



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Tuesday, 26 September 2023

**Chairman: Councillor A Freeman
Vice-Chairman: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor P Harris
Councillor J Lee
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor M Spors
Councillor L Tift
Councillor T Wildgust**

MEETING: Planning Committee

DATE: Thursday, 5 October 2023 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, 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 7 September 2023	4 - 11
Part 1 - Items for Decision	
5. Land West of Rufford Colliery Lane, Rainworth - 21/00996/OUTM (MAJOR)	12 - 56
6. The Mill, Mill Farm, Station Road, Rolleston, NG23 5SE - 23/01361/FUL Site Visit – 9.20am – 9.30am	57 - 74
7. The Stable Yard, Staythorpe Road, Rolleston - 23/00263/FUL	75 - 88
8. Parish Church of All Saints, Front Street, Barnby In The Willows - 23/00828/FUL Site Visit- 9.50am – 10.00am	89 - 98
9. The Buttermarket, Middle Gate, Newark On Trent - 23/00993/LBC	99 - 109
Part 2 - Items for Information	
10. Appointment of Heritage Champion	110 - 112
11. Appeals Lodged	113 - 114
12. Appeals Determined	115
Part 3 - Exempt and Confidential Items	
13. Exclusion of the Press and Public	
There are none.	

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 7 September 2023 at 4.00 pm.

PRESENT: Councillor A Freeman (Chairman)
Councillor D Moore (Vice-Chairman)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor J Lee, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor S Saddington (Committee Member) and Councillor M Spoors (Committee Member)

39 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chairman advised the Committee of a blanket of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

Councillor J Lee declared having an other registerable interest as a member of the Fire Authority and a Member of Nottinghamshire County Council.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

41 MINUTES OF THE MEETING HELD ON 10 AUGUST 2023

A Member advised that Minute No. 32 – South Barn, 4 Redmay Farm, Church Lane, South Scarle – 23/00829/House, was incorrect as Councillor Farmer spoke on Minute No. 30 – Westwood Farm, Main Street, Thorney – 23/00927/FUL and not the South Scarle application.

Minute No. 24 – Declarations of Interest by Members and Officers, Councillor L Dales confirmed that the reason for her declaration of interest was that the applicants husband was a close associate.

AGREED that subject to the above amendments, the minutes of the meeting held on 10 August 2023 were approved as a correct record and signed by the Chairman.

42 TESCO EXPRESS, KIRKLINGTON ROAD, RAINWORTH, NOTTINGHAMSHIRE, NG21 0AE - 22/01298/FUL

The Committee considered the report of the Business Manager – Planning
Agenda Page 4

Development, which sought a proposed retail unit with parking and an amended site entrance. The application had been deferred from the 10 August 2023, Planning Committee, to enable officers to re-evaluate the proposal in the context of Condition 11 (delivery hours) not being enforceable.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from Nottinghamshire County Council Highways and the Planning Case Officer.

Councillor C Penny, speaking against the application as Local Ward Member (Rainworth North & Rufford) stated that she was speaking regarding the views of the residents of Rainworth and Rainworth Parish Council. The proposal would have overwhelming negative consequences due to its layout and disagreed that the retail unit would be an asset to the village. The car park was eighteen car parking spaces short of the recommended number and commented that recommendations for car parking spaces were there for a reason. Delivery lorries would have to park on Kirklington Road and the new plan would not allow delivery lorries to turn into the car park. A bat survey had been undertaken for a previous application that had indicated that there were bats in that area, but one had not been undertaken for this application. There was already a considerable amount of congestion on the surrounding roads and the current situation was very dangerous. Making the change to the entrance would only make the problem move around the corner. There was a skate park and other venues opposite the site and concern was raised that children would have to cross Kirklington Road on an already dangerous junction. The layout in the car park may create a rat run for motorists to avoid the lights. It was recommended that the current fenced off car park should be opened and used as a car park for deliveries to be made to the Tesco store. There was also a sink hole in the vicinity, repairs had been made to the sink hole, but concern was raised that the increase in volume of traffic could create collapse of the sink hole.

Councillor T Smith, speaking against the application as adjoining Ward Member (Rainworth South & Blidworth) was granted permission to address the Committee by the Planning Committee Chairman, Vice-Chairman and Business Manager – Planning Development in accordance with Planning Protocol, on the grounds that the application would have an impact on both wards. Councillor T Smith supported Councillor C Penny's address and commented that he represented Rainworth and lived in the village. The junction adjoining the site was awful and the proposal would exacerbate the traffic problem. There were not enough car parking spaces to serve another retail unit in that vicinity and if the application was approved customers would be forced to park on the road. A rat run would be created to by-pass the traffic lights. The road network and pavements adjacent to the proposal serviced two primary schools and a secondary school. A youth club, skate park and toddlers venue were located opposite the site and concern was raised regarding the safety of those users. The plot would create over intensification if Committee were minded to approve the application. Trees would need to be felled, which was not acceptable even though they were classed as low-quality trees, they were the only trees in the village. Rainworth Parish Council were against the application, residents were not in

support, and it was commented that NCC Highways can get things wrong.

Members considered the application and commented that there was a shortfall of eighteen car parking spaces and the application should be refused on the grounds of a restrained location.

Members commented on the reversing of lorries into the car park area and considered that dangerous. A Member sought clarification as to the number of car parking spaces required for one new retail unit, the Planning Case Officer confirmed that twenty-four spaces would be required for one food retail unit. A Member commented that the proposed car park layout was unsafe as pedestrians would be forced to walk behind vehicles and felt that should be addressed to have a safe pedestrian route through the car park.

The Planning Case Officer confirmed that the shortage of car parking had been accepted by NCC Highways, as the two retail units would share an overall car parking provision of thirty spaces, the shortfall was deemed acceptable and the scheme would incorporate some landscaping and measures to ensure safe pedestrian movements through the site. Alternative measures had been considered but this was the preferred layout for various reasons including the safe pedestrian access through the site.

Proposed by Councillor D Moore and Seconded by Councillor Mrs L Tift
AGREED (unanimously) that contrary to Officer recommendation, planning permission be refused for the following reasons:

- (i) Not sufficient car parking spaces; and
- (ii) Convenience for uses in terms of safety.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
J Lee	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	For
S Saddington	Absent
M Shakeshaft	For
M Spoors	Absent
L Tift	For
T Wildgust	For

The Committee considered the report of the Business Manager – Planning Development, which proposed a four-bedroom family bungalow on Brownfield Site.

A site visit had taken place prior to the commencement of the Planning Committee in order that Members could see the impact of the proposed development, as it was considered difficult to visualise.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from the Agent.

Councillor S Davies, on behalf of East Stoke Parish Council spoke for the application in accordance with the view of the Parish Council contained within the report.

