood barriers;
- The new walls are to be built using an insulated cavity wall construction;

- Flood resilient fittings will be used throughout the ground floor;
- All new exterior paving will be fully permeable.

Reason: To protect the occupiers in a flood event.

Notes to Applicant

01

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

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

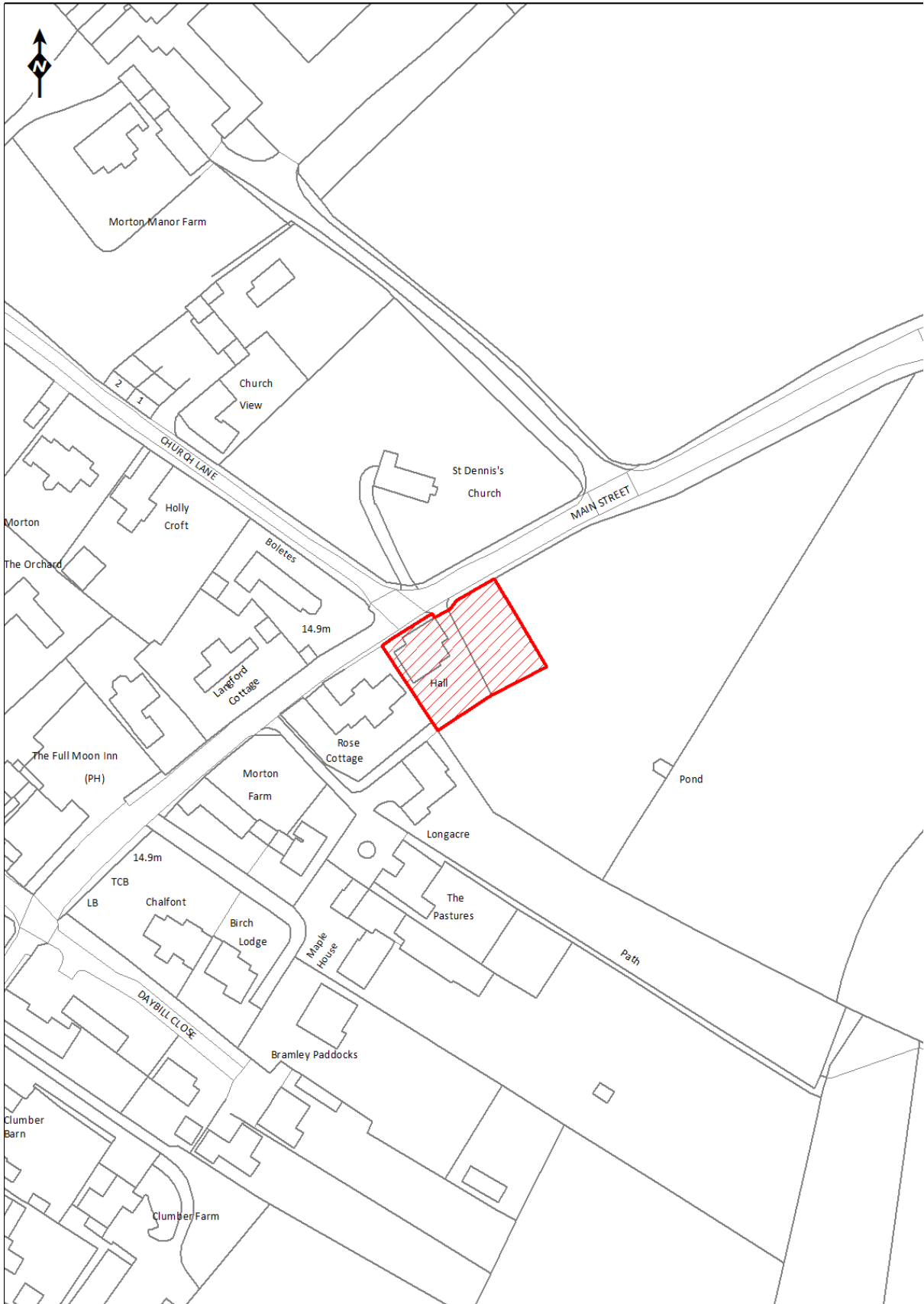
02

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

BACKGROUND PAPERS

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

Application case file.



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	23/00333/FUL		
Proposal	Demolition of existing stable block and erection of single storey dwelling.		
Location	Field Reference Number 9208, Moor Lane, East Stoke		
Applicant	Mr. Spencer Davies	Agent	Gavin Boby Planning Permissions Ltd - Mr Gavin Boby
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	07.03.2023	Target Date	02.05.2023
Recommendation	REFUSAL subject to the reasons within Section 10.0		

This application is being referred to the Planning Committee for determination at the request of Councillor I Walker due to the land being considered as an infill plot, the condition on the land would be improved and personal reasons of the applicant.

1.0 The Site

The site comprises of an existing paddock of approximately 0.13ha with a single stable building within it. The paddock is located to the east of dwellings on Brownlow Close and to the south of Moor Lane. The site is located outside of the defined East Stoke Conservation Area and within Flood Zone 1 as defined by the Environment Agency data maps.

Existing dwellings immediately west of the site are two storey and single storey detached properties on Brownlow Close. The land is laid to pasture with a hedgerow boundary to the perimeter boundaries to the north, west and east. A lean to stable/storage building is located

to the western boundary with a field access gate within the northern boundary. The land is relatively undulating from north to south with no consistent ground level. There are some trees to the eastern and western boundary.

2.0 Relevant Planning History

20/01027/FUL Erection of two dwellings with garages and new vehicular access Refused
27.08.2020 **Appeal Dismissed**

In the opinion of the local planning authority, the greenfield and open nature of the site and its siting away from existing residential properties result in the site being located outside of the village settlement of East Stoke. It is therefore considered to be located in the countryside following an assessment as required against Spatial Policy 3 (Rural Areas) of the Amended Core Strategy 2019. Policy DM8 of the Allocation and Development Management DPD strictly controls development in the open countryside and states new dwellings will only be granted where they are exceptional quality or innovative nature of design and significantly enhance the locale. It is considered that this proposal does not meet any of that identified criteria and is a speculative application which would result in an unnecessary encroachment and elongation of the built form of East Stoke in to the open countryside, thus resulting in unsustainable development and harm to the open character of the countryside. As such the proposal is considered contrary to the principles of Spatial Policy 3 and Core Policy 13 of the Amended Core Strategy and Policy DM8 of the ADMDPD which together form the relevant part of the adopted Development Plan as well as the NPPF, NPPG and the Landscape Character Assessment SPD which are material planning considerations.

17/01870/OUT Up to four residential dwellings on land south of Moor Lane Refused
01.12.2017

In the opinion of the Local Planning Authority the application site lies outside of the main built up part of East Stoke and therefore falls to be assessed as development in the open countryside. Both national and local planning policy restricts new development in the countryside. Spatial Policy 3 (Rural Areas) of the Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD seek to strictly control development in the countryside and limits this to a number of exceptions. This application does not meet any of the exceptions. This proposal represents an unsustainable form of development where there is no justification and the proposal could lead to pressure for similar developments elsewhere in the open countryside that consequently would be difficult to resist if this scheme were to prevail. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as being contrary to the NPPF which is a material consideration.

3.0 The Proposal

The proposal is for the demolition of the existing stable block and the erection of a detached

single storey 1 bedroomed bungalow which is adapted for the specific medical requirements of the proposed occupant.

The building would be constructed of an oak frame with clay rooftiles, bricks and timber boarding.

The approximate dimensions of the resulting dwelling are:

18.5m (length) x 12.5m (width) x 6.1m (ridge) x 2.3m (eaves)

Plans and documents submitted with the application

DRWG no. TQRQM23048060717103 Existing site plan;
DRWG no. TQRQM23051171053343 Proposed site plan;
DRWG no. TQRQM23052093913222 Proposed layout plan;
DRWG no. SK02 Rev B Plan;
DRWG no. SK02 Rev B Elevations;
DRWG no. TQRQM23048053908373 Site location plan;
Bin store details
Planning, Design and Access Statement (February 2023);
Preliminary Ecological Appraisal (April 2020);
Ecological Addendum update (06/03/2023);
Confidential information relating to medical needs of the occupant.

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. The application has been advertised as a departure by a site notice displayed near to the site and an advert placed in the local press.

Site visit undertaken on 20.03.2023

5.0 Planning Policy Framework

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

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type & Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2: Development on Allocated Sites
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM8: Development in the Open Countryside
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Householder Development SPD 2014

6.0 Consultations

East Stoke Parish Council – No comment

Environmental Health (contaminated land) Advice Note - This application includes the demolition of farm buildings (stables) and construction of a new dwelling. The site is also adjacent to a sewerage pumping station and there is the potential for contamination to be present from these uses.

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000

9 Neighbour/Interested party comments of support

- Improve the look of the entrance off Moor Lane as new gates will be a big improvement;
- Building will hardly be visible;
- Welcome addition to Moor Lane;
- No suitable properties for senior citizens in the village;
- Development is in keeping and would enhance and improve the area;
- The site is not open countryside;
- The access would not appear to cause any restrictions on Moor Lane.

7.0 Comments of the Business Manager – Planning Development

Principle of 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.

The amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy sets out the settlements where the Council will focus growth throughout the District. East Stoke does not feature on the settlement hierarchy and is therefore classed as an 'other settlement' under Spatial Policy 1. Spatial Policy 3 (Rural Areas) therefore applies where the site is considered to meet the 5 criteria as stated in the policy requirements. These are Location, Scale, Need, Impact and Character.

The location of the site is one which is on the very extremities of the settlement. There is a commercial building to the east, residential development beyond the highway to the north and residential development beyond the adjacent pumping station to the west. Despite this existing development, the character of this particular area is open countryside and the development at Brownlow Close to the west of the site, represents the limits of residential development to the south of Moor Lane. Spatial Policy 3 of the ACS states new development should be located in villages, which have sustainable access to the Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Within villages, consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues.

The site does not represent previously developed land nor is it built development currently in operational use i.e. a farmyard/scrapyard. Spatial Policy 3 states whereby the site is not located within the settlement, it will be considered as in the open countryside, and will be strictly controlled and restricted to uses which require a rural setting and assessed under policy DM8 of the ADMDPD. This is also the same conclusion the Inspector took when considering the appeal against 20/01027/FUL. The Inspector stated that *'The small housing development of Brownlow Close, where the pedestrian footpath terminates, abruptly signifies the end of the continuous built development on the south side of Moor Lane. The substantial hedgerow presents a natural boundary to the road which sets it apart from the strong built boundary form within the settlement and reflects the typical field enclosures of surrounding countryside. Visually, physically and functionally therefore, the appeal site relates to the countryside rather than to East Stoke.'*

It should be noted that the Development Plan is up to date with the Amended Core Strategy adopted after the publication of the NPPF, thus the Development Plan carries full weight. The DP requires a judgement as to whether a site is in or out of the settlement. In this case the site is judged to be outside of it and therefore the site cannot be considered as an infill plot.

Paragraph 80 states policies and decision should avoid isolated homes in the countryside unless one or more of the stated circumstances apply. Whilst the site is not isolated in the true sense, it does not have to be, to be contrary to the up-to-date Development Plan. The exceptions listed in the NPPF refer to, amongst other things, there being an essential need for a rural worker, located on previously developed land or the design is of exceptional quality. It is considered that the design of the scheme is not of such high architectural quality so as to outweigh the siting within the open countryside and no evidence has been presented for compliance with this in the form of a Design Review.

Officers are aware of the very specific reasoning for the dwelling, however this is personal to the applicant and represents a moment in time but the effects of the permission (if Members resolve to approve) in terms of the impact upon the open countryside, would be permanent, and those personal reasons alone do not represent a reason to tip the balance of acceptability and go against national policy in terms of the appropriate use within the open countryside. Therefore, as defined under policy DM8 of the ADMDPD and the requirements of the NPPF it is considered that the proposal fails for this reasoning.

Impact on design and landscape character

Core Policy 9 'Sustainable Design' requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments" and "demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character".

In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

Policy DM5 of the ADMDPD states the local distinctiveness of the District's character in built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. The NPPF paragraph 130 states that decisions should ensure proposals will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The character of the area is borne out of two and single storey properties of an atypical traditional design of red brick, sited against the roadside edge either gable end with secondary or lower status buildings, or lengthways to the highway. The proposal is for a wide fronted single storey dwelling which is timber clad in part. Whilst this would ensure an active frontage to the highway and public realm, the detached nature of the site and the design would be at odds with the prevailing character of Moor Lane, however it would add to the general mix of character along Moor Lane which becomes looser as it transitions along Moor Lane.

The proposal also includes a brick building to house the bins. This is approximately 1.8m in height and located to the front of the site adjacent to the highway. This would further introduce harsh built development to the front of the site where the hedge was once located. This would further erode the open character of the area to its detriment.

Core Policy 13 of the ACS states proposal should positively address the implications of relevant landscape policy zones and should be consistent with the landscape conservation and enhancement aims for the area ensuring that landscapes have been protected and enhanced. The site is located within the South Nottinghamshire Farmlands (SN PZ 07 Elston Village Farmlands) policy zone as stated within the Landscape Character Assessment SPD 2013. This is stated as having a moderate landscape sensitivity with intermittent tree cover giving moderate visibility value. The landscape features are to create new hedgerows and restore existing and contain new development within existing historic boundaries. In addition to enhancing tree cover and conserving ecological diversity and biodiversity and creating new development which reflects the local built vernacular and conserving what remains of the rural landscape by concentrating the creation of new development around existing settlements.

Overall, the policy zone has a moderate sensitivity and moderate condition with an outcome of conserving and creating. It is considered that eroding the landscape with further unnecessary built development in the open countryside would be directly contrary to the provisions of the SPD.

It is the design with its wide frontage and use of timber cladding and siting outside of the built up area which would be harmful to the established character and appearance of the area. The proposal is therefore considered contrary to the provisions of Policy DM5 'Design' of the ADMDPD which requires new development to reflect the local distinctiveness and be in keeping with the general character and density of existing development in the area. The proposal would also result in removal of approximately 6m in length of existing hedgerow to create a new driveway when there is an existing access to the site which could be utilised (see the discussion in the highway section below). The removal of additional established hedgerow would be unnecessary and cause harm to the existing established hedgerow which is a strong boundary to the public realm.

The proposed development would also feature further encroachment into the open countryside which is a contrary to the provisions of the Landscape Character Assessment SPD.

Impact on highway safety

Spatial Policy 7 (Sustainable Transport) of the ACS states development proposals should provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. In addition, it states to provide appropriate and effective parking provision, avoid highway improvements which harm the area. Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all.

Policy DM5 of the ADMDPD states provision should be made for safe and inclusive access and

parking provision for vehicles and cycles should be based on the scale and specific location of the development.

The proposal would introduce a new vehicular access to the site and break through an existing established hedgerow. The width of the driveway as shown on the layout plan is approximately 6m wide with a hedgerow on either side of the access point. NCC Highways standing advice states that the minimum width of the driveway should be 3.6m where it is bound on either side by treatments. As this driveway is in excess of this, the proposed width would be acceptable, although excessive. However the accuracy of the plans in terms of the amount of hedgerow to be removed is not clear and this could be limited to that necessary to serve the development or utilise the existing field access where the removal of hedgerow to the north-west of the site would be less significant to the character.

The design features parking to the side and front of the site. The Council's Residential cycle and car parking SPD states that only 1 parking space is required which is achievable within the site.

East Stoke is served by a bus to Newark, however this is not frequent but still provides a sustainable access to a more sustainable settlement, as East Stoke itself has no facilities to support further development.

As such the proposal is in accordance with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

Impact upon ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

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

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which has assessed the site for its ecological value to protected species. The results of the survey found that the site is highly unlikely to feature any great crested newts but a precautionary approach should be taken (outlined at section 5.1.2 of the PEA) to ensure no breach in legislation. Bats are

considered highly likely to use the wider site for foraging and commuting and the development of the site may have an impact on the availability of foraging areas for them. The ecologist has recommended measures which are outlined in section 5.2.2 of the PEA which relates to the imposition of lighting and its spill ensuring the hedgerows are kept as 'dark areas' so as not to affect the areas for foraging or commuting bats. The survey of the stable block confirmed that no evidence of bats was found and it is considered to have negligible potential to support roosting bats.