Members considered the application and commented that whilst on foot it was unclear to see whether the land was in the open countryside, the aerial photograph clearly showed that the land was in the open countryside. Concern was raised that no ecological assessment had been undertaken and it was felt that the walnut tree on site would need to be felled. The tree however looked healthy and there was an opportunity for bat roosting in that tree. A Member commented that there was an opportunity for the Parish Council to include the site in their Neighbourhood Plan. Another Member commented that as there was a concrete driveway which could be seen under the overgrown land, he felt that the land was not in the open countryside and was a brown field site as it was once the garden to the neighbouring property.

The Business Manager – Planning Development confirmed that the definition of a brown field site excluded a garden.

AGREED (with 12 votes For and 1 vote Against) that the report be refused for the reasons set out within the report.

44 THE WILLOWS, STATION ROAD, BLEASBY, NG14 7GH - 23/01016/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of external wall insulation cladding.

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

Members considered the application, and it was commented by one Member that there was a variety of house styles on the road the proposed application was on, including several Victorian houses, with their frontage facing the road. This property however showed the gable end from the road, which was not attractive to the eye, and was considered that rendering the property would not make a difference to the street scene. The extension to the house had been rendered and it was suggested that the rest of the house could be rendered, especially if that helped to make the house more efficient. The house was not in a conservation area and the plans showed

that the proposal included retaining the character of the house. It was considered that perhaps the owners of the house were also trying to retain the internal character of the house, hence not making the dwelling thermally efficient internally.

Other Members commented that the design of the house should be retained and considered rendering would destroy that and would be a loss to a potential un-designated heritage asset. It was also confirmed that there was no evidence that rendering the property would make the house more efficient.

AGREED (with 9 votes For and 4 votes Against) that planning permission be refused subject to the reasons contained within the report.

45 2 ST MARYS DRIVE, EDWINSTOWE, NG21 9LY - 23/00668/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought to erect a single storey rear extension, which was part retrospective.

A site visit had taken place prior to the commencement of the Planning Committee in order that Members could see the impact of the proposed development, as it was considered difficult to visualise.

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

Councillor P Peacock, speaking against the application as Local Ward Member (Edwinstowe & Clipstone) raised his concern that the extension would be structurally unsound and would create damp for neighbouring property No. 4. The extension was imposing on the neighbouring property No. 4, as the land dropped away. Concern was also raised regarding the product proposed to stain the brickwork, although he commented that he had been assured that the product proposed would not fade or flake over time. It was commented that a condition could not be secured to ensure that the occupier painted the extension brickwork every two years. Concern was also raised regarding the painting of the wall adjoining the neighbouring property fence and how the section of wall behind the neighbour's fence would be painted and how the fence panels would be removed in the future due to the overhang of the guttering, as there was no party wall agreement in place. It was commented that this was a retrospective application and the extension had been in situ for some time. Some enforcement action had also been taken.

Members considered the application and a Member commented that Core Policy 9 stated 'a high-quality sustainable design' it was commented that the extension was unsympathetic and that there was no evidence that the extension had been built to building regulation standard. It was commented that the extension was incongruous; over-bearing and loss of amenity to neighbours; and was the wrong brick, which was not sympathetic to the existing house brick. Members considered what was allowed under Permitted Development Rights. A Member suggested a recommended change and asked that the wall adjoining the neighbouring property should be painted, as that would have a detrimental visual impact if the neighbour choose to replace the fence panels in the future.

The Senior Planning Officer asked Members to consider the over-coating of the brickwork and not what had been built.

A vote was taken for the amendment to the conditions, to ensure the method statement included the painting of the entire extension walls including the south facing wall. The Senior Planner advised that the proposed amendment to the condition would not be reasonable. The amendment was approved with 7 votes For and 6 votes Against.

A vote was taken and lost with 1 vote For and 12 votes Against approval including the amendment.

The application was proposed by Councillor M Shakeshaft and seconded by Councillor C Brooks.

AGREED (with 12 votes For and 1 vote Against) that contrary to Officer recommendation that planning permission be refused for the following grounds:

- (i) loss of amenity to the neighbour;
- (ii) size – overbearing nature; and
- (iii) in appropriate overcoating.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
J Lee	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	Against
S Saddington	Absent
M Shakeshaft	For
M Spoors	Absent
L Tift	For
T Wildgust	For

Councillor P Harris left the meeting at this point.

46 PROPOSED PERMITTED DEVELOPMENT RIGHTS CONSULTATION

The Committee considered the report of the Director for Planning and Growth, which informed the Committee of the latest permitted development right consultation and considered proposed responses to be made.

On 24 July 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on six proposals concerning amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. They were:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

AGREED (with 12 votes For and 1 Abstention) that:

- (a) the contents of the report and the permitted development right changes be noted;
- (b) subject to any other comments Planning Committee agrees to make, that it endorsed the draft Council response in Section 2 of the report.

47 STRONGER PERFORMANCE OF LOCAL PLANNING AUTHORITIES SUPPORTED THROUGH AN INCREASE IN PLANNING FEES: GOVERNMENT RESPONSE

The Committee considered the report of the Director for Planning and Growth, which informed the Committee of the outcome of the government's consultation on the proposal to increase planning fees and to improve capacity, capability, and performance within local planning authorities.

It was reported that 495 responses had been received to the consultation with just under half of those by local planning authorities. As a result of the responses, the Government was looking to increase planning fees by 35% for major applications and 25% for non-majors. Draft regulations (The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023) were laid on 20 July. Those regulations also set out the fee increase (if brought into force) would take effect, in the main 28 days after being made. They also set out an annual increase, on or after 1 April 2025 each year, of the lower of either consumer price index and 10% rounded up or down to the nearest £1. That suggested annual increase resulted from various parties reporting that application fees did not cover the cost of processing an application and local planning authorities were therefore unable to provide the resources needed to deliver an effective and efficient service.

In addition, one of the other major changes was to potentially remove the ability for applicants to submit 'free-go's'. Currently an applicant was able to resubmit an application without a fee under the following circumstances (a) they have not benefitted from a free go on the application site in the past; (b) the resubmission is within 12 months of the decision (which included planning appeals); and (c) the resubmission was of a similar character to the previous application. A number of applicants used the ability of a free-go as a way to circumvent the need to apply for pre-application advice as, if the application was refused, they had in effect secured that advice also following wider consultation and notification. Removing that exemption could have implications in terms of income which was a significant benefit, it may also result in a greater number of pre-application enquiries for which a charge was levied, but could also trigger a greater number of planning appeals.

The consultation had looked to the possibility of ring-fencing planning income to the planning service; however the Government was not looking to bring this into force. Notwithstanding this, the Council does allocate application (and other) income to the planning service.

The possibly more substantive changes in relation to performance, as will be noted, are being considered in greater depth by the government but, depending upon the outcome, could result in some significant changes to service delivery. These would be reported to Planning Committee as more information becomes known.

AGREED (unanimously) that:

- (a) the report be noted;
- (b) the Planning Committee would be advised when legislation was amended or further outcome was published.

48 APPEALS LODGED

AGREED that the report be noted.

49 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.52 pm.