In terms of satisfying the NPPF, the starting point is to ensure the impacts upon ecology are avoided before adequate mitigation is imposed. In this case the site is understood to be used as a transient foraging/commuting site and does not contain any identified roosts. An ecologist has recommended measures of compensation and mitigation within the site due to the loss of hedgerow and the LPA can impose conditions to cover this and any details of lighting. The removal of the existing stable building and any hedgerows should be carried out outside of active bird nesting season and the GCN hibernation season. Biodiversity enhancements are also proposed within the PEA which includes the replanting of hedgerows lost to the access points and the planting of trees and installation of nest boxes for swallows, bat boxes and hedgehog friendly boundary treatments. Therefore, although the site would be disturbed by an increase in activity, this is not considered to result in harm which could not be mitigated for and achieve a biodiversity net gain and compliance with the NPPF.

As such it is considered that the site is not likely to have such a harmful impact upon the ecological value of the site or indeed, subject to precautionary measures as recommended in the PEA, upon protected species. The NPPF states biodiversity enhancements and net gains should be achieved and this would be possible through the imposition of appropriate conditions if the scheme was considered acceptable. Therefore, the scheme is considered to comply with Core Policy 12 of the ACS and policy DM7 of the ADMDPD and the NPPF.

Impact upon Residential Amenity

Policy DM5 of the DPD states planning permission will be granted provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

The proposal, due to the siting of the windows and the juxtaposition to neighbouring occupiers (being 25 metres away from the nearest neighbour), the proposal as a whole is not considered to result in harm to the amenities of neighbouring occupiers and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF which is a material planning consideration.

Impact on Flooding/surface water run-off

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water. It is not considered that the additions would result in harm to surface water run off to the neighbouring or application site.

8.0 Implications

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

9.0 Conclusion

The site is considered to be located within the open countryside due to the undeveloped nature of the site and the edge of settlement location, meaning it is not located in village under Spatial Policy 3. Whilst the proposal is for a specific medical reason for the occupant, this is only a snapshot in current time and personal to the applicant. In the opinion of Officers, due to the siting in the open countryside, this personal reason does not meet the criteria within policy DM8 or the NPPF and is market housing located within the open countryside.

The design of the building and the intrusion within the open countryside would further erode the open verdant character of the site, to its detriment.

Although the scheme is considered acceptable from a neighbour amenity and highway safety perspective, the proposal would result in erosion of the character and although it is recognised the specific reasoning for the application, this is not considered sufficient to tip the balance of acceptability to support the scheme. It is therefore considered that the proposal would result in a poor overall design which fails to relate or improve the character and distinctiveness of the area.

The proposal is therefore contrary to Core Policy 9 and 13 of the ACS and policy DM5 and DM8 of the ADMDPD and the NPPF and PPG and the Landscape Character Assessment SPD which are material planning considerations.

10.0 Reasons

01

In the opinion of the Local Planning Authority, given the open and verdant character of the site and its siting away from existing residential properties, the site is considered to be located outside of the built up part of East Stoke in the open countryside. Spatial Policy 3 (Rural Areas) and Policy DM8 (Development in the Open Countryside) of the Allocation and Development Management DPD strictly controls development in the open countryside and states new dwellings will only be granted where they meet one of a number of limited exceptions. This proposal does not meet any of that identified exceptions criteria and is a speculative application which would result in an unnecessary encroachment and elongation of the built form of East Stoke into the open countryside, thus resulting in unsustainable development and harm to the open character of the countryside. As such the proposal is considered contrary to the principles of Spatial Policy 3 and Core Policy 13 (Landscape Character) of the Amended Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document which together form the relevant part of the adopted Development Plan as well as the National Planning Policy Framework, Planning Practice

Guidance and the Landscape Character Assessment SPD which are material planning considerations.

02

In the opinion of the Local Planning Authority, the main character of Moor Lane features dwellings or buildings set traditionally against the back of the highway at single or two storey height creating a sense of enclosure. The design of the wide frontage to the dwelling, coupled with the use of materials, results in an urban form which is out of character with the local vernacular, traditional layout and grain of Moor Lane. As such the proposal is considered to fail to adhere to the character and distinctiveness of the area, contrary to Core Policy 9 (Sustainable Design) of the Amended Core Strategy and policy DM5 (Design) of the Allocations and Development Management Development Plan Document, as well as the National Planning Policy Framework and Planning Practice Guidance which are material planning considerations.

Informatives

01

For the avoidance of doubt, the plans considered are:
DRWG no. TQRQM23048060717103 Existing site plan;
DRWG no. TQRQM23051171053343 Proposed site plan;
DRWG no. TQRQM23052093913222 Proposed layout plan;
DRWG no. SK02 Rev B Plan;
DRWG no. SK02 Rev B Elevations;
DRWG no. TQRQM23048053908373 Site location plan;
Planning, Design and Access Statement (February 2023);
Preliminary Ecological Appraisal (April 2020);
Ecological Addendum update (06/03/2023);
Confidential information relating to medical needs of the occupant.

02

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

03

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

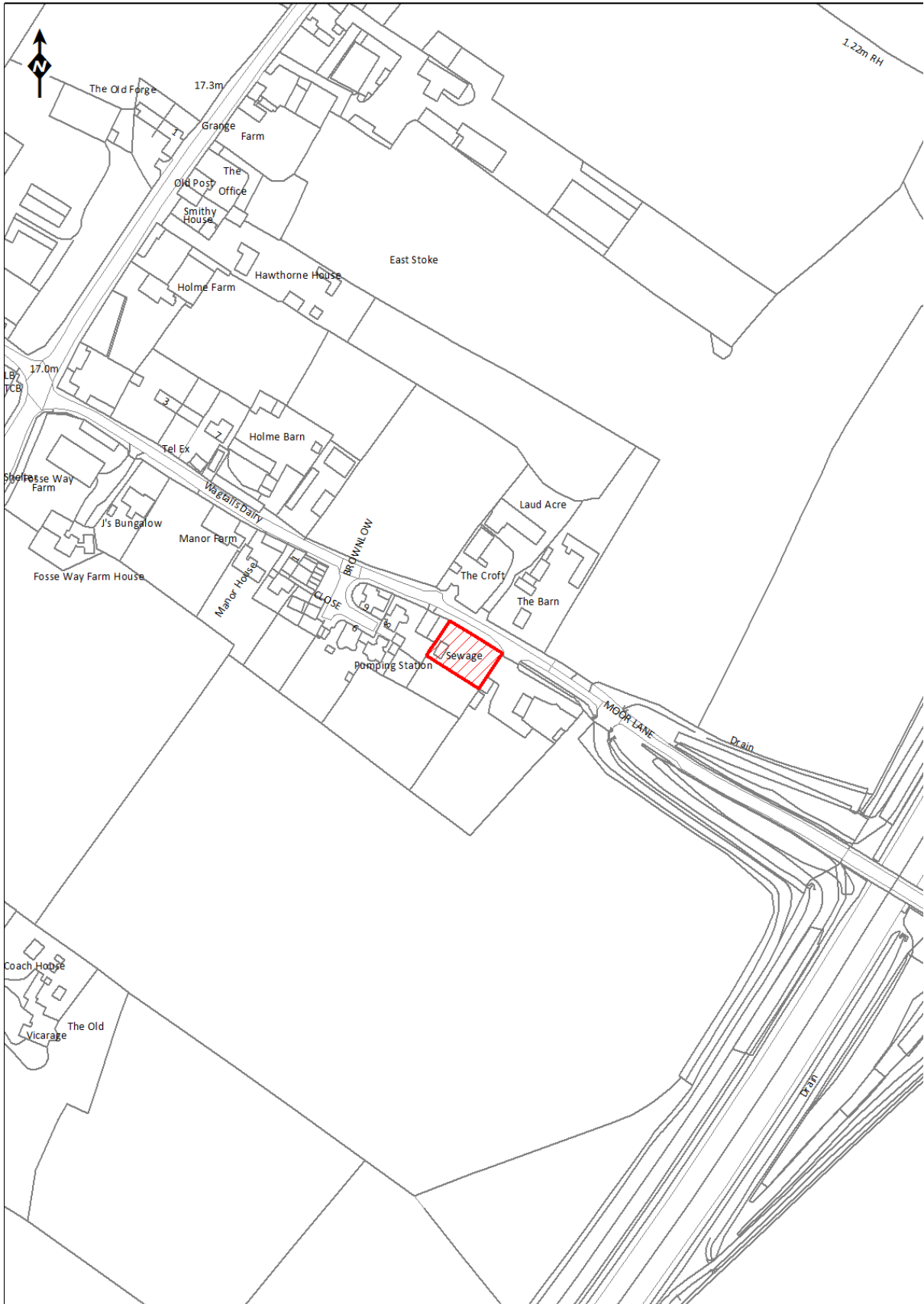
proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/00333/FUL



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	22/00907/FUL		
Proposal	Proposed conversion of existing Coach House to dwelling and proposed erection of a two storey garage and conservatory.		
Location	The Old Vicarage, Church Lane, South Scarle, NG23 7JP		
Applicant	Mr Ben Mason	Agent	N/A
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBLYEHLBKT600		
Registered	01.08.2022	Target Date	26.09.2022
		Extension of time	24.04.2023
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

This application is being referred to the Planning Committee for determination at the discretion of Officers due to a District Councillor being a neighbour to the site.

1.0 The Site

The site contains a detached two storey red brick dwelling with outbuildings to the rear (north) of the site. The Coach House is located along the northern boundary and is a two bay building with large openings and a hay loft at first floor. It is constructed of red brick and slate roof.

The dwelling is a Local Interest Building and sited within the defined South Scarle Conservation Area. St Helena's, a Grade I Listed Church is located approximately 80m from the eastern boundary, with the Grade II buildings of The Old Vicarage and Church Farm flanking it.

Its main access is located off Church Lane to the south of the site with a secondary access

from Main Street to the east.

Mature trees are located along the southern boundary with Church Lane.

New residential properties are located to the west of the site and constructed on the former industrial estate and residential properties exist to the north and east of the application site.

2.0 Relevant Planning History

17/00644/FUL Householder application for demolition of existing conservatory and replacement with new and all associated external works Approved 19.07.2017

15/02125/FUL Householder application for construction of a garage, lean-to building and all associated external works Refused 08.04.2016. **Allowed on appeal, cost application by appellant dismissed.**

15/01608/FUL Householder application for driveway re-instatement to Main Street, including new gates and fence Approved 16.11.2015

15/00942/FUL Alterations to existing coach house to form annex to dwelling including all associated external works Approved 29.07.2015

14/01725/FUL Householder application for alterations and extension of existing Coach House/garage with demolition of part, and including associated external works Approved 01.12.2014

3.0 The Proposal

The proposal is for the conversion of the existing Coach House to a 2 bedroomed unit to be used as an annexe to the main dwelling. The annexe would be self contained with a kitchen/dining, utility, living room and boiler room (already in situ) and at first floor there would be 2 bedrooms (one with ensuite) and a bathroom. No extensions are proposed to the Coach House. The proposal also includes a two storey detached garage and a conservatory to the main dwelling.

The original proposal included a large summerhouse to the south of the dwelling, greenhouses and entrance gates, which have now been removed.

The approximate dimensions of the resulting garage are:

16m (length) x 6.6m (width) x 5.4m & 4.5m (ridge) x 3.2m & 2.5m (eaves)

Plans and documents submitted with the application

DRWG no. 14-BM-04D Coach house – Existing floor plans and elevations;
DRWG no. 14-BM-05D Location plan;
DRWG no. 14-BM-07A Coach house – Proposed floor plans and elevations;
DRWG no. 14-BM-09K Garage – floor plans, elevations and section;

DRWG no. 14-BM-10 Proposed conservatory – plan & elevations;
DRWG no. 14-BM-13B Site plan;
DRWG no. 14-BM-14A Block plan;
Design and Access Statement

4.0 Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Site visit undertaken on 18.08.2022

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 3; Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM6 – Householder Development
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)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Householder Development SPD 2014
S.66 and S.72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

South Scarle Parish – 22.08.2022 Voted against.

09.02.2023 Voted against - There were 17 residents, the Chairman and the Parish Clerk. The predominate concern was about the size of the 'garage' as seen from the plans (and from the actual footings) and its close proximity to 2 Redmay Corner. Many comments were voiced

about it appeared to be plans for a dwelling rather than a garage. It was noted that the planning is within the conservation area.

Conservation – 15.02.2023 The concerns previously raised by the conservation team in terms of the shed/green house, summerhouse and alterations to the boundary wall have been addressed through the removal of them from the scheme.

The garage scheme has reduced the number of rooflights.

Therefore, it is considered that the proposed works preserve and enhance the character and appearance of the conservation area as set out in s.72 of The Act. In addition, it accords with policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. Conditions are recommended

Environmental Health (contaminated land) Advice Note - This application includes the conversion of an agricultural building (cart shed) to residential ancillary use and there lies the potential for this to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000

Historic England - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

4 Neighbour/Interested party comments

Garage

- Harm residential amenity including privacy, overshadowing due to the proximity to the boundary;
- New garage will substantially increase the footprint and elevation sizes of that approved under 17/00644/FUL;
- No justification for the increase;
- Garage is fully exposed and visible from multiple angles and distances due to loss of vegetation;
- Would have an urbanising effect on the Conservation Area;
- Increase activity along the driveway as a result, meaning increase in noise;
- Not appropriate for residential use;
- Apparent it is for commercial purposes;
- The extant permission is for a smaller 1.5storey building that houses 3 vehicles and a trailer store;
- It is for a change of use;
- The loss of garaging due to the change to the Coach House, raises concerns about the loss of appropriate parking for the main house and Coach House. With increase in vehicle movements;
- Disproportionate in scale with the Old Vicarage;
- Views of the house are lessened further;
- Results in a cramped nature and overdevelopment;

- Overbearing, cramped and out of keeping with the spatial relationship of properties on Redmay Corner.

Coach House

- This application follows the lapsed application;
- Potentially longer term development process to segregate the Old Vicarage site into future multiple residential areas with separate and individual driveway accesses;

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 application is located within proximity of a designated heritage asset of a listed building and conservation area, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" Section 72(1) also 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.66 and 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 application is in two parts, the change of use of the Coach House to an annex associated with The Old Vicarage and the erection of a conservatory to The Old Vicarage and alterations to the already approved garage to increase the proportions. These will be dealt with separately, distinguishing the works to the Coach House from the householder works as these relate to two different policy considerations.

Householder development including the conservatory and the garage

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the

proposal should respect the character of the surrounding area including its local distinctiveness and have no adverse impact upon the amenities of neighbouring properties from loss of privacy, light and overbearing impacts. Policy DM9 states development affecting the setting of a listed building must demonstrate it is compatible and the impact on the special architectural or historical interest is justified.

The site is in residential use where extensions are generally considered acceptable subject to other site specific criteria which are outlined further in this report.

Coach House

Members will note that planning permission was previously granted for this proposal under 15/00942/FUL, however this was never commenced and has subsequently lapsed.

The proposal, as submitted, comprises self-contained accommodation within the grounds of an existing dwelling. The applicant states that the proposal is for accommodation when family members or friends come to stay.

The Council's SPD for householder development states that 'where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.'

A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose. Ancillary use can be defined as a subsidiary or secondary use or operation closely associated with the main use of a building or piece of land. The ancillary use, in this case, must be within the same residential curtilage of the dwellinghouse it would serve, form part of the same 'planning unit' by sharing the same access, parking area and garden and be subservient to the dwelling. I consider there to be two main factors in considering whether or not a proposal is ancillary and these are whether the proposed annex demonstrates a clear physical and functional link to the host dwelling.

The building is self-contained and physically detached from the main dwelling and although the plans do not show a separate curtilage this could easily be separated off from the main dwelling. Its self-contained nature means it would have no reliance on the host dwelling for essential facilities and although the applicant has stated that the purpose is for visiting family/friends, this demonstrates a weak functional link to the main dwelling. Therefore, with no physical or direct functional relationship to the main dwelling it is not considered to be an annexe which is ancillary to the main dwelling. It is therefore falls to be assessed as a new dwelling.

The amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1

(Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. The site is located within the built up area of South Scarle which is not identified within the settlement hierarchy and therefore classed as an 'other village' under Spatial Policy 1 whereby Spatial Policy 3 applies.

Under this policy, proposals for new development will be considered against the five criteria of Location, Scale, Need, Impact and Character. These are explained further below:

Location – This states the proposal should be located in village which has sustainable access to the Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Those which do not meet these requirements but are well related to villages that do, consideration will be given to the infilling of gaps with 1 or 2 dwellings. It is considered that the proposal meets this requirement as it is closely connected to Collingham which is a Principal Village within the Amended Core Strategy.

Scale – The proposal is small scale in nature as it is 1 dwelling and reusing an existing building.

Need – The proposal is for one 2 bedrooled dwelling which, according to the District Wide Housing Need Assessment 2020, such dwellings are in need within the policy area, thus this is considered acceptable.

Impact and Character are considered in more details in the subsequent report.

Subject to the assessment of impact and character, the proposal is acceptable in principle. Other material considerations also have to be taken into account and these are explored below.

Impact on the Visual Amenities of the Area and heritage

Householder Development (garage and conservatory)

Policy DM6 of the ADMDPD states planning permission will be granted providing the proposal "respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling." Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. Policy DM9 states proposals should reflect the distinctive character of the conservation areas with the layout, design, form, scale, mass, use of materials and detailing. Impact on the special architectural or historical interest of the building will require justification.

Core Policy 9 'Sustainable Design' requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments."

Paragraph 197 of the NPPF (2021) states that in determining applications LPAs should take

into account the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Any loss of significance will require justification with the ultimate outcome for the development to cause no harm which is reflected in S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.72 of the same Act states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Conservatory

The proposal is for the replacement of the conservatory to the principal elevation. The existing conservatory is a lean to design and the proposal is for a single storey lantern design. It is not considered that the revised design of the conservatory would be dominating or result in harm to the setting of the Listed Building or to the character or appearance of the Conservation Area. The conservatory is the same design as was approved under 17/00644/FUL.

Garage

The garage building is located to the east of the site and has commenced in the form of foundations. It is pertinent for Members to note that the principle of a garage has already been granted through application 15/02125/FUL which was allowed on appeal following the refusal of the application by Members. The Inspector concluded that *'overall the building would have a very limited wider impact on the conservation area but in views that would be available, it would sit unobtrusively to the side of the main house. As it would be of good quality design and materials, it would have a neutral impact on the conservation area and the setting of the Old Vicarage (para 8)*. The proposal would result in an increase in height by approximately 400mm, and 200mm in width. However this is not considered so significant a change from the appeal decision to justify a different view being reached in terms of harm to the setting of the conservation area.

Concern has been expressed by residents with regards to the interruption of views caused by the garage to views of the Old Vicarage. However, this elevation of the Old Vicarage is a secondary elevation and contains less decoration or interest than the principal elevation which faces Church Lane. The garage is also closer to the listed buildings on Main Street including the Grade I Listed Church. However due to the juxtaposition with these buildings, it is not considered to result in harm to their setting or significance.

Residents have expressed concern that the building would result in harm by being dominant, disproportionate, cramped and overdeveloped. However, whilst this is acknowledged, it is necessary to put into context that the proposal is for a small alteration of an already approved garage. The proposed garage is approximately 16% larger in volume than the consented garage. This is a minor increase in the garage volume over the original scheme and given the proportions it is not considered to be dominating, disproportionate, cramped or result in overdevelopment of the site.

Therefore, due to the design and siting, it is not considered to result in harm to the setting of

the listed buildings or result in harm to the character and appearance of the conservation area.

Coach House

The change of use of the Coach House in terms of the design is the same as the former application as approved under 15/00942/FUL. The proposal would not result in any additional volume to the building and the resulting design is considered sympathetic to the character and appearance of the building.

The proposal is therefore considered to be acceptable and accords with Core Policy 9 and 14 of the ACS, policy DM5, DM6 and DM9 of the ADMDPD, the Council's Householder Development SPD and the NPPF which is a material planning consideration as well as S.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

Householder Development (garage and conservatory)

Policy DM6 of the DPD states planning permission will be granted for the erection of an extension provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

Conservatory

The proposal for the extension to the existing dwelling would not result in harm to neighbour amenity from overbearing, loss of light or privacy impacts due to its siting and juxtaposition with the other residential properties in the area which are a sufficient distance from this structure to not be detrimentally impacted from it.

Garage

It is acknowledged that the siting and scale of the garage has received a number of concerns from local residents and the parish council, which have duly been considered by Officers. However, Members need to be aware that even though the garage will be increasing its height by incorporating a first floor, this only increases the maximum height by approximately 400mm. The nearest affected property is that to the south of the proposed siting of the garage, 2 Redmay Corner. This is a detached two storey dwelling with its principal elevation facing east, the garage would be sited to the north (side) of the property. A single storey extension is located to the north on no.2 which serves a dining room and is close to the boundary fence with The Old Vicarage. Whilst this is not shown on the submitted plans, it was evident from the Officer's visit to the site and has been taken into consideration.

Members will note that a slightly smaller garage (5m to ridge) has already gained planning consent under appeal (following Members refusal at Committee). The Inspector acknowledged the impact to no.2 and especially to the dining room and front room. However,

they concluded that although the outlook in certain parts would be altered, this would not be to the extent that living conditions or light would be unacceptably harmed (para 12)¹. Given the slight increase in the maximum height of the garage, it is not considered that this would significantly change this conclusion. There have been no changes in policy and no material changes to the site circumstances. The use of the first floor of the building for an ancillary office is not unusual and given the proximity to the neighbours, would not result in increased disturbance. As such it is considered that the proposal, although acknowledged that it has increased in scale, would not result in unacceptable harm to neighbours from loss of light or overbearing impacts.

Rooflights have been sited on the north elevation, away from no.2 and are sited above 2m from internal floor level, meaning they would not result in direct loss of privacy to neighbours.

Therefore, due to the siting of the windows and the juxtaposition to neighbouring occupiers, the proposal as a whole is not considered to result in harm to the amenities of neighbouring occupiers and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Coach House

Policy DM5 of the ADMDPD states that *'the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing, loss of light and privacy.'*

In the context of residential amenity, the proposal and site circumstances have not altered since the previous permission (15/00942/FUL). The proposal does not seek to create its own curtilage and instead would share the garden of the host dwelling. Given this lack of external space, it is therefore considered appropriate to require that the coach house is occupied as ancillary to the main house within one planning unit and not be occupied independently. A condition to this effect has been included in the recommendation below.

Impact upon Highway Safety

The proposal does not result in any changes to the availability of land for parking at the property. The Council's Residential Cycle and Car Parking Standards & Design Guide SPD states that for this location, the 2 bedroomed coach house should provide 2 parking spaces. It is unclear how many bedrooms the existing dwelling has, however for a dwelling containing 3 bedrooms or more, the site should have 3 car parking spaces. The SPD requires the internal dimensions of a garage to be 3.3m x 6m. The proposed garage fails this and includes an internal door which opens in to the garage from the workshop, thus restricting this being used for parking of a vehicle. Nonetheless the workshop building is capable of accommodating 2 vehicles (6m x 6m) which is in accordance with the SPD and there is other space around the site for parking of vehicles such that the overall parking provision is considered adequate. There is no requirement to change the access to the highway.

As such the proposal complies with Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD.

¹ Appeal Decision APP/B3030/D/16/3153486 15/02125/FUL

Impact on Flooding/surface water run-off

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water. It is not considered that the additions would result in harm to surface water run off to the neighbouring or application site.

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 design and siting of the garage and the conservatory is such that it would result in a proportionate addition to the dwelling and would not result in harm to the setting of the listed building or to the character or appearance of the conservation area. The siting of the garage and the conservatory are not considered to result in unacceptable harm to neighbour amenity from overbearing, loss of privacy or light.

The change of use of the coach house would be acceptable in terms of the criteria within Spatial Policy 3 of the ACS and would be suitable in terms of the impact to the surrounding area having no adverse impacts on amenity.

Matters of highway/parking provision and flooding/surface water impact, are considered acceptable.

The proposal therefore accords with the Development Plan taking in to account the NPPF (2021) and PPG which are material planning considerations.

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 approved proposed plans reference:

DRWG no. 14-BM-05D Location plan;

DRWG no. 14-BM-07A Coach house – Proposed floor plans and elevations;

DRWG no. 14-BM-09K Garage – floor plans, elevations and section;
DRWG no. 14-BM-10 Proposed conservatory – plan & elevations.

Reason: So as to define this permission.

03

Prior to the construction of the garage and conservatory above damp proof course, details of external materials (including samples on request) of bricks and roofing tiles, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: In order to preserve the character and appearance of the conservation area.

04

Before any bricks are laid, a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

05

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

External windows including roof windows, doors, garage doors and their immediate surroundings, including details of glazing and glazing bars and external colour/finish

Treatment of window and door heads and cills

Rooflights

Verges and eaves

Rainwater goods

Extractor vents

Flues

Airbricks

Soil and vent pipes

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

06

The coach house hereby permitted for change of use shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as The Old Vicarage.

Reason: To prevent the creation of a separate dwelling in the interests of amenity.

07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), no windows including dormer windows and roof lights (other than development expressly authorised by this permission), shall be inserted in the garage and/or Coach House hereby permitted.

Reason: In order to safeguard the amenity of neighbouring occupiers.

Informatives

01

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

02

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

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

BACKGROUND PAPERS

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

Application

case

file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022888. Scale: Not to scale



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
Application Number	23/00211/FUL		
Proposal	Car Park with 80 spaces, including 16 EVCP's, Solar Shelter Canopies, fencing, barrier, ticket machines and CCTV		
Location	Former Buffer Depot and Driving Test Centre, Bowbridge Road, Newark on Trent		
Applicant	Mr Dennis Roxburgh - Newark and Sherwood District Council	Agent	Mr Leeven Fleet - Jackson Design Associates
Web Link	23/00211/FUL Car Park with 80 spaces, including 16 EVCP's, Solar Shelter Canopies, fencing, barrier, ticket machines and CCTV. Former Buffer Depot and Driving Test Centre Bowbridge Road Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	07.02.2023	Target Date	04.04.2023
		Extension of Time	21.04.2023
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

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

1.0 The Site

The site lies within the defined 'Newark Urban Area'. The site comprises part of a former car park area which served a commercial premises that was known as Mekur House (a Former Buffer Depot and Driving Test Centre). The previous buildings on site were of an industrial style but have now been demolished and removed from the site. The site is relatively flat and comprises a mixture of

grass and former hard standing (most of it has become overgrown grass) and is currently enclosed by green coloured hoarding. The wider land on which the former buildings were located, to the north of the application site, is not within the red line boundary of the application and remains vacant. The northern boundary beyond this vacant land comprises close boarded fencing behind which is located recently constructed 2-storey houses.



The western boundary is formed by a timber fence and contains Byron House beyond. Byron House is single storey and contains care facilities used in association with Newark Hospital which is located to the south of the site. The southern boundary of the site (adjacent to the remainder of the hospital complex) is metal palisade fencing. This continues to form the eastern boundary with the road.

To the northeast is the retail development that accommodates the Co-op convenience store, a café and a charity shop together with associated car parking to its frontage and servicing to its rear.

Existing access to the site from Bowbridge Road is shared with the retail scheme and is currently enclosed by high green coloured construction hoarding. There are a number of tree/shrubs located within the site adjacent to the boundary with Bowbridge Road.

On the opposite side of Bowbridge Road to the east are residential terraces and the Magnus secondary school lies to the south-east.

2.0 Relevant Planning History

11/00301/OUTM Outline consent for a 60 bed Care Home, including access and associated parking, following demolition of existing warehousing units was granted on 07/04/2011 but has now expired.

23/00270/FUL Installation of new Laminar Flow Theatre Unit and associated works (on adjacent Hospital site) – pending consideration.

3.0 The Proposal

The application seeks planning permission for the construction of an 80-space car park for staff / users of Newark Hospital. The parking spaces would be aligned in two main rows adjacent to the north and south boundaries of the site. Sixteen of the spaces would contain Electric Vehicle Charging Points (EVCP's) and five of the spaces would be for disabled parking.

Solar shelter canopies would be located over the southern row of parking spaces. These canopies would have a mono pitch roof supported by columns and measure 3 metres high (max.). Solar panels would be fitted to the top of the roof shelters (to power the EVCP's).

A car park barrier (to enable ticketed entry in and out) would be located to the south of the car park and lead directly into the Newark Hospital site. A 'goal post' style height restriction would be located at the car park entrance. A ticket machine would be located centrally within the site and two 5 metres high CCTV columns are proposed (on the east and west sides of the site).

A 2 metre high green metal mesh fence would be erected along the north and east boundaries of the site. Existing close boarded fencing along the west boundary and palisade fencing along the south boundary would remain.

The car park would be accessed via the existing access points on Boundary Road to the south of the Hospital and Bowbridge Road to the east. Demarked pedestrian walking areas and crossing points into the Hospital site are also proposed.

Plans and documents submitted with this application include:

- 22-2436-LP-(Rev A) Site Location Plan
- 22-2436-(02)-001 P6 Proposed Car Park Layout with Solar Shelter Elevations
- 0001 Topographical Survey
- 22081-EPC-EX-ZZ-DR-E-2800 Rev P03 Proposed External Electrical Services Layout
- 5987-DR-01 Rev P2 Drainage Layout
- DIUK-1423_01 CCTV Drainage Survey
- Drainage Strategy Rev B August 2022
- Ground Investigation Report June 2022
- Technical Note Version 5 Jan 2023
- Preliminary Ecological Appraisal Jan 2023
- Arboricultural Report and Impact Assessment Jan 2023
- Design and Access Statement Jan 2023
- Written Scheme of Investigation: Archaeological Evaluation June 2022
- Archaeology Evaluation Report July 2022

4.0 Departure/Public Advertisement Procedure

A site notice has been displayed and 28 neighbours have been notified by letter.

Site Visit Date: 09.02.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

NAP1 – Newark Urban Area

Allocations & Development Management DPD

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

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
- Planning Practice Guidance

6.0 Consultations

Newark Town Council – Support.

Newark Business Club – Support.

NCC Highways – no objection.

NCC Lead Local Flood Authority (LLFA) – no objection.

NSDC Archaeology Advisor – no further archaeological input is required.

NSDC Tree and Landscape Officer - A full landscaping scheme replacing trees lost anticipating future growth, taking into account CCTV etc required.

NSDC Environmental Health – No objection.

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

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 proposal site is located in Newark, a Sub-Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2, within which growth is supported. As such, the site is located in a sustainable location for new development.

The provision of additional hospital parking would support and existing community facility in terms of providing additional car park spaces to serve the needs to the hospital and would comply in principle with Spatial Policy 8 of the Development Plan. Consequently, the principle of development is considered acceptable subject to an assessment of all other relevant considerations including site specific constraints and relevant aspects of national policy and the District's development plan. This assessment is set out below.

Impact on Visual Amenity and Trees

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 further states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

There are several existing trees and shrubs located adjacent to the site's boundary with Bowbridge Road. The submitted Arboricultural Report and Impact Assessment (Arb Report) identified four individual trees (T2 and T3 - Category C and T1 and T4 - Category U) and two groups of trees (G1 and G2 - Category C) located to the east of the site, adjacent to Bowbridge Road. There is no objection to the loss of the two Category U trees as they are trees that are in such a condition that they cannot realistically be retained in the context of the current land use for longer than 10 years. Category C trees are smaller trees or ones considered to be of low quality. They may have a limited life expectancy or contribute very little to the amenity of the locality. Removal of such trees is not always considered as a constraint to development provided that adequate mitigation can be provided.

As originally submitted, the proposed plans sought to remove G2 but retain trees T2, T3 and G1. However, the submitted Arb Report states that the footprint of the proposed car park would be

situated in the outer extent of their root protection areas (RPAs). In addition, cabling is proposed for installation immediately south of the car park and would also pass through the RPAs which would cause a decline in these trees. As such, the submitted Report recommends that due to the young age, small size and low-quality nature, these trees should also be removed and replaced with native trees and shrubs post works.