Chairman



Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, Ex 5793

Report Summary			
Application Number	21/00996/OUTM (MAJOR)		
Proposal	Outline Planning Application for the residential development with all matters reserved for up to 95 dwellings (the Proposed Development)		
Location	Land West of Rufford Colliery Lane, Rainworth		
Applicant	Romo Holdings Limited	Agent	Aspbury Planning - Tony Aspbury
Web Link	21/00996/OUTM Outline Planning Application for the residential development, with all matters reserved except means of access, for up to 95 dwellings (the Proposed Development) Land West Of Rufford Colliery Lane Rainworth (newark-sherwooddc.gov.uk)		
Registered	29.04.2021	Target Date	29.07.2021
		Extension of Time	06.10.2023
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10.0		

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

1.0 The Site

The 7Ha (approx.) site is located within the urban area of Rainworth. The majority of the site appears to be greenfield and contains grass, trees and shrub land with informal pathways crossing through it. It is however likely that the land was used historically in connection with the Rufford Colliery and/or the adjoining redundant railway line due to evidence of excavation/tipping of materials on the site. The southern part of the site is a designated Local Wildlife Site.

The site is located on the south side of the A617, undeveloped land is located to the west and land mainly used for recreation purposes is located to the east on the opposite side of Rufford Colliery Lane including a pétanque club and skate park. The land to the east and west are designated as Local Wildlife Sites. Residential properties and Rainworth District Centre are located to the south of the site.

The “*Rainworth Heath*” Site of Special Scientific Interest (SSSI) is located approximately 0.1km to the north of the site, whilst the “*Rainworth Lakes*” SSSI is located approximately 0.4km to the south of the site. The site is also located within the buffer zone area for the potential Sherwood Forest Special Protection Area (SPA) for breeding birds (nightjar and woodlark).

A strip of land falling within Flood Zones 2 and 3 and containing a water body is located along the east edge of the site.

The site is allocated for employment development under Policy Ra/E/1 for B1 (now Use Class E(G) Business Uses which can be carried out in a residential area without detriment to its amenity), B2 (General Industrial) and B8 (Storage and Distribution) uses in the Allocations and Development Management Development Plan Document (July 2013) (DPD).

The site visibly falls in gradient towards its centre with land rising towards the A1617, Rufford Colliery Lane and former railway embankment to the south.

2.0 Relevant Planning History

07/00474/RMAM - Phase one commercial development comprising of two storey hybrid business units under approval notice 06/01030/OUTM – permission 08.11.2007

07/00196/RMAM - Proposed cut & fill earthworks to facilitate future site development of agricultural land (Re-submission) – permission 30.03.2007

06/01030/OUTM - Commercial development inclusive of access road infrastructure – permission 01.02.2007

74840312 - Removal of dismantled rail bank – refused 21.09.1984

95/51434/CMM - Removal of part of disused railway embankment – decision by County

95/51401/CMA - Construction of a by-pass road – decision by County

3.0 The Proposal

The application seeks outline planning permission with all matters reserved for the residential development of the site for up to 95 dwellings. As such the submitted plans are for illustrative purposes only and matters reserved for subsequent approval include appearance, access, layout, landscaping and scale.

The submitted Development Framework and extract from the plan below proposed a series of perimeter blocks with proposed dwellings fronting the roads and private gardens to the rear. Footpath connections would be provided alongside the provision/retention of 3.4Ha

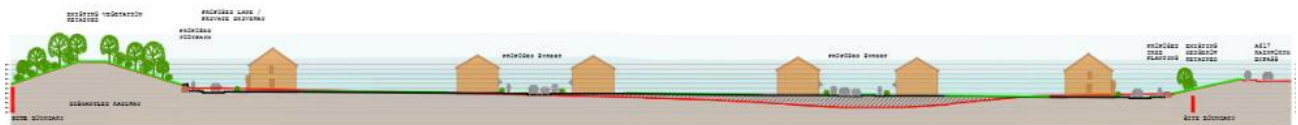
approx. green infrastructure including sustainable urban drainage systems (SUDS).



Extracts from Drawing Nos 9474-L-02E Development Framework Plan and 9474-L-04 F – Illustrative Layout Plan (Partial)

Amended plans and documents have been received during the lifetime of the application (in March 2022) to change the proposed access to the development so that it would be served off Rufford Colliery Lane leading onto the B6020 Kirklington Road as opposed to directly onto the A17 Rainworth By-Pass. The applicant in seeking the legal right to make this amendment is one of the main reasons for the delay in the determination of the application. This necessitated the submission of a revised Flood Risk Assessment. Further dialogue on acceptability of the revised access with the Highways Officer has occurred since this time. Alongside this, further ecology work and the need for independent ecology advice has been sought with the submission of Breeding Bird Surveys in September 2023. The need for further survey works and independent ecology advice further delayed the determination of the application albeit an agreement to extend the time limit for determining the application has been forthcoming in the interest of working positively and proactively during the process.

Due to the existing land levels, the proposed Illustrative Cross Sections show that land levels would need to be relevelled and raised in part to provide a more level developable area.



Extract from Drawing No 9474-L-03E – Illustrative Cross Sections

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

- 9474-L-07A Site Location
- 3614_Rev0 Topographical Survey
- 9474-L-02E Development Framework Plan
- 9474-L-03E Illustrative Cross Sections

- 9474-L-04 F Illustrative Layout Plan (Partial)
- 9474-L-05C Streetscenes
- 9474-L-06A Aerial Sketch View
- LSRBR-BSP-ZZ-XX-DR-S-0005 P03 Proposed Site Access Arrangements Pétanque Way Improvements
- LSRBR-BSP-ZZ-XX-D-S-0007 Rev P05 Off Site Cycleway Improvements (Indicative only)
- Transport Assessment (by bsp Consulting May 2022)
- Travel Plan (January 2022)
- RAIN-BSP-ZZ-XX-DR-C-0001 Rev P02 Surface Water Drainage Strategy Plan
- Flood Risk Assessment and Drainage Strategy: RAIN-BSP-ZZ-XX-RP-C-0001_P03 29th July 2022
- Planning, Design and Access Statement April 2021
- Employment Land Statement October 2020
- Marketing Report March 2022
- Draft Heads of Terms for Section 106 Agreement 21.04.2021
- Arboricultural Assessment March 2021
- Air Quality Assessment March 2021
- Acoustic Assessment March 2021
- Phase 1 Desk Study Report 23rd December 2020
- Ecological Statement for Habitats Regulations Assessment at Land South of A617, Rainworth (28th June 2022) (Shadow HRA)
- Ecological Surveys (April 2022)
- Ecological Appraisal (February 2021)
- Protected Species Surveys (2020)
- Response to Consultee Comments (Letter by Rachel Hacking Ecology 25.11.2022)
- Ecological Statement: Response to Consultee Comments 22/06/2023
- Breeding Bird Surveys (2023)
- Statement of Community Involvement April 2021

4.0 Departure/Public Advertisement Procedure

Occupiers of 51 neighbouring 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 re-consultation has taken place due to the amended plans received in relation to the change to the proposed access.

Original site visit undertaken 12/05/2021.