Despite the findings in the Arb Report, these trees do still have some amenity value (albeit acknowledged as low) as they provide some screening of the hospital/Co Op from some vantage points when travelling along Bowbridge Road. They also form part of the wider green infrastructure along Bowbridge Road which is tree lined. The nature of the proposed car park means that it could result in a negative visual impact in terms of views from public vantage points (along Bowbridge Rd) in particular. As such, it would have been preferable for the car park to contain a reduced no. of spaces to enable retention of these trees alongside the provision of additional tree/shrub planting. However, it is understood that this is not an option due to a commitment by the Applicant to provide an 80-space car park. For this reason also, it has also not been possible to negotiate additional tree planting/breaks within the car park area itself to break up the large mass of proposed tarmac.

As a result of the information contained in the Arb Report, it is therefore considered that an amendment to the position of the proposed car park spaces (necessitating the removal of all the trees) would be preferable as this would maximise the ability to provide a higher quality landscape scheme with mitigation tree and shrub planting alongside its most prominent north east corner and east side of the site. An amended plan was therefore submitted and is considered to result in an acceptable compromise.



Extract from Proposed Car Park Layout Plan

The site would be lit and secured with a proposed mesh style boundary treatment which should assist with providing some natural surveillance for the car park. A hedgerow would be planted along the inside of the boundary which would soften views of the proposed development.

Overall, subject to conditions requiring the submission and approval of a landscape scheme and further details of any above ground features e.g. CCTV, it is not considered that the proposed car park would result in any adverse visual amenity impact in accordance with the aforementioned policies.

Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development.

The car park would be leased to the Hospital by Newark and Sherwood District Council. The Hospital currently experience fly parking issues elsewhere across their site, and generally have a large parking demand from both staff, patients and associated visitors. The new car park would be accessed from the internal hospital access road, with a ticket barrier system in operation for entry, and exit. No amendments are proposed to current access arrangements onto Bowbridge Road or Boundary Road. There would be demarcated pedestrian routes which would link with pedestrian provision into the wider hospital site.

The proposed 80 space car park would result in an overall provision of car parking spaces across the Hospital site. The capacity of the existing access points would not be materially altered as a result of the proposed development. The County Highways Officer raises no objection to the application. It is not therefore considered that the proposed development would not result in any adverse highway safety issues in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flood Risk and Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk. The site is located In Flood Zone 1 (at low risk of fluvial flooding) albeit the site is considered susceptible to surface water flooding (according to Environment Agency mapping).

The submitted Drainage Strategy states that it is proposed to drain the canopies via rainwater downpipes and the car park through permeable paving. These will convey the water to geocellular soakaways constructed below the ground. This method is considered acceptable and is a preferred method of surface water drainage having regard to the hierarchy of drainage options. The submitted Drainage Plan requires updating due to the submission of amended plans during the application process. As such, it is considered that the imposition of a condition in this regard would ensure an acceptable scheme for surface water is submitted to and agreed by the Local Planning Authority.

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

Impact on Ecology

Core Policy 12 of the Core Strategy and policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

A Preliminary Ecological Appraisal has been submitted with the application. This recommends that native tree planting be incorporated into a landscaping scheme, sensitive lighting should be used and any vegetation removal should take place outside of bird nesting season unless a nesting bird check has first been undertaken by an ecologist. It also confirms that the site (including the trees) has no potential to support protected species including bats.

Overall, subject to conditions and an informative relating to these recommendations, it is not considered that the proposed development would result in any adverse impact on protected species or the biodiversity of the area in accordance with Core Policy 12 and Policy DM5.

Impact on Archaeology

Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest.

A Written Scheme of Investigation: Archaeological Evaluation and Archaeology Evaluation Report has been submitted with the application. Two trenches have been dug within the application site. One of these trenches contained archaeological features in the form of a ditch and a small gully. The ditch would likely have run along a former field boundary and likely to be post-medieval in date. The date of the gully and use is unknown. Overall, however the site is deemed to have little archaeological potential and the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The submitted lighting scheme requires further amendment due to the subsequent receipt of revised plans and is a matter which can be controlled via planning condition. The Environmental Health Officer raises no objection to the application subject to the submission and approval of an acceptable lighting scheme.

The nearest residential dwellings are located on the opposite side of Bowbridge Road. Given the intervening road and separation distances, it is not considered that the proposed development would result in any adverse residential amenity impacts in accordance with Policy DM5 subject to conditions.

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 development on this site is acceptable and would provide increased car parking provision which is needed to cater for the demand by staff/users of Newark Hospital. Subject to conditions, the proposed car park would not result in any unacceptable impacts upon visual amenity, trees/ecology, highway safety, flood risk or residential amenity. Overall, the proposed development would comply with the Development Plan (the Adopted Amended Core Strategy DPD and Allocations and Development Management DPD) and is recommended for approval subject to the conditions set out below.

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 Drawing Numbers:

22-2436-LP-(Rev A) Site Location Plan;

22-2436-(02)-001 P6 Proposed Car Park Layout with Solar Shelter Elevations (with the exception of landscaping to be approved under Condition 04);

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Prior to first use of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme

shall follow the recommendation set out in Section 6 of the Preliminary Ecological Appraisal (by emec Jan 2023) and be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

- full details including dimensions and colour finishes in the form of elevations and/or manufacturers specifications of all above ground minor artefacts and structures for example, CCTV, refuse, solar panels, ticket machines etc.

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 of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. 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

Notwithstanding the submitted details, development shall not commence until a detailed surface water drainage scheme 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 the first use of the car park.

Reason: In the interests of providing acceptable surface water management and preventing increased risk of flooding.

07

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

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

Informatives

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/

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.

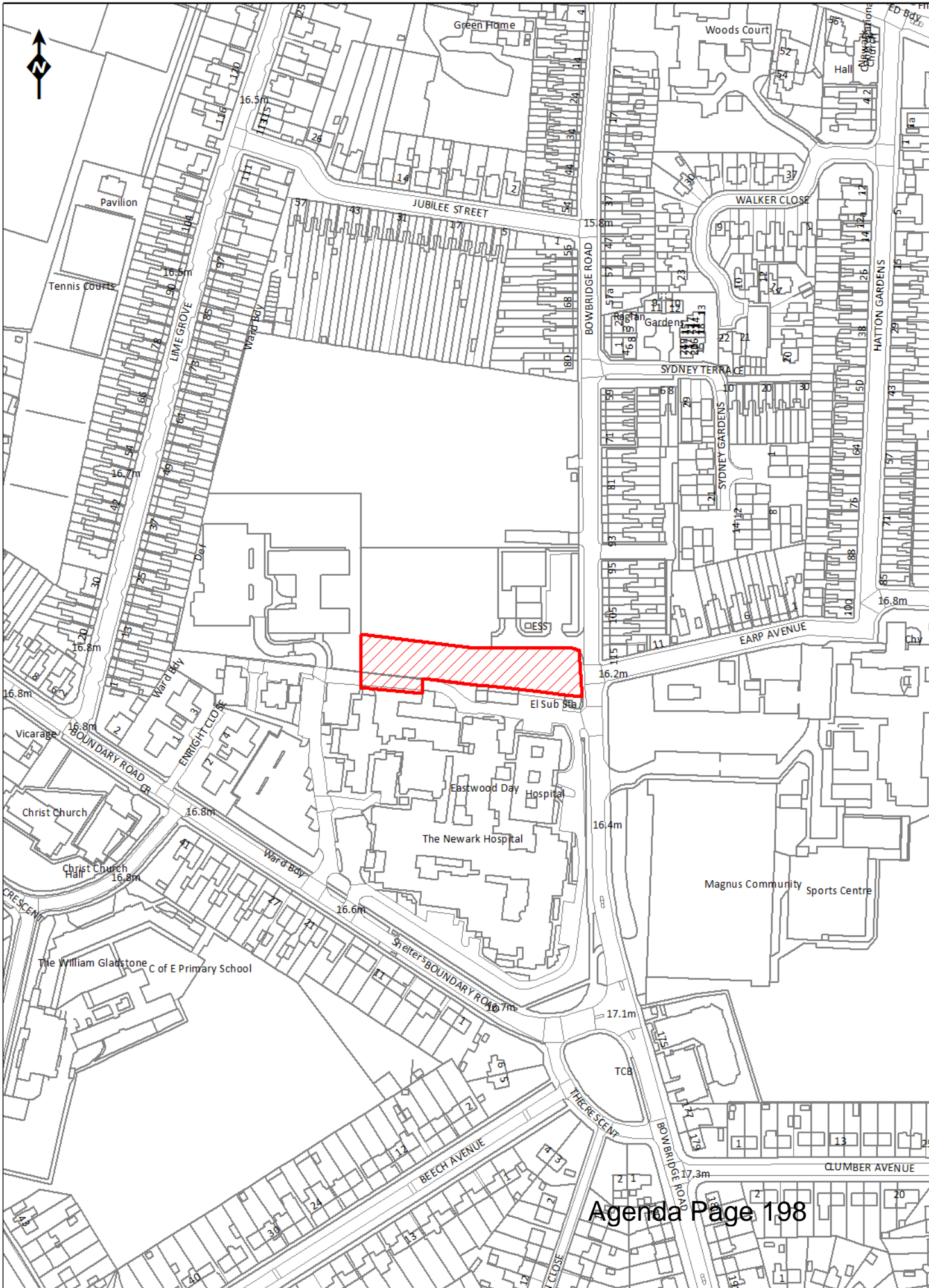
03

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00211/FUL





Report to the Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner

Report Summary			
Application Number	22/02255/FUL		
Proposal	Installation of new black hooped metal fencing and fence panels to school existing boundary		
Location	Halam C of E School		
Applicant	Minster Trust for Education	Agent	MAC Construction Consultants
Web Link	22/02255/FUL Installation of new black hooped metal fencing and fence panels to schools existing boundary. Halam C Of E School The Turnpike Halam Newark On Trent NG22 8AE (newark-sherwooddc.gov.uk)		
Registered	15.02.2023	Target Date	11.04.2023
		Extension of Time Sought	
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

As the officer recommendation differs from that of the Parish Council, the application has been subject to the 5 day member call in process with the 3 local ward members. The application has been called to the Planning Committee by Cllr Rainbow due to concerns that it would have a detrimental and negative visual impact.

1.0 The Site

The site relates to the Halam Church of England School located close to the junction of The Turnpike to the south-west and School Lane to the south-east of Halam village. Residential dwellings lie to the north and east with agricultural fields to the north-west. Listed buildings are located to the south-east, south-west and west on the opposite side of the highway.

The school site is currently bound with a modern red brick wall alongside The Turnpike and with black hooped metal railings and gates alongside School Lane.

2.0 Relevant Planning History

12/00766/FULR3N – Consultation sought 11.07.2012 in respect of the proposed erection of 1500mm high black bow top fence to include 2 vehicular access gates each measuring 2m wide, decision by NCC to approve.

3.0 The Proposal

Full planning permission is sought to erect a new boundary treatment to enclose the school grounds. The 2m high black metal hooped railings would run alongside the School Lane boundary (replacing a lower height version of a similar design) then project into the site to the building to enclose the school grounds from its immediate neighbour the 'Old School House'. Alongside The Turnpike the same style of railings would be installed on top of the existing brick boundary wall to 2m in height.

The Submission

Site Location Plan, P_00
Existing Plan, P_01 Rev A
Proposed Plan, P_02 Rev B
Heritage Statement

4.0 Departure/Public Advertisement Procedure

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

5.0 Planning Policy Framework

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

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

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
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)

6.0 Consultations

Halam Parish Council – Do not support as felt the proposed fencing would be far too intrusive and would damage street scene. At 2m it is too tall and overbearing.

Conservation – The proposal will preserve the setting of the nearby listed buildings. No objections.

5 Interested Parties/Neighbours – Object for the following summarised reasons:

- Fence type and height is out of character and setting of the school
- Will impact upon heritage assets including non-designated ones
- Design and Access Statement is lacking in clarity regarding its need
- Would like illustrations of what this would look like in situ
- Note contents of Design Guidance for Perimetre Fencing at Schools for Nottinghamshire CC
- Ofsted have no guidelines on requirements for boundaries at this school

7.0 Comments of the Business Manager – Planning Development

Preliminary Matter

Under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is permitted development.

In accordance with A.1, for a school, the height of such a boundary can be 2 metres above ground level provided that any part of it that is more than 1m high ‘does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.’

The proposed boundary treatment is presented as being 2m in height on the drawings. As this is looped fencing that will not cause an obstruction to the view of persons using the adjacent highway, it is questionable as to whether planning permission is required at all as it would appear to meet the above mentioned permitted development rights. The applicant was therefore invited to amend the scheme to a lawful development certificate. However they have commented that due to level changes across the site in some parts of the site the fencing will be greater than 2m.

‘...On the main school frontage for example the paving dips slightly in the middle so whilst the height of the fencing doesn’t change the wall is in fact deeper and therefore the overall height greater. This applies to areas along the neighbouring

boundary as well where the level changes fluctuate along the boundary line. So from the highest point it will be 2m above ground level however on the opposite side of the fence where the ground levels are lower on the other side of the boundary the fence will be higher as it will be extended to ground level to prevent anyone digging under.'

On this basis the applicant wishes to move forward with the planning application.

The Principle

The new boundary treatment is advanced on the basis that it is required to provide better security for the school. The applicant has indicated the minimum requirement for the school is 2m high as listed in the government design guidelines for schools to meet safeguarding standards. From my perspective, given the permitted development guidelines, I do not question the need for the fencing and there is nothing in planning policy that requires a demonstration of need. The principle is accepted in Policy DM5 subject to a site specific assessment. The main considerations in this case therefore relates to its visual impact upon the character and appearance of the area and on heritage assets.

Impact on the Character and Appearance of the Area (including Heritage)

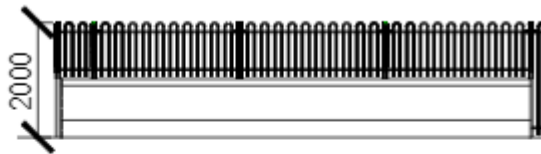
As the application concerns designated heritage assets of the setting of listed buildings and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" Section 72(1) also 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.66 and 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.

Core Policies 9 (Sustainable Design) and 14 (Historic Environment) are relevant as well as DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) from the Development Plan. These seeks to preserve the setting of heritage assets and expect a high standard of design in development more generally.

Halam C of E School is located within the setting of a range of listed buildings to the south-east, south-west and the north-west. The listed buildings are red brick and pantile buildings, reflective of the typical vernacular of Halam. The Plough PH dates back to the 18th century and is a polite building with diaper brick pattern to the principal elevation. The site has been used as a school since the 19th century and some of the buildings are contemporary to this. The boundary wall along The Turnpike is modern.

The site is largely bound by low boundary walls which are to be adapted with the insertion of railings on top as well as the introduction of new railings along boundaries. The proposed railings are reflective of traditional black railings. The height is mainly 2m although in places this would slightly exceed this, albeit it would be imperceptible from the public realm. The Conservation Officer has advised the railings will have a neutral impact on the setting of the neighbouring listed buildings and I agree.



Proposed Elevation A
Scale 1:100 @A1



In the view of Officers, the proposed development will preserve the setting of the listed building which is consistent with s66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. It is considered that the design of the boundary treatments is appropriate and proportionate to the school and accords with the policy expectations.

Other Issues

There would be no loss of amenity as a result of this proposal. On the contrary, it would provide for a more robust boundary between it and the Old School House. No impact on the highway has been identified.

8.0 Implications

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

9.0 Conclusion

The majority of this new boundary railings accords with the permitted development rights and only marginally exceeds the 2m height restrictions in a few places. Nevertheless even when assessed against the policies of the Development Plan, it is considered that the design and appearance would preserve the setting of nearby heritage assets and would be visually acceptable. There is no requirement for the applicant to demonstrate a need for the fence and in any case I take it on good faith that it is required for safeguarding reasons. There are no adverse impacts that have been identified and I therefore recommend 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 accordance with the following approved plans references as follows P_00 (Site Location Plan) and P_02 Rev B , (Proposed Plan).

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.

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).

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

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

Application case file.