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 5 Delivering the Strategy
Spatial Policy 6 Infrastructure for Growth
Spatial Policy 7 Sustainable Transport
Spatial Policy 9 Selecting Appropriate Sites for Allocation
Core Policy 1 Affordable Housing Provision
Core Policy 3 Housing Mix, Type and Density
Core Policy 6 Shaping our Employment Profile
Core Policy 9 Sustainable Design
Core Policy 10 Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13 Landscape Character
Core Policy 14 Historic Environment
Policy MFAP1 Mansfield Fringe Area

Allocations & Development Management DPD

DM1 Development within Settlements Central to Delivering the Spatial Strategy
DM2 Development on Allocated Sites
DM3 Developer Contributions and Planning Obligations
DM5 Design
DM7 Biodiversity and Green Infrastructure
DM9 Protecting and Enhancing the Historic Environment
DM10 Pollution and Hazardous Materials
DM12 Presumption in Favour of Sustainable Development
Policy Ra/E/1 Rainworth Employment Site 1

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Building for a Healthy Life 2020
- Residential Cycle and Car Parking Standards & Design Guide (Supplementary Planning Document) June 2021
- District Wide Housing Needs Survey 2021
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- NCC Developer Contributions Strategy (December 2021)
- Housing Needs Study and Sub Area Summaries 2021

6.0 Consultations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

Environment Agency – The majority of the site is indicated to lie within Flood Zone 1, at low risk of flooding with a small portion of the site within Flood Zones 2 and 3, at medium to high risk of flooding associated with the ordinary watercourse, Rainworth Water within the eastern extent of the site. The proposed development itself, including all dwellings, will be restricted to parts of the site within Flood Zone 1. Therefore, flood risk posed to the development is considered to be low. The proposed development access onto Pentanque Way is shown to cross Rainworth Water within Flood Zone 3. However, topographical survey demonstrates the access to be suitably raised above the level of the watercourse so that safe access and egress can be maintained from site during a flood event. We therefore have no objection to the proposed development.

Following a review of the Phase 1 Desk Study Report (BSP Consulting, 23/12/20) submitted to support this planning application, I can confirm that I would have no objections to the proposed development. I agree with the recommendations within the report to undertake exploratory investigation works. Any site investigation works should include a groundwater investigation in order to develop a robust hydrogeological conceptual site model which will then feed into any groundwater risk assessment required. I recommend that if planning permission is granted conditions relating to contamination/preventing water pollution are included on the decision notice.

Natural England –

Comments received 18.07.2023:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Rainworth Heath Site of Special Scientific Interest (SSSI) and Rainworth Lakes SSSI and has no objection.

Comments received 28.07.2022:

Natural England agree with the assessment submitted in the Ecological Statement for Habitats Regulations Assessment at Land South of A617, Rainworth, Nottinghamshire (28th June 2022). The proposed development is unlikely to have a Likely Significant Effect (LSE) on the possibility of a protected Special Protection Area (Sherwood ppSPA). The submitted documents do set out that green infrastructure will be provided however in reviewing the illustrative layout Natural England note that there will be a partial circular path around the proposed development. If this were to be extended and a complete circular route provided it would provide a suitable route for the majority of future residents dog walks and would likely reduce the impact of visitor pressure on surrounding areas.

Comments received 13.04.2022:

In my previous response on 25th May 2021, I advised that the proposed development of the site could impact both SSSI's water quality and a CEMP would be required to avoid impacts during construction. I also advised that biodiversity net gain and impacts on the ppSPA should be considered as part of the application.

The submitted surface water drainage strategy does not suggest there would be any major issues with the approach however there is not enough detail contained within it to determine there would be no impacts on the designated sites. The applicant would need to propose a SuDS scheme specifically designed to ensure water quality which is in line with the CIRIA Suds manual in order to rule out any impacts.

NCC Highways –

Comments received 12.09.2023 (prior to access being removed as reserved matter for subsequent consideration):

The applicant has submitted drawing number LSRBR-BSP-ZZ-XX-D-S-007 Rev P05 to the Highway Authority. Whilst there are minor amendments which would need to be made (i.e. removal of verge in visibility splays, minor amendments to white lining and inclusion of cycle stands) the principle is acceptable.

Furthermore, a revised site access drawing was also submitted to the HA (Proposed Site Access Arrangements Pétanque Way Improvements – Drawing LSRBR-BSP-ZZ-XX-DR-S-005 Rev P03 which includes part details of improvements to the footpath/cycleway linking to the Rainworth Bypass, which is also indicatively acceptable.

Accordingly, we would have no objections subject conditions to relating to the proposed development being limited to up to 95 dwellings, further technical details to be submitted at reserved matters stage(s) and the delivery of off site improvement works. Off site improvement works include the provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass and cycle parking provision adjacent to the nearest bus stop.

Comments received 05.07.2022:

As it stands, the junction is shown to be operating well over practical capacity in the design year (in particular the Southwell Road (east) arm has issues). The junction is already equipped with MOVA, on-crossing detection, CCTV and UTC so the remaining available option would be widening, for which highway land appears to be available. Alternatively, we would consider additional cycle and/or pedestrian measures. The aim would be to offset the capacity issues created at the traffic signal junction by further encouraging sustainable transport, for not only the residents of the proposed development but the wider community, to reduce overall traffic impacting this junction. There does appear to be some scope to improve the existing facilities to Southwell Road (west) and NCC would be happy to work alongside the developer to achieve a suitable and proportionate solution.

It is noted that there is a proposal is to provide a short, shared route linking Petanque Way to the A617, which is welcomed (noting it requires third party land). The alignment is taken as indicative only, with suitable gradients to be demonstrated at detailed design and perhaps avoiding the third party land.

NCC Lead Local Flood Authority (LLFA) – No objection subject to conditions relating to the submission and approval of a detailed surface water scheme.

(b) Town/Parish Council

Rainworth Parish Council – Object for the following reasons:

- The application is contrary to the development plan which identifies the site as being more suitable for employment, retail and business use which is needed in the local area

- Rapid growth in dwellings has led to population growth whilst schools, doctors surgeries and local retail businesses have remained the same. Rainworth is at bursting point, residents have to wait unacceptable lengths of time to get a doctors appointment and local children are struggling to gain entry to their chosen schools
- There needs to be a growth in retail and business to meet the day to day convenience and service needs of its local catchment population. There are minimal employment opportunities in Rainworth.
- No built development should take place or impact upon part of the site covered by the SINC.
- Flood risks due to part of Rainworth Water running through the site.
- The change of access would immediately have an adverse effect on the quiet road which is used by many local children who regularly use the skate park and youth club. The safety of children is paramount, and no safety measures have been included to protect children who need to cross this road to gain entry to their play facilities.

(c) Representations/Non-Statutory Consultation

Nottinghamshire Police Designing out Crime Officer - Nottinghamshire Police would encourage the developers to apply for Secured By Design for the build.

Seven Trent Water – Foul is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse which we have no comment.

Coal Authority - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

NHS CCG – Contribution of £982 per dwelling (£93,290 in total) sought for enhancing capacity / infrastructure within existing local practices:

- Hill View Surgery
- Rainworth Centre
- Abbey Medical Group

RSPB -*Comments received prior to the submission of further bird surveys 02.08.2022:*

From the information provided in the ecological survey report (Rachel Hacking Ecology 2022) it is not possible for us to make a competent assessment of the potential impacts on nightjar and woodlark populations in the area. We also disagree with the conclusions of the HRA that there will be no recreational impacts and consider that needs to be given further consideration in how to mitigate impacts (eg, provision of a onsite SANGS) on sites north of the Rainworth bypass that form part of the current Important Bird Area and potential proposed SPA (ppSPA), and the surrounding SSSIs.

Nottinghamshire Wildlife Trust – *Comments received prior to the submission of further bird surveys 16.11.2022:*

Increased recreational pressure - The site is allocated for employment development, not housing development.

Breeding birds – We support decision to do targeted survey for breeding birds in habitat to be affected by vegetation removal prior to works being carried out.

Woodlark – The site sits within the buffer zone of the possible potential Special Protection Area (ppSPA) and is immediately adjacent to both a ppSPA core area and Important Bird Area (IBA) core area of ppSPA Sherwood Forest. It is a statutory requirement to comply with the ppSPA policy and Natural England’s 2014 Guidance Note. Despite the site shows levels of disturbance, it supports heathland scrub and presence of woodlark cannot be ruled out. We consider surveying the site for woodlark necessary.

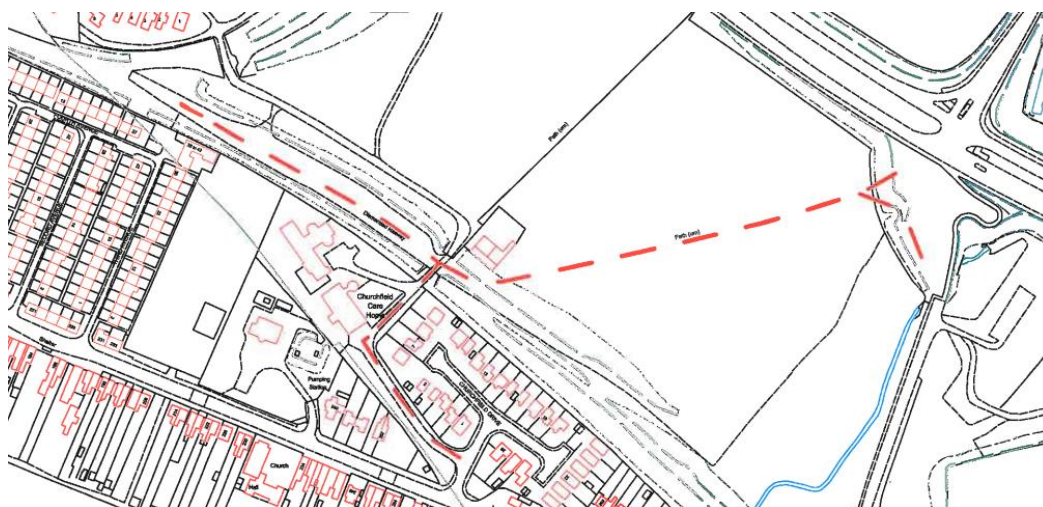
Reptiles: We consider it necessary to carry out updated reptile survey. No works should be carried out until next reptile active season i.e. spring 2023. This will mean that the last survey will have been carried out over two years ago. Further, juvenile common lizards were recorded during the survey, meaning the site support breeding population of common lizard.

Objection from Nottinghamshire Wildlife Trust remains in place towards this development. This is a site with potential for wildlife despite being highly used.

NSDC Biodiversity and Ecology Lead Officer – I am satisfied that we are now in receipt of sufficient evidence for me to advise you that there would not be any impact on breeding woodlark or nightjar. I concur with the view of Natural England that there would be no likely significant effect on the ppSPA. A Construction and Environmental Management Plan, Biodiversity Management Plan and lighting scheme is required as a planning condition at reserved matters, and requires approval pre-commencement of any development.

NCC Public Rights of Way - Comments received 19.05.2021:

The Rights of Way section reiterate the fact that there is a claim for a route across the planned development site which the developer has been made aware of and has alluded to in the Planning, Design and Access Statement. We recommend that the developer incorporate the route into the development on the existing line or divert the unrecorded rights through the provisions of the Town and Country Planning Act 1990. This would mitigate the risk of objections or claiming the routes as public rights of way at a later date.



NCC Planning Policy – Comments received 25.05.2021:

The planning obligations being sought by Nottinghamshire County Council in order to mitigate the impact of the proposed development are:

- Transport & Travel Services - The County Council will request that a Bus Stop Infrastructure contribution of £42,500 is paid to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529 and shall include the installation of real time bus stop pole and displays including associated electrical connections (full justification is set out in the response received).

NSDC Planning Policy – The alternative access which has been proposed is to be welcomed, providing it meets the standards required by the highways authority. If we are satisfied that there is no reasonable prospect of the site being developed for employment purposes (the Marketing Report shows that the site has been continually marketed), residential development should be expected to be fully policy compliant in all other respects for development which is a departure from the Development Plan to be considered appropriate.

NSDC Environmental Health (contamination) – The Phase I Desk Study Report (BSP Consulting) adequately characterises the site and surrounding areas in relation to site geology, history, and potentially contaminative land uses. The conceptual site considers all potential contaminant sources, pathways and receptors.

Further intrusive site investigations (Phase II Exploratory Investigation Works) should be carried out in line with the recommendations provided by the Desk Study Report to investigate the potential contamination, and identify any remediation works required.

The site therefore appears suitable for the proposed development subject to a satisfactory Phase II investigation and subsequent remediation works as necessary. I would therefore recommend use of the standard phased contamination condition.

NSDC Environmental Health (air quality) – The Air Quality Assessment (Air Quality Consultants Ltd) adequately assesses existing local air quality, and future air quality in the context of the proposed development. The assessment concludes the proposed development will not have a significant impact on local roadside air quality, and that future residents will experience acceptable air quality. I therefore recommend that no further air quality or survey assessment work is required.

The potential for dust issues during the construction phase of the development has not been considered by the assessment. The applicant should consider in detail the potential impact of construction methods and working practices on sensitive properties in the vicinity, and ensure best practicable means are employed to minimise dust (and noise).

I therefore recommend a construction management plan is submitted in writing to, and agreed by, the planning authority, to be implemented in full during the construction phase of the development.

NSDC Environmental Health (noise) – *Comments received 17.05.2021:*

The Environmental Health Officer confirmed verbally that they have no objection at this outline stage given plans are indicative subject to a condition requiring a more detailed noise

survey based on a precise layout being submitted at reserved matters stage. This may include the need for mitigation measures and potential repositioning of the proposed dwellings as indicatively shown in the submitted plans.