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



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
Application Number	23/00334/FUL		
Proposal	Ramp to connect Air & Space (ASI) access road		
Location	Former Newark Livestock Market, Great North Road, Newark On Trent		
Applicant	Mr Nick Pettit - Lincoln College	Agent	Mr William Silby - Stem Architects
Web Link	23/00334/FUL Ramp to connect Air & Space (ASI) access road Former Newark Livestock Market Great North Road Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	13.03.2023	Target Date	08.05.2023
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

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

1.0 The Site

The site relates to a small area of land located adjacent to the north side of the Air and Space Institute (ASI) further-educational establishment construction site. The site was formerly occupied by the Newark Cattle Market which has now been demolished. The site links the proposed ASI site to Newark Lorry Park located to the north, east and west of the site. The site currently comprises unmade earth and is enclosed by temporary construction fencing.

Great North Road (B6326) is located to the south of the site (and can currently be accessed to the west of the site through the Lorry Park). Newark and Sherwood District Council (NSDC) offices and

parking areas are located to the south-east of the site. The nearest residential dwellings are located on the other side of Great North Road to the south (Midland Terrace).

The site is located within the Newark Urban Area. The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the east of the site. Within the CA are a number of Listed Buildings including a Grade II Listed warehouse building located to the east of the site.

The site is located within Flood Zone 2 as identified by the Environment Agency (EA) flood maps.

2.0 Relevant Planning History

22/01943/NMA Application for a non-material amendment to planning application 21/02484/FULM for minor amendments to facades and external works – permission 24.02.2023

21/02484/FULM Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping – Permitted 16.02.2022

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

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

17/01090/FULM Extension of Newark Lorry Park onto adjacent parcels of land which are currently unused and the provision of a fuel bunker on existing lorry park land. Proposals are intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development – permission 07.11.2018

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

3.0 The Proposal

The application seeks planning permission for an engineering operation to form a ramp to connect the ASI site (currently under construction pursuant to application no 21/02484/FULM) with the access roads which run through Newark Lorry Park which are currently at different levels. The requirement for full length of this ramp (to meet the required gradient) was not realised during the determination of 21/02484/FULM. Due to part of it falling outside of the red line boundary of the application site, a separate application has been deemed necessary. The proposed height of the ASI development has not changed from that originally proposed – the length of the ramp needed has increased.

Plans and documents submitted with this application include:

- 0006 Rev A Access Road Extension Site Plan
- 4020 Access Road Extension Plan

- 4021 Site Section
- Flood Risk Assessment and Drainage Strategy (08/03/2023)
- Design and Access Statement

4.0 Departure/Public Advertisement Procedure

A site notice has been displayed and an advert placed in the local newspaper.

Site Visit Date: 15.03.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD

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

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Newark Town Council – No comments received.

Historic England – No comment.

Highways England – No objection.

NCC Highways – No objections.

NSDC Conservation – No comment.

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

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

Through Policy DM1 support is provided for a range of development types appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the remainder of the Development Plan. The location of the proposed development within the Newark Urban Area would be consistent with the Spatial Strategy, indeed given the nature and ambition of the use it is the Sub-Regional Centre which would offer the most suitable location – given its role and function. ASI is a community facility that would benefit the local community and beyond in accordance with the aims of Spatial Policy 8.

Consequently, the principle of the proposed ramp to assist in providing access to the proposed ASI site is considered acceptable subject to an assessment of all other relevant considerations including site specific constraints and relevant aspects of national policy and the District's development plan. This assessment is set out below.

Impact on Visual Amenity including the Setting of Heritage Assets

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, including their setting and any architectural features they possess. In this context, the objective of preservation is to cause

no harm, and is a matter of paramount concern in the planning process. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

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

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

The site is located outside the conservation area and is on/adjacent to a significant historic gateway into Newark. Views of the Grade II listed Castle Railway Station, the Grade I listed and Scheduled monument remains of Newark Castle and Grade I listed Church of St Mary Magdalene can be seen from Great North Road and from land near to the application site. The Grade II listed Goods warehouse 150 metres northeast of Castle Station, is directly visible from the application site.

The proposed ramp (which would reduce in height behind the proposed ASI building) would not be visible from Great North Road and would not be highly discernible from any other public vantage points. As such, it is considered that a neutral impact upon the setting of surrounding heritage assets would result. Overall, it is not considered that the proposed ramp would result in any adverse visual amenity impact in accordance with the aforementioned policies.

Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development.

This is required due to the difference in levels between the sites and to enable a long wheelbase vehicle (to carry an Airbus A318 into the ASI building as a key feature of the building design) to access the hangar at the correct gradient 1:13 (without bottoming out). The ramp (bituminous heavy vehicle access) would also allow the aircraft to be more easily changed in the future (if required).

The County Highways Officer raises no objection to the application. It is not therefore considered that the proposed development would result in any adverse highway safety issues in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flood Risk and Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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

In this instance, the local planning authorities must apply the Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding. In this case, the application is considered to pass the sequential test since the proposed ramp can only be provided in this location in order to provide the required access to the rear of the ASI site.

A Flood Risk Assessment (FRA), in the form of an Addendum to the FRA that was submitted with the ASI planning application number 21/02484/FULM), has been submitted with this application. This concludes that 'site specific flood mitigation proposals have been developed based on the outcomes of the flood modelling which allow the building and its occupants to be flood safe over its intended lifecycle, and with the proposed level raising, access and egress will remain possible when the river is in full flood.'

This FRA proposed that the ground floor level of the proposed ASI building would be set at 12.45 mAOD which gives a 300 mm freeboard above the modelled (average pre and post development) 1 in 100 year plus climate change flood level of the River Trent of 12.15 mAOD. The FRA advises that this would ensure that the site as developed would be at all round low flood risk. These levels have resulted in the need for the proposed ramp. The Design and Access Statement states that any future development of the wider lorry park site would potentially raise the levels of the land also which means that in the future, the ASI operation might be able to operate wholly within its original red line boundary.

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

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 development on this site is acceptable and would provide rear access to the ASI building currently under construction at an appropriate gradient, which on completion is likely to provide social and economic benefits to Newark and the wider area. The proposed ramp would not result in any unacceptable impacts upon the setting of heritage assets, highway safety, flood risk, or visual amenity. Overall, the proposed development would comply with the Development Plan (the Adopted Amended Core Strategy DPD and Allocations and Development Management DPD) and is recommended for approval subject to the conditions set out below.

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 Drawing Numbers:

- 0006 Rev A Access Road Extension Site Plan
- 4020 Access Road Extension Plan
- 4021 Site Section

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

Informatives

01

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

02

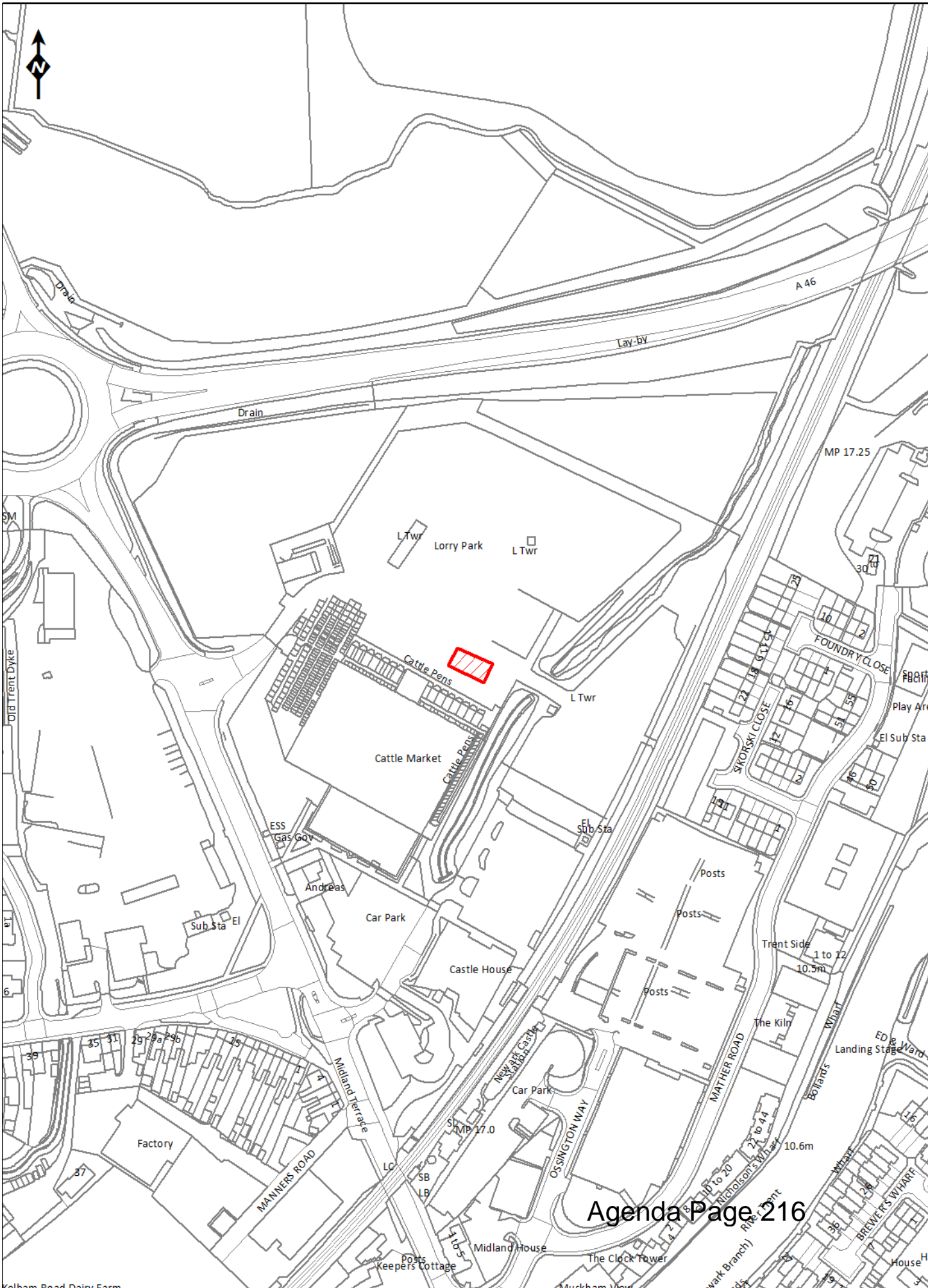
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00334/FUL





Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Kathryn Smith, Technical Support Officer, Ext 5554

Report Summary			
Application Number	23/00407/TWCA		
Proposal	Tree 1 (Maple) and Tree 2 (Horse Chestnut) - Undertake Crown Lift to achieve a clearance of approximately 2.5m from ground level, crown clean and crown thin of up to 30% (Works to be undertaken in accordance with BS3998)		
Location	Sherwood Avenue Park, Sherwood Avenue, Newark		
Applicant	Newark and Sherwood District Council – Mr Brian Rawlinson	Agent	
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RR3O6KLBHIN00		
Registered	08.03.2023	Target Date	24.04.2023
		Extension of Time	Requested
Recommendation	No Objections be raised		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark and Sherwood District Council manage the subject trees which are within the ownership of Newark Town Council.

1.0 The Site

The subject trees are located within the grounds of Sherwood Avenue Park, close to its boundary with Barnby Gate Car Park. The boundary of the park is delineated by railings approximately 1.5m in height. Tree 1, an Acer (Maple) sits close to the north-eastern

boundary of the car park. T2, a Horse Chestnut, is sited adjacent to the south-eastern boundary. To the north west of the site is Newark Town Club, a Grade II Listed Building and car park.

The subject trees are protected by virtue of their position within Newark Conservation Area; neither are protected by Tree Preservation Order.

2.0 Relevant Planning History

The most recent Tree Works Notification, 13/01730/TWCA did not include works to the subject trees.

3.0 The Proposal

The notification seeks to undertake a crown lift to achieve a clearance of approximately 2.5m from ground level, crown clean and crown thin of up to 30% (Works to be undertaken in accordance with BS3998) to Tree 1 (Maple) and Tree 2 (Horse Chestnut)

4.0 Planning Policy /Legislative Framework

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

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

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

Amenity is not defined in law so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. When assessing amenity value, the Local Planning Authority considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public; and
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its, or their, characteristics. This can include size and form, rarity, historic value etc.).

In addition, where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

5.0 Consultations

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

The Local Authority's Trees and Landscape Officer visited the site on 28th March 2023 and suggested that along with the proposed crown lift, a crown clean and a crown thin of up to 30% be undertaken.

6.0 Appraisal of Proposed works

The trees, both mature specimens, overhang the car park. The works proposed are routine practice as good maintenance, creating sufficient clearance under their crowns without posing harm to their health. Additional works comprising of a crown clean and thin have been suggested and agreed with the applicant, in writing, on the 30th March 23.

7.0 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.

8.0 Conclusion

No objections be raised to the works

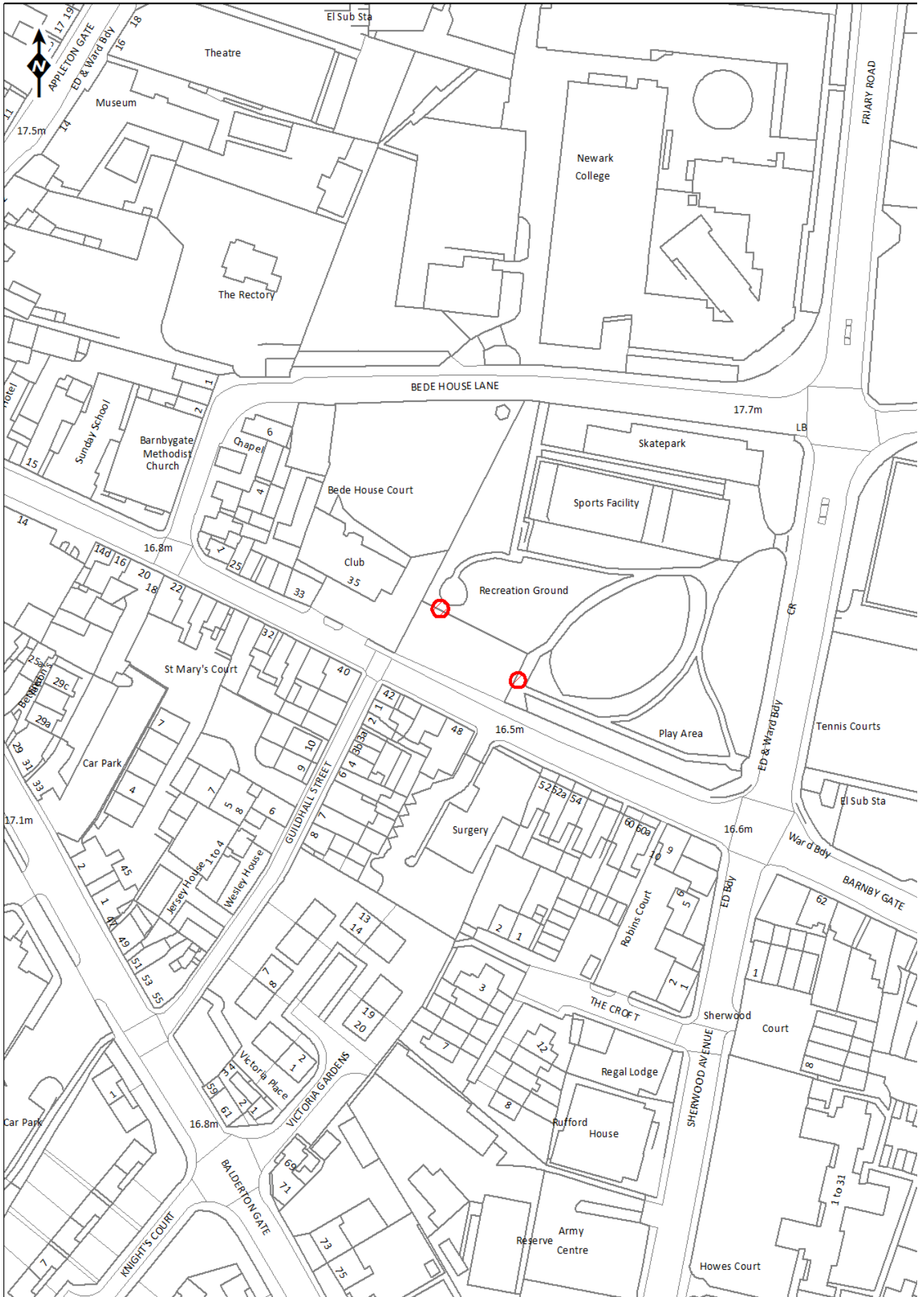
Background Papers

Notification case file.

Committee Plan - 23/00407/TWCA



Committee Plan - 23/00407/TWCA





Report to Planning Committee 20 April 2023

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Planning Application Validation Checklist 2023
Purpose of Report	To update the Council’s Planning Application Validation Checklist in line with Government guidance and legislation.
Recommendations	<p>a) the Planning Application Validation Checklists is adopted with the amendments as set out within the table attached to this report.</p> <p>b) minor amendments are made to the checklist to take account of any changing to legislation over the coming years e.g. biodiversity net gain under delegated authority.</p> <p>c) the checklist is reviewed every 2 years in accordance with the Development Management Procedure Order.</p> <p>The planning application validation checklist will contribute towards assisting with:</p> <ul style="list-style-type: none"> ▪ Delivering inclusive and sustainable economic growth; ▪ Creating more and better quality homes; ▪ Enhancing and protecting the district’s natural environment.

1.0 Background

Members will recollect agreement was sought from Planning Committee on 8th December 2022 to undertake an 8-week consultation on the Draft Planning Application Validation Checklist. This took place between 19th December 2022 to 13th February 2023 with professional agents (who applied within the past 12 months), applicants, consultees, Members, Town and Parish Councils and neighbours to planning proposals via the website. In addition, details of the consultation were placed on the Council’s website.

This checklist has been prepared to provide guidance to applicants on the information required to be submitted with a planning application in order to assist a timely decision. The previous checklist was adopted in 2021 and since this time there has been a significant number of changes to policy and legislation meaning it is appropriate to review this.

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
- Fee
- Site Location Plan (showing the site in relation to the surrounding area)
- Ownership Certificate and Agricultural Land Declaration
- Provision of local information requirements

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.

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 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 (reasonableness) being complied with.

Legislation sets out that a local list is required to be published on a Council's website and, in order to be able to ask for information listed within the checklist, this has to be reviewed every 2 years.

2.0 Proposal/Options Considered and Reasons for Recommendation

19 responses have been received, which are set out within the table at the foot of this report, with officer response and whether or not the checklist has been amended. The checklist has been updated accordingly with the amendments in red and is available on-line with the public reports pack.

The amendments should assist in meeting the legislative requirements as set out above as well as ensuring the correct information is submitted with applications. In anticipation of Planning Committee approving these amendments, it will ensure the Council is able to rely on the validation checklist in terms of local requirements in order to validate applications.

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 – 8 December 2022 – Planning Application Validation Checklist Consultation

Planning Committee – 2 February 2021 – Planning Application Validation Checklist

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

Respondent	Comment Made	Council's Response	Amendment to Checklist
Environmental Health Public Protection	Air quality and contaminated land Reference is made to the draft checklist, no further changes to recommend.	No changes required.	No changes to checklist.
Newark Business Club	No comment to make.	No changes required.	No changes to checklist.
Rights of Way Manager Via East Midlands Ltd	<p>I am pleased to say that Public Rights of Way (RoW) have been comprehensively included. However, there are some concerns with how the validation process is managed:</p> <ul style="list-style-type: none"> • How does NSDC ensure that the applicant has correctly acknowledged that a RoW exists either within or alongside the proposed development – they are signing to say that the information is accurate • Should NSDC refuse validation/put on hold until such time as the required information has been provided? • What process does NSDC use to check this information for accuracy? <p>It was noted on an application this year (reference can be provided if necessary) that in this case the applicant had not acknowledged the RoW in any way and the development obstructed it, yet the application was still validated. Decision is yet to be made on the application.</p>	This relates to the process of validation rather than the contents of the checklist. The process of validation will be reviewed to ensure the correct procedures are in place to ensure RoW are identified and the correct information requested from applicants.	No changes to checklist.
Primary Care Team Administrator NHS Lincolnshire Integrated Care Board	Reviewed checklist and no comments.	No changes required.	No changes to checklist.
S106 Support Officer NHS Lincolnshire Integrated Care Board	<p><u>Section 28: Planning Obligations Pro Forma Statement</u> Having reviewed the checklist, we would like to provide our comments about the Threshold/Trigger within Section 28: Planning Obligations Pro Forma Statement.</p>	The Council's (adopted) Developer Contributions and Planning Obligations Supplementary Planning Document	No changes to checklist at this time.

	<p>In relation to Health, 65 dwellings seems a high threshold. We would recommend that 25 dwellings or more would be an acceptable threshold.</p>	<p>sets out the thresholds for various elements of infrastructure, including health. This sets the threshold as 65 dwellings. The NHS's response has been provided to Infrastructure colleagues and will be considered as part of any future amendments to the document. Any changes, if adopted to the SPD, will feed into the validation checklist in the future.</p>	
<p>Flood Risk Management Place Department - Nottinghamshire County Council</p>	<p>Section 16 – page 20 – where it states ‘for example surface water drains’ I suggest removing the word ‘drains’ as this makes it a wider statement.</p> <p>Also there appears to be no reference to us as Lead Local Flood Authority? You mention the EA and their standing advice but nothing for LLFA – if you’d like any further input for that please let me know.</p>	<p>Comments noted.</p>	<p>Drains has been retained as this is within the Government’s Planning Practice Guidance relating to flood risk. There is a separate section within the checklist relating to surface water drainage where this aspect is addressed.</p>

<p>Exolum Pipeline System Ltd</p>	<p>Please find attached a plan of our client’s apparatus. We would ask that you contact us if any works are in the vicinity of the Exolum pipeline or alternatively go to www.lsbud.co.uk, our free online enquiry service.</p>	<p>Comments noted. Notification to Exolum Pipeline System takes place, as appropriate, through the planning process.</p>	<p>No changes to checklist.</p>
<p>Notts ICB</p>	<p>Section 25. Planning Obligations Pro Forma Statement Please note below the ICB’s response to the Planning Application Local Validation Checklist Consultation:</p> <p>We refer to “Section 25. Planning Obligations Pro Forma Statement” and in particular to the “Threshold/Trigger for developers contributing to a Section 106 Agreement” in reference to Health.</p> <p>The ICB requests that a correction be made to the threshold for the number of dwellings, and this be reduced from 65 to 25 in order to trigger a Section 106 Agreement for Health. This number of dwellings would be consistent with the figure agreed and used with other Local Authorities when the ICB to requests a Section 106 contribution.</p>	<p>The Council’s (adopted) Developer Contributions and Planning Obligations Supplementary Planning Document sets out the thresholds for various elements of infrastructure, including health. This sets the threshold as 65 dwellings. The NHS’s response has been provided to Infrastructure colleagues and will be considered as part of any future amendments to the document. Any changes, if adopted to the SPD, will feed into the validation checklist in the future.</p>	<p>No changes to checklist at this time.</p>
<p>Natural England</p>	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>

	<p>managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England has no comments to make on the Validation Checklist.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>		
<p>Planning Specialist Sustainable Places Team, East Midlands Area, Environment Agency</p>	<p>We do not have any major comments to make however, if possible, could the following be included.</p> <p>We would like the following text added to the Pre-application Service section of the Local Validation Checklist if possible.</p> <p>The Environment Agency now charges for advice requested outside of their statutory duty to respond to planning applications and strategic documents. Therefore, if an applicant or the Local Authority would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at planning.trentside@environment-agency.gov.uk. We will be able to offer details on what we offer, and the costs associated with this.</p>	<p>Comments noted.</p>	<p>Section 19 'Flood Risk Assessment' has been updated with EAs request.</p>
<p>Rushcliffe Borough Council</p>	<p>I have been tasked to look at our validation list and looking through yours, on Page ii it says that if applicants want to challenge the requirements</p>	<p>Comments are noted.</p>	<p>Checklist has been updated to reflect Article 12.</p>

	<p>they do so under “Article 10A) of the DMPO 15, I may be wrong, but I think it should be Article 12?</p> <p>In respect of any unresolved depute I intend to set out there is an option to appeal under section 78 of the T&CPA 1990 for non- determination after 8-13 weeks, which makes it very clear what an applicant needs to do.</p>	<p>The checklist is suggested is updated to take account of non-determination appeals for both planning and listed building applications.</p>	<p>Should the dispute remain unresolved, there is a right to appeal under section 78 of the Town and Country Planning Act 1990 in relation to planning applications and section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 for listed building applications for non-determination after the statutory time for determination has expired.</p>
<p>National Highways (Area 7)</p>	<p>The checklist forms a good basis for developers wishing to submit a planning application. Whilst it is undoubtedly useful for developers however large or small it does not require input from National Highways who will continue in their role as a statutory consultee when responding to planning applications.</p> <p>As such we have no further comments to make.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>
<p>Collingham Parish Council</p>	<p>The Parish Council discussed this at their meeting last night and have no comments to make.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>
<p>Canal & River Trust</p>	<p>Based on the information available our substantive response is that the Trust has no comment to make on the proposal.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>

Harby Parish Council	The Parish Council have discussed this and have no comments to make on any of the proposed changes which all appear to be very sensible	No changes required.	No changes to checklis.t
The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Newark and Sherwood area there are recorded coal mining features present at surface and shallow depth including; mine entries, mine gas sites and reported surface hazards. These features pose a potential risk to surface stability and public safety.</p> <p>As coal mining legacy features are present in the Newark and Sherwood area, we are pleased to see that the Local Validation Checklist includes, at Section 9, a requirement to provide a Coal Mining Risk Assessment to support planning applications for relevant forms of development.</p> <p>We support the notification set out in the Local Validation Checklist for Planning that relevant applications should be supported by a Coal Mining Risk Assessment.</p>	No changes required.	No changes to checklist.
Highways Development Control, Nottinghamshire County Council	<p>HDC have provided comments to our planning policy team so that they can compile a comprehensive response on this consultation. However, we have recently identified another potential and would be grateful if you could consider it.</p> <p>Large environmental sites (such as solar farms under renewable energy etc) are frequently located in difficult to access rural locations. Whilst the principal of the site may be acceptable in the permanent situation, with minimal servicing needs, the construction can present significant issues so we would be grateful if you could consider the requirement for a CEMP to accompany any such application and be required as part of the validation</p>	Comments are noted and a new requirement has been added to the checklist.	Updated to include a requirement for specified developments of a Draft Construction Management Plan.

	<p>process (as opposed to being subsequently required by condition) so that this can be fully considered prior to determination.</p> <p>I would therefore be grateful if you could consider the inclusion of a CEMP to validate such sites.</p>		
<p>Historic England</p>	<p>We welcome Section 21 within the Local Planning Validation Checklist and information regarding what type of heritage impact assessment/ archaeological assessment are required. It is useful to set out when a heritage impact assessment will be required and it would be beneficial for applications that affect non designated assets to also require an assessment, rather than at total loss or significant alteration.</p> <p>Page 23, under the title ‘what should be included’ we are supportive of the assessment setting out the significance of any heritage assets affected, including how their setting contributes to their significance. Further, it is necessary to understand how the significance of heritage assets, including their setting will be affected by the proposed development/ what contribution does the site make to the significance of any heritage assets including their setting/ how can the development protect the significance of a heritage asset/ if harm is likely to occur what avoidance - mitigation measures are possible/ what enhancement opportunities are there to better reveal their significance/ is the relationship of heritage assets within a wider setting affected by the proposed development such as relationship between a listed building and associated registered park and garden, as an example including the need for a views analysis or photomontages/ are there cumulative impacts to consider of a quantum of development in a location and how will this additional development affect the significance of heritage asset/s. These are a few additional issues that could be covered to ensure that any heritage assessments submitted as part of an application are fit for purpose.</p>	<p>Comments noted.</p>	<p>The checklist has been updated to take account of these comments.</p>

	<p>It is necessary to have a section relating to archaeological assessment and what is needed, when it should be provided, how it should be undertaken, relating to the impacts on the significance of heritage assets, a qualified professional should be utilised, if remains have to be removed then how are they being recorded and registered on the Historic Environment Record (HER) as examples to consider including.</p> <p>We support the reference to the Historic Environment Record (HER) and applicants should always be signposted to this resource in the first instance.</p> <p>We support the use of photographs and mapping and these should always be included to represent the accurate orientation of proposals. Photomontages, view analysis, 3D modelling can be useful tools to assess the impact on the significance of heritage assets, where utilised appropriately.</p> <p>We would consider re-phrasing the final paragraph of Section 21 to ensure that inappropriate proposals are not approved where there is harm to the significance of heritage assets and their setting.</p> <p>We welcome the inclusion of Section 23 and consider that any landscape character assessments recognise the historic environment within their analysis both heritage assets and historic landscapes. The current wording requires the assessment to describe the features and character of the current area which is useful, yet we consider that the assessment will need to go further in understanding if the principle of development is</p>	<p>There is a section relating to archaeological assessment with these requirements.</p> <p>Noted</p> <p>Comments are noted.</p>	<p>No changes to checklist.</p> <p>It would not be lawful for the validation checklist to 'determine' applications prior to their assessment. This has not been included.</p> <p>The checklist has been updated to take account of historic landscapes.</p>
--	---	--	---

	<p>appropriate in that location, what mitigation and adaptation measures are possible to protect landscape character and what opportunities are there to enhance landscape character and connectivity.</p>		
<p>Planning Policy Team, Nottinghamshire County Council</p>	<p>Page 25 refers to '6Cs Design Guide'. This should be replaced with 'Nottinghamshire Highways Design Guide'.</p> <p>Page 36 states '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)'. However, assessments should always be based on peak times (rush hours).</p> <p>Contact information on page 36 is a little dated and it is suggested that 'Highways North' is deleted and the website and phone number is left.</p> <p>Section 22 "Highway Information for all new residential development" – it would be useful (for major developments only) to have a parking provision per plot, detailing required and actual sizes, layout (tandem/rear/front etc) and bedroom numbers which would not only assist the LPA but also would be of assistance to Highways to assess any parking hotspot issues affecting highway safety. This may be better placed in a section outside of the highway requirements though as parking standards are the subject of an SPG in NSDC.</p> <p><u>Public Health</u> Page 20 states '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.'</p> <p>This statement should be stronger/firmer to reflect the ambitions of the Nottinghamshire Joint Health and Wellbeing Strategy 2022 – 2026 four</p>	<p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p>	<p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p>

	<p>ambitions one of which is 'to create healthy sustainable places' and should read as follows and also include 'Health Matrix' template:</p> <p><i>'The Nottinghamshire rapid health impact assessment matrix incorporated within the Nottinghamshire Planning and Health framework should be used to assess the health impacts of developments as part of the planning proposal.'</i></p>		
--	---	--	--



Report to Planning Committee 20 April 2023

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making Consultation
Purpose of Report	To set before Planning Committee the latest permitted development right consultation and consider proposed responses to be made
Recommendations	<ul style="list-style-type: none"> a) The contents of the report and the permitted development right changes to be noted and b) That, subject to any other comments Planning Committee agrees to make, that it endorses the draft Council response in Section 2.

1.0 Background

- 1.1 On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on 4 proposals concerning 1) permitted development rights relating to recreational campsites, 2) renewable energy, 3) electric charge vehicle points and 4) film-making.
- 1.2 The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making](#). There are 41 consultation questions – attached at appendix A. It is not proposed to respond to all consultation questions but focus on those considered of particular importance to Newark and Sherwood.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 Temporary use of land for recreational campsites. This would allow for the placing of tents on land and the provision of moveable structures (e.g. portable toilets) related to that use. The rationale for the new permitted development right is due to the change over the last 2 years for domestic holidays and the government’s aim to encourage tourism. The amended permitted development right would not allow caravans, motorhomes or campervans to be sited. No more than 30 tents would be permitted to

be erected at any one time and the right is suggested would be for up to 60 days per calendar year. Temporary facilities for showers and toilets would also need to be provided to ensure the necessary infrastructure is provided for visitors as well as waste storage and collection.