Comments received 17.05.2021:

The acoustic assessment states that it is based on uninterrupted block building and as a consequence may overstate the screening provided. The Aerial Sketch view suggests detached or semidetached dwellings therefore noise levels may be higher than those suggested within the report. Based on the assumptions within the report the upper windows and outdoor areas are to be to the upper limits of the WHO noise guidelines.

NSDC Archaeology Advisor – If permission is granted, an archaeological condition for a mitigation strategy is recommended. This would initially comprise, but may not be limited to, a geophysical survey to support a targeted trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

NSDC Tree Officer –

1. The proposal will result in the loss of habitat, this need to be quantified and addressed.
2. Landscaping
 - a. A measurement of the likely impact of the proposal has not been included, there is clear potential for protected species to be impacted on by the development and a significant carbon loss resultant from the development.
 - b. No mitigation has been put forward - a detail landscaping scheme is needed to address the visual/biodiversity impact on the surrounding countryside demonstrating how
 - i. it will improve biodiversity (section 41 species),
 - ii. be in keeping with the character assessment of the area
 - iii. be of benefit to site usage / improving sustainability, carbon storage balance
 - iv. reach an age to give a meaningful impact (40 years) without having a negative impact
 - v. Demonstrate method for 40 year retention.
 - vi. Include biodiversity enhancements – bat boxes (target to species), foraging strips, wildlife migration corridors etc.

NSDC Community Relations Manager – If this application were to be approved I would expect a Community Facility contribution in accordance with the requirements of the current Supplementary Planning Document, such contribution to be used to support improvements to the existing community infrastructure in the locality.

In terms of justification, there are various community facilities in the Rainworth locality that would benefit from investment. Priority projects would include Rainworth Village Hall, Rainworth Leisure Centre at the Joseph Whitaker Academy, and the community facilities provide for the wider community as part of the Rainworth Miners Welfare offer and the Rainworth Petanque Club all of which serve the community and all of which would welcome some investment. In terms of a priority project I would highlight the Village Hall, this building is in need of upgrades and improvements to ensure its sustainable future and the Parish

Council and Charity that runs the building on behalf of and for the community have plans for an extension that will provide much needed additional space for community hub type activities including an expanded community library offer.

NSDC Strategic Housing – A suggested tenure breakdown is demonstrated below:-

	Affordable Rent	First Homes	Shared Ownership	Total
2 Bed House	6	5	0	11
2 Bed Bungalow	4	2	4	10
3 Bed House	6	0	0	6
4 Bed House	1	0	0	1
	17	7	4	28

Housing Need for Affordable Housing

In 2021 the Council provided a new district wide housing needs assessment and area analysis. The sub areas are broken down into 8 areas of which Rainworth forms part of the Mansfield Fringe area. There is an annual need for 112 affordable dwellings (67 for affordable rent and 45 for intermediate housing). The main requirement is for 3 and four beds however the Council's housing register provides a good demand for 2 bedroom dwellings.

S106 Agreement

The affordable housing part of development schemes will normally be secured through a legal agreement (S106) to ensure the provision prior to the granting of planning permission.

Involvement of Registered Providers (RP)

Involving RPs early in the process will enable the applicant to better plan the provision of affordable housing in conjunction with the market element of the site. We will expect an applicant to provide the affordable housing for an RP nominated by use. This will ensure the dwellings are well suited to meet local needs.

NSDC Parks and Amenities – No comments received.

Representations have been received from 3 local residents/interested parties prior to the amended red line boundary / position of the proposed site access which can be summarised as follows:

- Strain on the amenities/infrastructure within the village e.g. doctors, schools
- Extra vehicles/traffic on the roads/roads not suitable
- Loss of place to walk
- The site should be used for tree planting to offset fumes etc.
- What is going to happen to the old railway embankment

Representations have been received from 1 local residents/interested parties post the amended red line boundary / position of the proposed site access which can be summarised as follows:

- The village does not have the infrastructure for more dwellings e.g. doctors, schools,

- nurseries
- Road is not suitable for the amount of traffic that would use it

7.0 Appraisal

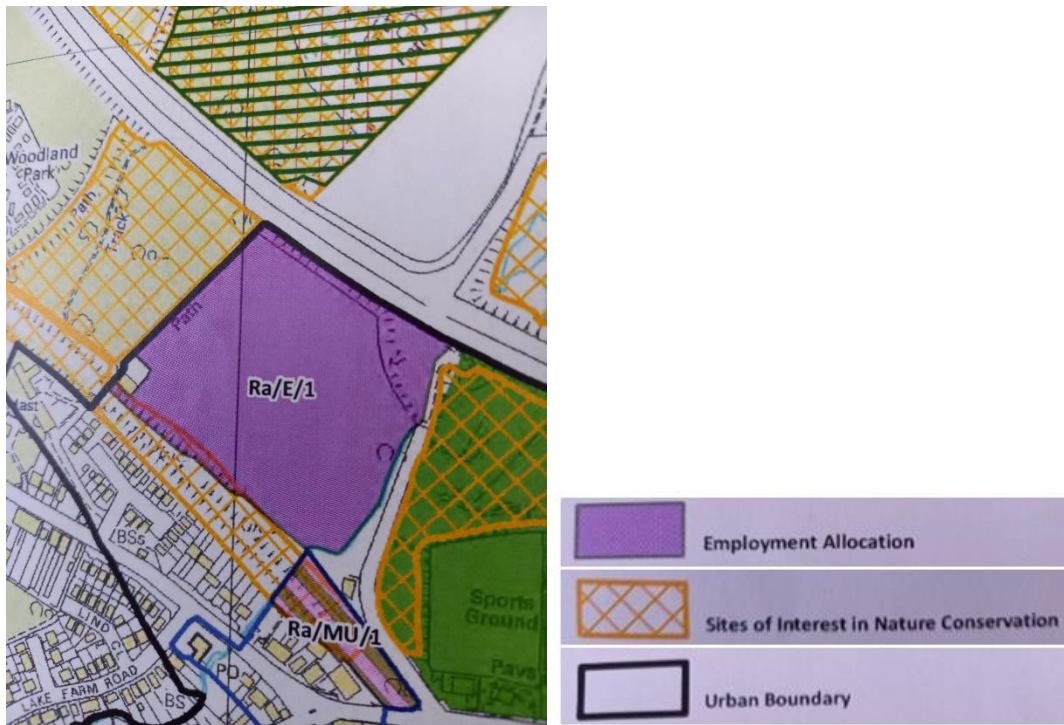
The key issues in assessing this proposal relate to the

1. Principle of Development
2. Housing Type, Mix and Density
3. Impact on Character and Visual Amenity
4. Impact on Residential Amenity
5. Highways and Parking
6. Drainage and Flooding
7. Impact on Ecology and Trees
8. Contaminated Land
9. Impact on Archaeology
10. Developer Contributions

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 Council can demonstrate in excess of the necessary 5 year housing land supply.