- 2.2 Excluded from this permitted development right (for Newark and Sherwood) would be land within the curtilage of a listed building, sites of special scientific interest and scheduled monuments. Developers who wish to take advantage of this permitted development right would be required to submit prior notification to the local planning authority (LPA) annually in relation to the facilities and dates the tents would be sited. Prior notification does not permit the local planning authority to assess the application in terms of its acceptability, therefore if the toilet/shower/waste disposal arrangements are not acceptable there would not be the possibility of the Council resisting the development, unless the permitted development right gave specific requirements. It is suggested that our response suggests that there is a prior approval requirement or that the legislation specifies certain criteria which must be met in order to benefit from this right.
- 2.3 A question is raised as to whether other matters need to be considered, the example given is highways and transport. Where sites are within Flood Zones 2 and 3, prior approval would be required, with applicants needing to submit warning and evacuations plans with their proposal. This might be acceptable, however, it would be subject to occupiers of the sites (a) having a mobile phone; (b) that it is in a location with connectivity; and (c) the owner of the site advising campers of the 'plans' to prevent pressure being placed on emergency services.
- 2.4 Solar Energy. The second change to permitted development looks to help achieve the solar energy objectives set out in the [British energy security strategy](#). The change to existing rights would allow for the installation of solar equipment on, and within, the curtilages of domestic and non-domestic buildings.
- 2.5 As drafted, current permitted development rights do not allow the installation of solar equipment on domestic rooftops to be installed if the roof is flat. It is proposed to permit such buildings to be able to install equipment as long as it is not more than 0.6 metres above the highest part of the roof (excluding any chimney). It is also proposed that existing rights are amended to allow solar equipment to be installed on a wall that fronts a highway in a conservation area. As set out in the consultation response, Officers have particular concerns with the proposal to allow panels to be installed on front walls within a CA. It is considered this will not preserve or enhance the character and appearance of the CA. Being on the wall it will have significant visual impacts.
- 2.6 On buildings, other than dwellings and flats, there is a limitation in relation to the amount of energy that can be generated under permitted development of up to 1MW. Between 50KW and 1MW, prior approval is required. It is proposed to remove the capacity threshold of 1MW whilst retaining the need to seek prior approval. Like domestic buildings, it is proposed to remove the restriction in conservation areas in relation to installations on walls or roofs which front a highway as well as being sited on

land between the building and highway. The same concerns arise as set out within paragraph 2.5.

- 2.7 A new right would allow solar canopies to be provided on non-domestic car parks. It is proposed there is a height limitation of 4 metres, that they could not be installed within 10 metres of a dwellinghouse curtilage, within the curtilage of a listed building, site designated as a scheduled monument or within a conservation area. There would be no limit on the maximum area of coverage. This right would be subject to prior approval in terms of design, siting, external appearance and impact of glare on occupiers of neighbouring land.
- 2.8 Electric Vehicle Charging Points - the third suggested change relates to existing rights given to local authorities. It is proposed to amend existing rights to allow the installation of electric vehicle charging points by bodies undertaking the work on behalf of the local authority which would give more flexibility to deliver local infrastructure in the authority's area.
- 2.9 Film Making – This is the last suggested amendment to allow greater flexibility. The change would increase the time period the right can be used, the maximum area of land and the height of structures that can be used for such purposes.
- 2.10 Currently commercial film-making is permitted for up to 9 months in any 27 month period. It is proposed 9 months is increased to 12 months to allow for the construction, operation and clearance of the site. The amount of land that filming can take place is suggested is increased from 1.5 to 3 hectares as well as increasing the height of permitted machinery from 15 to 20 metres. The 5 metre height limit to any structure, plant, machinery would still apply when within 10 metres of the curtilage of the land.

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

[Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/permited-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation)

Town and Country Planning (General Permitted Development)(England) Order 2015, as amended

Appendix A

Q1. Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities?

Yes/ No/ Don't Know. Please give your reasons.

A more flexible approach to campsites could be beneficial - the Government previously introduced a temporary permitted development right which allowed for the temporary use of land as a commercial campsite for up to 56 days, without the need to apply for planning permission and arguably this was positive and enabled for a more relaxed enforcement approach. It should be a part of the prior-notification process (although note the response that this permitted development right is considered should be subject to prior approval rather than prior notification) to state when the land will start being used as a campsite and when it will cease use.

Q2. Do you agree that the permitted development right should only apply to the placing of tents?

Yes/ No/ Don't Know. Please give your reasons.

Aside from cars accommodating the occupiers of the tents, allowing other vehicles such as caravans and motorhomes could have a greater impact on the amenity of the relevant area.

Q3. Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land?

Yes/ No/ Don't Know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

The current licensing limit for tents is 10. Whilst this permitted development right falls under different legislation, it is a large increase in numbers. The consultation does not make reference to the size of sites and thus how dense the tents might be to one another. The number of tents that are acceptable should be based upon the size of the land to ensure that it is possible to have appropriate separation between tents.

Q4. Do you agree that the permitted development right should be limited to up to 60 days per calendar year?

Yes/ No/ Don't know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

A more flexible approach to campsites could be beneficial - the Government previously introduced a temporary permitted development right which allowed for the temporary use of land as a campsite for up to 56 days and arguably this was positive and enabled for a more relaxed enforcement approach.

Query where the 60-day limit has come from and whether it would be better to have a seasonal approach (May-Sept for example?). This would assist in the planning authority knowing whether there was a breach in terms of the number of days the site had been used for the siting of tents as well as the mobile structures. The consultation appears to be silent in relation to the number of days the structures are permitted to remain on site. Any legislation should clarify this to ensure that structures do not remain on the land all year round.

Q5. Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets?

Yes/ No/ Don't Know. Please give your reasons and provide details of any other facilities that should be required.

However, conditions should be included within the permitted development right to set out both the minimum and maximum size and number of such structures as well as how long they are permitted to remain on the Land. This is considered should be based upon the number of tents that a given site

is permitted to have (i.e. 1 toilet for 30 tent would not provide appropriate facilities for campers). In addition, rather than a notification process, there should be a prior approval process to seek a determination on whether approval is required as to how waste is to be disposed.

Q6. Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building?

Yes/No/Don't Know. Please give your reasons.

The proliferation of tents and associated temporary structures could result in harm to the setting of Listed Buildings and impact Scheduled Monuments and such sites directly.

Q7. Are there any other planning matters that should be considered?

Yes/No/Don't Know. Please specify.

Consideration should be given to whether a log of occupiers to improve monitoring of the 60-day rule should be kept and, if so, who this should be undertaken and retained by.

Prior approval should be required in relation to potential highway and transport implications of occupiers of the tents. In addition, consideration should be given to the potential cumulative impact on an area of multiple tented sites. It is suggested that this might be achieved by removing this right where an owner is looking to subdivide a landholding in order to provide tents within each field.

Q8. Do you agree that the permitted development right should require annual prior notification to the local authority of the matters set out above?

Yes/No/Don't Know. Please give your reasons.

This will enable LPAs to have greater ability to monitor such sites to ensure they are carried out in accordance with legislation.

Q9. Do you think that, in areas of flood risk, the right should allow for prior approval with regard to flooding on the site?

Yes/No/Don't Know. Please give your reasons.

Or not permit tents in such areas due to the risk of occupiers. There is a risk that occupiers of the site might not have access/ be advised of the flood warning measures or have mobile connectivity in (often) more remote areas so might not be aware of a risk of flooding. Allowing tents in such area would likely put additional pressure at times of flood events on emergency services and local resilience forums.

Q10. Do you think that any of the proposed changes in relation to a new permitted development right for temporary recreational campsites could impact on: a) businesses b) local planning authorities c) communities?

Yes/No/Don't Know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) *Local business will see good benefits due to increased spending at local businesses.*
- b) *Potential increase in enforcement action if the permitted development right is abused. Challenge to monitor the number of days the site has been occupied for with resources available across local planning authorities.*
- c) *No*

Q11. Do you think that proposed changes in relation to a new permitted development right for temporary recreational campsites could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/ No/ Don't know. If so, please give your reasons.

Q12. Should the permitted development right for solar on domestic rooftops be amended so that they can be installed on flat roofs where the highest part of the equipment would be no higher than 0.6 metres above the highest part of the roof (excluding any chimney)?

Yes/ No/ Don't Know. Please give your reasons.

It is suggested that this is also caveated in relation to the roof on which it is going. For example, solar on single storey extensions could have impact in terms of amenity on adjoining occupiers without further controls, such as the equipment needing to be set in from the roof edge by 300mm.

Q13. Are there any circumstances where it would not be appropriate to permit solar on flat roofs of domestic premises?

Yes/ No/ Don't Know. Please give your reasons.

Where these are on the front/side of properties within Conservation Areas. With reference to later questions regarding panels on walls and roofs fronting highways within conservation areas, they could have a significant impact on the character and appearance of a conservation area.

Q14. Do you agree that solar on a wall which fronts a highway should be permitted in conservation areas?

Yes/ No/ Don't know. If so, please give your reasons.

A solar array on the front of properties would have a significant impact on the character and appearance of a conservation area.

Q15. Do you have any views on the other existing limitations which apply to this permitted development right which could be amended to further support the deployment of solar on domestic rooftops?

Yes/ No/ Don't Know. Please give your reasons.

Definition of microgeneration could be broadened to allow a greater number of solar arrays to be installed on domestic properties.

Q16. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the dwellinghouse in conservation areas, should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of a conservation area.

Q17. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone domestic solar?

Yes/ No/ Don't know. If so, please give your reasons.

Q18. Do you agree that the current threshold permitting the generation of up to 1MW of electricity on non-domestic buildings should be removed?

Yes/ No/ Don't Know. Please give your reasons.

This would allow a greater number of panels to be placed on non-domestic buildings to maximise the amount of renewable energy that they might be able to generate.

Q19. Is the current prior approval for solar equipment on non-domestic rooftops (where equipment is over 50kW but no more than 1MW) effective?

Yes/ No/ Don't Know. Please give your reasons.

The LPA does not receive a great number of such application types in order to determine.

Q20. Are there any circumstances where it would not be appropriate to allow for the installation of non-domestic rooftop solar where there is no limit on the capacity of electricity generated?

Yes/ No/ Don't Know. Please give your reasons.

Within Conservation Areas and within the setting of a listed building. However, if this right is introduced and solar is permitted within conservation areas and within the setting of a listed buildings, it is suggested that this is subject to a prior approval application to determine the impact of the installation on the character, appearance and setting of the building and/or area.

Q21. Do you agree that the existing limitations relating to the installation of solar on non-domestic buildings in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of conservation areas.

Q22. Do you have any views on how the other existing limitations which apply to the permitted development right could be amended to further support the deployment of solar on non-domestic rooftops?

Yes/ No/ Don't know. If so, please give your reasons.

Q23. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the building in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?

Yes/ No/ Don't know. If so, please give your reasons.

This could have a significant impact on the character and appearance of conservation areas.

Q24. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone non-domestic solar?

Yes/ No/ Don't Know. Please give your reasons.

Could the maximum surface area be amended to allow greater than the 9m² currently set. For example, PV panel coverage should not exceed greater than 50% of the area of the commercial site excluding the footprint of the building, subject to a prior approval process to ensure there is still adequate facilities provided, for example for car parking.

Q25. Do you agree that permitted development rights should enable the installation of solar canopies in ground-level off-street car parks in non-domestic settings?

Yes/ No/ Don't Know. Please give your reasons.

However this could be extended to allow solar canopies to be sited on top of multi-storey car parking buildings for example, subject to a prior approval process. The legislation needs to ensure it defines what is meant by 'occupier' and whether glare to road users can be considered.

Q26. Do you agree that a permitted development right for solar canopies should not apply on land which is within 10 metres of the curtilage of a dwellinghouse?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on residential amenity.

Q27. Do you agree that a permitted development right for solar canopies should not apply on land which is in or forms part of a site designated as a scheduled monument or which is within the curtilage of a listed building?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on designated heritage assets.

Q28. Do you agree that the permitted development right would not apply to article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on designated heritage assets.

Q29. Do you agree that solar canopies should be permitted up to 4 metres in height?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on character/prominence.

Q30. Do you think that the right should allow for prior approval with regard to design, siting, external appearance and impact of glare?

Yes/ No/ Don't Know. Please give your reasons.

To prevent adverse impact on character, highway safety.

Q31. Are there any other limitations that should apply to a permitted development right for solar canopies to limit potential impacts?

Yes/ No/ Don't Know. Please give your reasons.

These should be subject to a prior approval process.

Q32. Do you think that any of the proposed changes in relation to the permitted development rights for solar could impact on: a) businesses b) local planning authorities c) communities?

Yes/ No/ Don't know. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.

- a) *Businesses can begin to reduce their reliance on the Grid and sell energy back to the Grid.*
- b) *Certificates of Lawfulness likely to increase in number. Potential for increase in enforcement complaints as solar panels are often perceived as unsightly, notwithstanding their benefits. Neighbours like to feel involved in developments such as this which would be removed if they are permitted development*
- c) *Greater ability for communities to reduce use of fossil fuels and potentially reduce bills.*

Q33. Do you think that proposed changes in relation to the permitted development rights for solar could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/ No/ Don't know. If so, please give your reasons and specify which rights any comment relates to.

Q34. Do you agree that the permitted development right allowing for development by local authorities should be amended so that the development permitted can also be undertaken by a body acting on behalf of the local authority?

Yes/ No/ Don't Know. Please give your reasons.

Q35. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes/ No/ Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) No
- b) No
- c) *Communities can benefit from reassurance of ability to charge vehicles.*

Q36. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

Yes/No/Don't know. If so, please give your reasons.

Q37. Do you agree that the maximum period of time land or a building can be used for the purpose of commercial film making should be increased to 12 months in any 27 month period?

Yes/No/Don't Know. Please give your reasons.

No concerns, subject to the existing conditions attached to this permitted right remaining including notification of the schedule of dates.

Q38. Do you agree that the maximum area of land or land on which the building is situated being used for the purposes of film making should be increased to 3 hectares?

Yes/No/Don't Know. Please give your reasons.

Q39. Do you agree that the maximum height of any temporary structure, works, plant or machinery allowed for under the right should be increased to 20 metres?

Yes/No/Don't Know. Please give your reasons.

However, prior approval in relation to potentially hazardous locations such as wind farms, airfields, and site within a proximity to residential areas should be sought. The reason for the latter being that a 5m high structure adjacent to a residential property has the potential for significant impacts.

Q40. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes/No/Don't Know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) *Greater support for the British film making industry. Crew members are likely to use local businesses for accommodation and food etc..*
- b) -
- c) -

Q41. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

Yes/No/Don't know. If so, please give your reasons.



Report to Planning Committee 20 April 2023

Chief Executive: John Robinson

Lead Officer: Nigel Hill – Business Manager Democratic Services on Ext: 5243

Report Summary	
Report Title	Annual Report detailing the exempt reports considered by the Planning Committee
Purpose of Report	To provide a list of the exempt business considered by the Committee for the period 1 March 2022 to date. Members have the opportunity to review the exempt reports and request further information. The rule is defined in paragraph 18 of the Constitution entitled 'Right of Members to Request a Review of Exempt Information'.
Recommendations	That the report be noted

1.0 Background

- 1.1 The Councillors' Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May', this was ratified by the Council on 14 October 2014.
- 1.2 Members will be aware that, they have the opportunity to request under Rule 18 of the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 The following table provides the exempt business considered by the Planning Committee for the period 1 March 2022 to date:

Date of Meeting	Agenda Item	Exempt Paragraph	Opinion of Report Author as to current status of the report
7 July 2022	Implications of new evidence on pending planning appeal in relation to application no 20/01452/OUTM Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping on Land Off A17, Coddington	3	Open

Background Papers and Published Documents

Nil.

PLANNING COMMITTEE – 20 APRIL 2023

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 Development without delay.
- 2.0 Recommendation
That the report be noted.

Background papers

Application case files.