Principle of Development

Spatial Policies 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the adopted Amended Core Strategy, identify Rainworth as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Rainworth is expected to accommodate 10% of service centre growth over the development plan period. The site is located within the defined Urban Boundary of Rainworth as identified on the proposal map in the Allocations and Development Management DPD and is also allocated for employment under policy Ra/E/1 (Rainworth Employment Site 1). The proposed development (as amended) would provide direct vehicular links to Rainworth District Centre (blue line below) and is capable of being fully integrated into the settlement.



Extract from Proposal Map - Allocations and Development Management DPD

Spatial Policy 5 (Delivering the Strategy) states that to ensure the housing and employment needs of the District are delivered over the plan period, sufficient sites have been allocated to more than meet the requirements. Over the plan period, the supporting text to this policy anticipates that development of additional housing and employment will occur in sustainable locations across the district.

Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) of the Allocations & Development Management Development Plan Document (DPD) refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy MFAP1 (Mansfield Fringe Area) further promotes the Service Centre of Rainworth as a sustainable settlement for its residents, encouraging new housing, employment activities and the provision of new community infrastructure.

With reference to the site selection criteria set out in Spatial Policy 9 (Selecting Appropriate Sites for Allocation) the site allocation Policy Ra/E/1 states:

Land West of Colliery Lane has been allocated on the Policies Map for Employment Development. The site is 5.5ha in size and B1/B2/B8 is appropriate.

In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:

- *The provision of suitable vehicular access from the A617 Rainworth bypass as part of the design and layout of any planning application;*

- *No flood sensitive development should take place in areas identified as being within Flood Zones 2 and 3;*
- *The provision of suitable pedestrian access from the site to the village taking account of known flood risk constraints as part of the design and layout of any planning application;*
- *Provision of a drainage strategy as part of any planning application to ensure that the development does not flood during low annual probability rainfall events or exacerbate the flood risk off-site;*
- *The positive management of surface water through the design and layout of development to ensure that there is not detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- *Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;*
- *The incorporation of satisfactory buffer landscaping to minimize the impact of development on SINC's which are located both within and adjoining the site; and*
- *The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.*

The proposed development would represent a departure from the development plan and the fundamental policy issues relate to the acceptability of the site for residential as opposed to employment use in accordance with Policy Ra/E/1.

Paragraph 122 of the NPPF advises that *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*

Core Policy 6 of the Amended Core Strategy - Shaping our Employment Profile sets out in the final bullet point that by respecting that where the release of sites to non-employment purposes is proposed, any significant benefits to the local area that would result, should be taken into account to inform decision making.

The figures in the Second Publication Amended Allocations & Development Management DPD (September 2023) identify a requirement of 83.1ha of employment land. In total the District has a supply of 185.56ha (figure includes 'available employment land in designated employment areas' and employment land allocations and permissions) so there is a substantial surplus. While these figures are often revised, it is clear that there is no need resist the loss of the site to employment purposes on grounds of employment land availability within the District.

The Planning, Design and Access Statement further concludes that the site is not suitable for employment development (particularly due to its undulating topography) and the requirement to create access from the A617 which has impacted upon the feasibility and viability of development for employment purposes due to high development costs. Additionally, there is less constrained employment land available within the wider area/along the A617 corridor.

An Employment Land Statement which sets out details of the site being put to the market since June 2019 has also been submitted. Although this appears to be a period of almost two years (taking account of when the application was submitted) the report was actually finalised in October 2020 and all but 10 months of this period were influenced by the Covid 19 pandemic. Having said that, the conclusions that are drawn over the site's suitability and viability for the changing employment market do not seem unreasonable. The report states that despite open marketing via a number of platforms, up to October 2020, no formal offers were received for employment use and overall interest was extremely limited.

A further Marketing Report was subsequently submitted in March 2022 which confirms that the land continued to be marketed after October 2020 (for residential development also given the lack of interest for employment). A preferred party to deliver residential development was selected in September 2021 albeit the site has remained live on a number of suitable marketing platforms on an 'All Enquiries' basis since this time. This report further confirms that there has been little interest in any employment uses beyond enquiries from 2 local companies looking to store materials on the site in relation to their trade activities therefore confirming little interest has been forthcoming in that period.

Newark and Sherwood District Council (NSDC) is able to demonstrate in excess of the necessary 5 year housing land supply and the Development Plan is considered up to date. Applications for development are therefore assessed against the development plan as required in statute and in line with DM12 which sets out a presumption in favour of sustainable development. It should be noted that the updated position for Rainworth at the end of March 2023 is that dwellings completed exceed the target for Rainworth. However, the fact that the minimum requirement has been met would not be fatal to any proposals for additional supply and would contribute towards the Government objective as set out in Paragraph 60 of the NPPF to significantly boost the supply of homes. This is provided they are sustainably located and appropriately designed and comply with all other policy requirements, particularly in respect to the provision of affordable housing.

Overall, it has been demonstrated that there is no reasonable prospect of the site being developed for employment purposes. The proposed development of the site for residential purposes is therefore considered an acceptable alternative form of built development on this site given its location within the Urban Boundary of Rainworth. The proposed residential development does however need to be fully policy compliant in all other respects given that it is for a development which is a departure from the Development Plan. As such, whether or not the development is considered acceptable in principle is subject to an assessment of all relevant site-specific considerations as set out in more detail below. These are matters that will be weighed in the overall planning balance as set out in the 'Conclusion and Planning Balance' section of the report below.

Housing Mix, Type and Density

Core Policy 3 (Housing Mix, Type and Density) sets out that densities in all housing developments shall normally be no lower than 30 dwelling per hectare. Whilst the overall site exceeds 7Ha (approx.), the Illustrative Development Framework suggests five discrete parcels of residential development which would equate to a net developable area of 3 Ha. A scheme for 95 dwellings would create a site density of around 32 dwellings per hectare. The maximum quantum of development therefore complies with these density requirements. Due to site constraints, the development of more detailed plans may result in less than 95 dwellings coming forward at reserved matters stage if approved. Provided that there is justification for a scheme with a lower density, this would not be fatal to the acceptability of the development overall.

Any reserved matters application would still be required to demonstrate acceptable character and amenity impacts and thus it may be that the detailed design stage leads to less than 95 dwellings coming forward (which would still be in the realms of the outline application if approved given that the description of development as revised refers to 'up to' 95 dwellings).

In terms of the mix of units, Core Policy 3 sets out that the District Council will seek to secure a housing development which adequately addresses the housing need of the District, namely family housing of 3 bedrooms or more, small houses of 2 beds or less and housing for the elderly and disabled population. It goes on to say that the Council will seek to secure an appropriate mix of housing to reflect local housing need and reflect the local circumstances of the site which may include viability considerations.

The Housing Needs Study and Sub Area Summaries 2021 for the Mansfield Fringe Area set out that the overall housing mix for market dwellings required in this area is 0% 1-bed bungalows, 3.5% 2-bed bungalows, 12% 1 to 2-bed houses, 26.9% 3-bed houses, 34.3 4+ bed houses.

In relation to affordable housing, Core Policy 1 seeks to secure 30% of all qualifying new housing development as affordable housing. The submitted Heads of Terms for the S106 agreement indicate that 30% affordable housing is proposed. NSDC's Strategic Housing Officer raise no objection to the application on this basis.