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

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 27 February 2023 and 03 April 23)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/3312731	22/01491/PIP	Blacks Farm 27 Newark Road Coddington Newark On Trent NG24 2QF	Application for permission in principle for erection of single storey dwelling.	Written Representation	Refusal of a planning application
APP/B3030/W/22/3313375	22/00925/FUL	Land Adjacent Ivydene Main Street Weston	Erection of 5 bed dwelling and garage block (resubmission)	Written Representation	Refusal of a planning application
APP/B3030/C/23/3316484	23/00013/ENFB	The Hermitage Gonalston NG14 7LL	Appeal against	Written Representation	Service of Enforcement Notice

PLANNING COMMITTEE – 20 APRIL 2023

Appendix B: Appeals Determined (between 27 February 2023 – 03 April 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/01721/TPO	Little Dower House Station Road Bleasby NG14 7FX	Undertake works to Sycamore protected by TPO 66 G1 Sectionally dismantle to ground level	Delegated Officer	Not Applicable	Appeal Dismissed	28th February 2023
21/02660/FUL	Land Adjacent Hunters Lodge Main Street Kirton Newark On Trent NG22 9LP	Erection of 1 No. dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	30th March 2023
22/01125/FUL	Field Reference 5850 Ricket Lane Blidworth	Erection of a timber building to store agricultural machinery (retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/01302/HOUSE	62 Nelson Road Balderton Nottinghamshire NG24 3EL	Proposed first floor extension to existing single storey extension to side of property.	Delegated Officer	Not Applicable	Appeal Dismissed	8th March 2023
22/01423/FUL	Ringstead 48 Kirklington Road Bilsthorpe NG22 8SS	Erect double garage with apartment at first floor level.	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/00120/FULM	Land Adjacent Willowdene 9 Beckingham Road Coddington Newark On Trent NG24 2QS	New hay and equipment/machinery store.	Delegated Officer	Not Applicable	Appeal Dismissed	30th March 2023
22/01984/HOUSE	96 Caythorpe Road Caythorpe Nottinghamshire NG14 7EB	Timber framed and clad double garage (Part retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	23rd March 2023

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
22/02430/FUL	Land off Sand Lane, Spalford	Provision of two new Live/work Dwellings including a separate building containing detached work spaces and under cover parking	<p>The application was determined under delegated by Officers on 23 February 2023. The application was recommended and determined to be refused, with two reasons for refusal set out. In the issuing of the decision, due to an administrative error, the template for grant planning permission was chosen by mistake. This therefore has resulted in planning permission having been granted, with reasons for refusal, as opposed to conditions attached to the permission.</p> <p>This was raised to the Council's attention by the applicants. Once a decision is issued, it is not possible to amend it i.e. we cannot withdraw the incorrect decision notice and reissue with a refusal planning permission template.</p> <p>Following legal advice, the Council is seeking to have this decision quashed with the Chairman of Planning Committee acting as Claimant on the basis the decision is clearly an error. Papers are currently with the Court. In anticipation of the Court quashing the decision, the matter will be reconsidered by Officers in due course.</p>
20/02420/S73M	Kilvington, Newark on Trent, NG13 9PD	Application to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439)	<p>As previously reported to Members: In summary, the Council declined to accept this application as it considered the removal of the 2 conditions (relating to occupation) would enable the development to be occupied/used as permanent dwellings as opposed to holiday homes as was originally granted under the 2014 permission, notwithstanding the description of the development which includes '<i>Development of 34 self-catering holiday units...</i>'</p> <p>The Council's decision was appealed and the Planning Inspectorate agreed with the LPA and the appeal was not determined. The appellants commenced judicial proceedings against the Inspector's (Secretary of State) decision to not entertain the appeal.</p> <p>Update - The High Court issued its decision in December 2022 (Reid v Secretary of State for Levelling Up Housing & Communities; Newark & Sherwood District Council [2022] EWHC 3116 (Admin) where it determined the Inspector should have entertained the appeal. The removal of the conditions would not change the description of the development and therefore the Inspector should have considered the appeal. The [judicial] appeal therefore succeeded.</p> <p>The appeal is back with the Planning Inspectorate for determination on the merits of the proposal. The Inspector will consider all matters presented to him/her at the outset of this appeal by the Council and interested parties in early 2022.</p>

Background papers

Application case files.

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

Lisa Hughes
Business Manager – Planning Development



Report to Planning Committee 20 April 2023

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Planning Committee Annual Report 2022-2023
Purpose of Report	To provide Members with information of the performance of Planning Committee.
Recommendations	That Members note the contents of this report.

1.0 Background

All Planning Committee meetings have been held at Castle House. The first two were held on a Tuesday (April and May) before the meeting was changed to a Thursday. All meetings commenced at 1600 hours. The meeting in September was cancelled due to the Civic Suite being flooded.

2.0 Proposal/Options Considered and Reasons for Recommendation

Facts, Planning Applications and Reports:

- Newark & Sherwood District Council's Planning Committee sat on 11 occasions throughout the municipal year 2022- 2023, the same as 2021-22 (noting September's meeting was cancelled prior to it starting).
- The Committee undertook 22 official site visits, as part of 7 meetings.

Planning Applications:

The Planning Committee considered 58 planning applications over the 11 meetings.

- 46 applications were granted in line with officer recommendation;
- 9 applications were refused in line with officer recommendation;
- 1 application was granted contrary to officer recommendation;
- 2 applications were refused contrary to officer recommendation; and
- Of the 58, four were deferred for negotiation or further information.

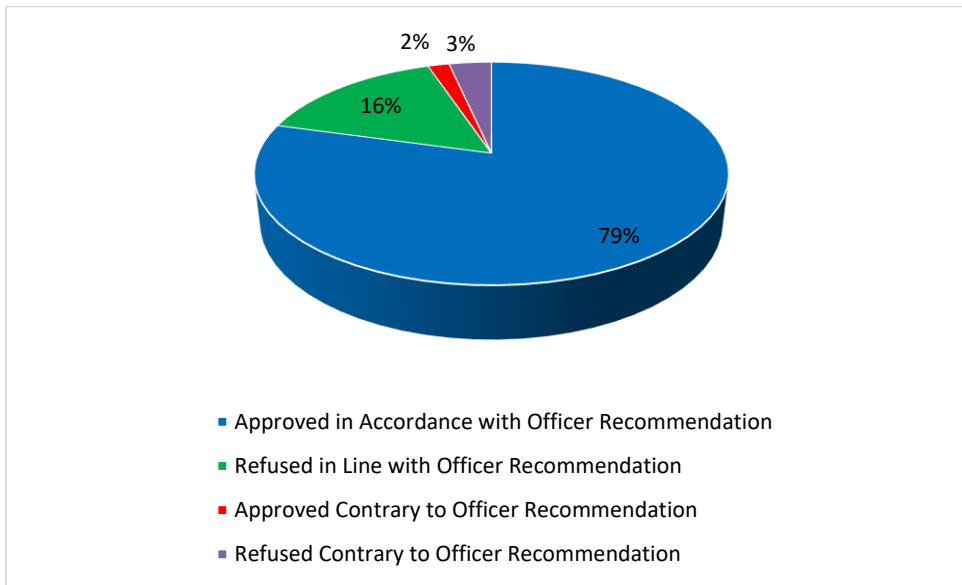


Chart 1: How applications were determined

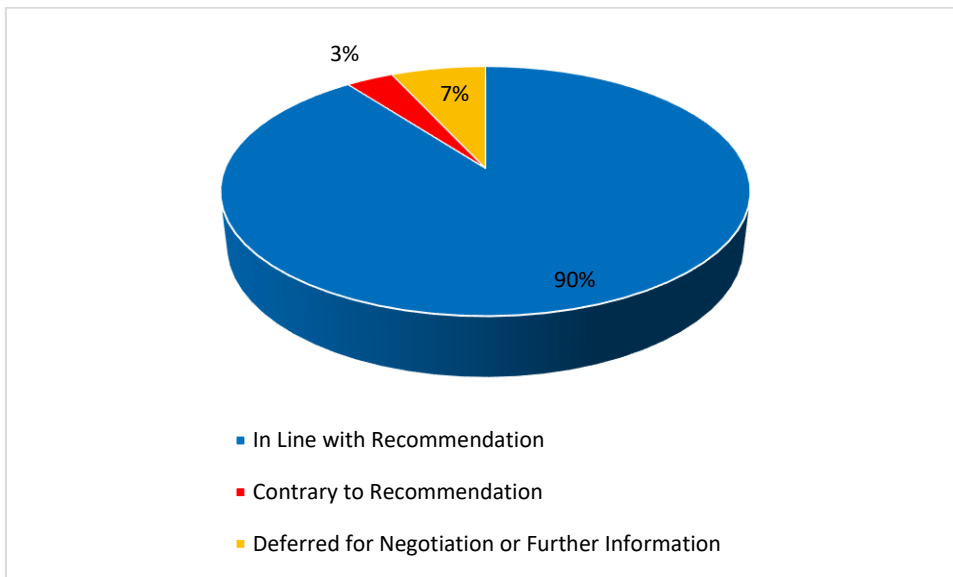


Chart 2: Percentage of Decisions in Accordance with or Contrary to Officer Recommendation

Appeals Decisions:

Throughout the municipal year Newark & Sherwood District Council received 7 appeal decisions in respect of decisions made by the Planning Committee.

Out of the seven, 5 of the appeals were allowed (i.e. granted) by the Inspector and 1 was dismissed (refused) supporting the decision of the Committee, whilst 1 was withdrawn by the appellant.

Of the appeals:

- 4 of these had been recommended for approval by Officers but overturned by Committee;
- 2 had been recommended by Officers to be refused;
- Of the overturned appeals, all were dismissed.

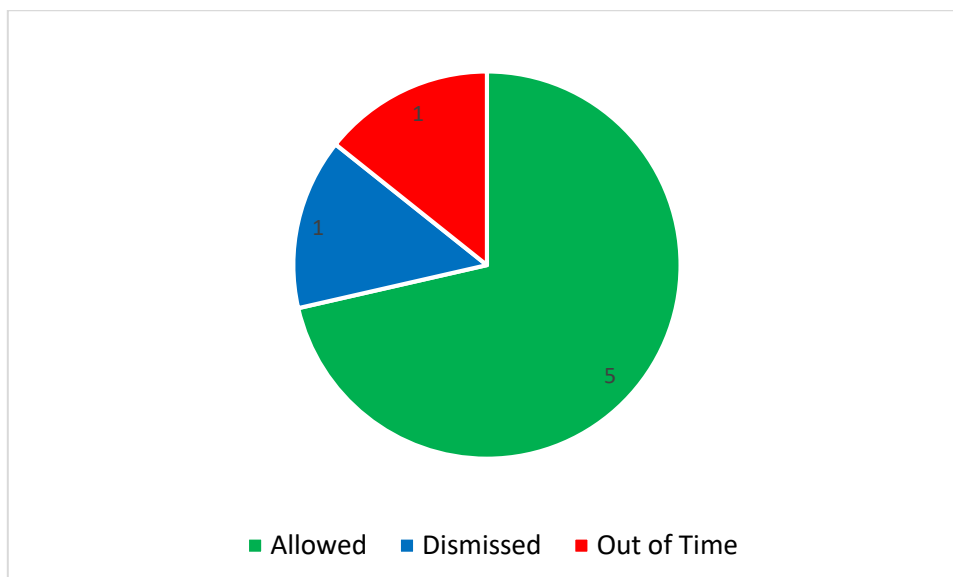


Chart 3: How Appeals were Determined

The allowed appeals were:

App No.	Address	Proposal
21/02386/FULM	Staunton Industrial Estate Alverton Road Staunton In the Vale	Erection of commercial storage units and erection of new office with associated parking.
20/01452/OUTM	Land Off A17 Coddington Nottinghamshire	Development of site for distribution uses, including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.
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
21/02261/FUL	81 Lincoln Road Newark-on-Trent NG24 2BU	Proposed alterations to No.81 Lincoln Road and erection of new dwelling

Members will also be aware from quarterly performance reports that when an appeal is made either party, the Council or the Appellant may seek costs if unreasonable behaviour is deemed to have taken place. In addition, the Inspector may also make an award of costs without an application by either party. [Planning Practice Guidance](#) details the types of behaviour that may lead to an award of costs by local planning authorities, appellants, statutory consultees and interested parties. Over the previous 12 months, no costs have been awarded against decisions the Planning Committee has made. However, costs have been awarded against the decision of Officers – Hillcrest, 7 Hoveingham Road, Caythorpe for a side extension and Land at Main Street, Maplebeck for a stable building.

Additional reporting

In addition to planning applications the Committee also received a variety of reporting on the following matters:

Protocol for Members on Dealing with Planning Matters
Development Consultation Forums, Guidance for Developers and Public
Planning Committee Scheme of Delegation to Officers

These three documents were all adopted by the Planning Committee following the change in the Governance structure to a Cabinet at June's meeting. In addition, following case law in relation to a Council that had been challenged on whether Members who voted on an item were entitled to be present at the meeting and vote when they had not been present at previous meetings when the development was discussed, the Protocol was amended in December. This was purely to provide clarification to the Council's procedures.

Additionally, the Scheme of Delegation was amended in August to include additional delegation arrangements relating to listed buildings and entry by Offices onto sites in order to undertake their roles in relation to Planning and associated Acts.

Planning application validation checklist – agreement for consultation

Agreement was sought from Committee for undertaking a consultation on amendments to the Planning Application Validation Checklist. This is in order to ensure the checklist is up-to-date – in order to validate on the basis of a local list, the checklist must be reviewed every 2-years. Members will note the consultation outcome is presented as a separate agenda item at this meeting.

Local Development Order (LDO) for filming at Newark Heritage sites

Permitted development rights exist to allow commercial filming in buildings and on land. However, an exclusion to this right includes where a building or land within its curtilage is listed or if the land is a scheduled monument. In the case of Newark Castle and the Palace Theatre, the exclusions apply, therefore planning permission is required. Members agreed a LDO could be progressed to set out the conditions that would apply to each of these two sites. This is still being progressed with consultation on each Order due to take place shortly. The LDOs will set out the planning restrictions – the Heritage & Culture team will be able to have separate contractual arrangements with film-makers. Once the consultation is completed and responses analysed, the suggested LDOs will be brought back to Planning Committee for approval.

Vaccination centre at Brackenhurst Campus, Southwell

During the Covid-19 pandemic, temporary permitted development rights were introduced allowing local authorities and health care providers to construct buildings and/or implement uses to facilitate the fight against the virus. These rights expired on the 31st December 2022. The Health Service wished to continue using Brackenhurst Campus for vaccination purposes during 2023 at isolated intervals. In January 2023, the Committee agreed that if this use was deemed to be a material change of use, the Council would not consider enforcement action unless complaints were received which warranted such action.

Legislative updates

Throughout the year there have been more minor legislative changes to the planning system. These have not been formally reported due to the relatively minimal impact they would or have had.

However, more significant changes will occur during 2023/24:

Biodiversity Net Gain – from November 2023, biodiversity net gain (BNG) will come into force. This will require defined developments (to be set out in future Regulations) to provide a [minimum of] 10% net gain in biodiversity. This net gain is required to be provided for a minimum of 30-years. A full report will be presented to Planning Committee in due course of the full implications. However, in anticipation, a post for a qualified Biodiversity / Ecology Officer is currently out to advert.

Levelling Up and Regeneration Bill – this is still progressing through its readings and is currently in the House of Lords. A number of matters set out within the Bill are currently out to consultation including:

- [Increasing planning fees and performance: technical consultation](#) - this looks to increase fees by a suggested 35% for major applications; 25% for minor (and other) applications, which would be ring-fenced to enable improvements to the capacity, capability and performance within local planning authorities;
- [Infrastructure Levy](#) – this will reform the existing system of developer contributions (s106 planning obligations and community infrastructure levy);
- [Environmental Outcome Reports](#) – a new approach to environmental assessment.

Full details on the outcomes of these consultations and how they will impact / affect service delivery will be reported in due course. Engagement with the Portfolio Holder Economic Development & Visitors or relevant committee will take place, as appropriate.

In addition, there is a consultation on amendments to [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making](#). The response to this has been included as a separate report on the agenda.

It is anticipated that 2023/24 will bring a lot of changes and many challenges for all involved with the planning system.

3.0 Implications

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

Background Papers and Published Documents

Planning Committee Agendas – April 2022 – March 2023