The Planning, Design and Statement confirms an intention to bring forwards a range of house types and sizes. The precise housing mix would be a matter reserved for subsequent consideration through the submission of a reserved matter. As such, it is not possible, nor appropriate, to appraise this matter other than to acknowledge that the tenure split for affordable dwellings would need to be incorporated into the associated legal agreement as discussed further in the relevant section below.

Impact on Character and Visual Amenity

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 (Design) 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.

The detailed scale, design, landscape and layout are matters that would be reserved for consideration through the submission of a reserved matters application. As such, the specific impacts on character and visual amenity would need to be considered at reserved matters stage. For this outline stage, it is however necessary to consider the principle of the change of the site to housing, in addition to whether or not it would be possible to develop the site for the quantum of development specified without unduly harming the character and appearance of the area.

Whilst the site is located within the defined settlement boundary, the aims of Core Policy 13 (Landscape Character) are still considered relevant in this particular instance. This policy indicates that the development proposals should positively address the recommended actions of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape conservation and enhancement aims for the area. A high level Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Strategy Core Policy 13.

The proposal is located within the Sherwood Character Area, which has been divided into various Policy Zones. The application site is located in Policy Zone S PZ 8: Vicar Water and Rainworth Heath Wooded Estatelands. The landscape is gently undulating and detracting features to the urban fringes including along the A617 are identified. The landscape condition of this area is defined as 'Very Poor'. The landscape sensitivity of the is defined as 'Moderate' and overall this has led to a policy action of 'Create'. The Policy Actions for this area include concentrating new development around the existing settlements and promoting the sensitive siting of new industrial and commercial buildings. The application site is located within the Urban Boundary of Rainworth and is therefore compliant with the aims of the LCA.

The site is allocated for employment development. The 'Principle of Development' section above accepts that the employment development of the site does not currently pose a realistic fall back for site. Notwithstanding this view, employment development on this site could have a greater impact upon the character and visual amenity of the area since employment buildings tend to be larger than dwellings and may necessitate a larger area of hardstanding to accommodate parking and storage areas. In addition, the site's location within the urban boundary of Rainworth means that resisting any built development on this land as a matter of principle is not a reason that could be sustained at appeal.

The site lies on the southern outskirts of the village on land which is undulating. The site is predominantly located near to 20th century development and there is a variety and intensity of modern housing, road infrastructure and community related development in the vicinity. The development would inevitably alter the existing landscape and the character of the surrounding area by virtue of the fact that a predominantly green site would become a housing site.

The Illustrative Site Layout indicates that approximately 3Ha out of the overall 7Ha site area would be developed. The remaining area would be used/retained for the provision of green infrastructure including buffer planting areas, tree planting and retention of existing woodland, hedgerow scrub, marsh and grassland. This would soften views of the proposed application site. Acoustic fencing/landscaped bunds would be required to mitigate noise

impacts along the north boundary of the site. Details of such mitigation measures would be required and assessed at reserved matters stage to ensure no adverse visual impacts would result.

The most frequent views of the site can be achieved from passers-by along the A617. These views are considered to be less sensitive given that they tend to be from moving vehicles. Even so it is considered that a carefully design scheme which utilises land levels and existing and proposed landscape features/buffer areas to minimise visual impacts can be achieved on this site in accordance with the requirements of Core Policy 9 and DM5. This is subject to further consideration of siting, scale, design and landscaping at reserved matters stage.

Impact on Residential Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. As the application is outline, it is only possible to assess the acceptability of the proposed development in terms of any impacts on existing residents or future occupiers as a matter of principle.

The development of the site for residential is less likely to result in adverse impacts upon any existing residential properties to the south of the site. It would still need to be evidenced at the outline stage that the proposed quantum of development would be acceptable in residential amenity terms.

The application site is located in a mixed-use area with recreation uses to the east, vehicle repairs garage to locate to the west, town centre to the south and A617 to the north. As such, an Acoustic Assessment and Air Quality Assessment has been submitted with the application. With regards to noise, the submitted assessment concludes that *'it is possible to develop the site for residential purposes in a way that will properly protect the amenity of future residents of the dwellings'*. It recommends a number of potential mitigation measures including orientating dwellings and designing internal layout to ensure that less noise sensitive facades face the road; and screening more sensitive dwellings using acoustic barriers such as buns and/or appropriate fences. The Environmental Health Officer has considered the findings in this report and has raised concerns that noise from the A617, in particular, has the potential to exceed best practice noise guidelines and may be underestimated in the report.

However, it is also noted that the modelling used is not accurate at this stage since plans are only illustrative. As such, it is considered reasonable for a condition to be imposed to ensure the provision of an updated noise survey with required mitigation at reserved matters stage. The Environmental Health Officer is content with this approach. From a visual amenity perspective, a landscaped bund would be preferable (as opposed to acoustic fencing alongside the A617 unless this can be screened). The acceptability (or otherwise) of the specific mitigation measures can be considered at reserved matters stage. Should the mitigation measures required by this survey require less than 'up to 95 dwellings', there is scope for the quantum of development to be reduced within the remit of the reserved matters application.

Subject to a condition requiring an updated noise survey and details of mitigation measures with any reserved matters application the principle of developing the site for residential

purposes is considered acceptable in accordance with Policy DM5.

Highway and Parking

Spatial Policy 7 (Sustainable Transport) 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 bullet point under policy Ra/E/1 which relates to *'The provision of suitable vehicular access from the A617 Rainworth bypass as part of the design and layout of any planning application'* and *'The provision of suitable pedestrian access from the site to the village taking account of known flood risk constraints as part of the design and layout of any planning application'* are relevant to the consideration of the alternative residential development proposed.

The original submission was for the means of access to be the only detailed matter being considered at outline stage. However, means of access is now a matter reserved for subsequent approval. This has been agreed by the Agent at the request of the Officer to enable greater flexibility in future road layout to provide required landscape buffer mitigation and so that further final adjustments to the final road layout can be undertaken at reserved matters stage. Even so, it is considered necessary to ensure that the access proposed is acceptable in principle.

As originally submitted, the application proposed access off the Rainworth Bypass (A617). This was in line with the site allocation which considered this an appropriate route for an employment use as routing of additional HGVs through the settlement would not have been appropriate. However, as the proposal is now for a residential development, it is important that it is fully integrated into the settlement. The lack of vehicular access directly into Rainworth would have resulted in a development that would lack integration and feel physically separate. This would not have created a sustainable and socially cohesive development. As such, the site owners have alternatively sought the ability to provide vehicular access onto Kirklington Road to ensure direct links the site with the rest of the village.

A revised Transport Assessment was subsequently submitted. This has highlighted some existing junction capacity issues, particularly in relation to the Kirklington Road signal junction with Southwell Road East (B6020) in the centre of Rainworth. Whilst the proposed development traffic off this junction would only represent an increase of 0.5% against background flows, the Highways Officer still considers that without mitigation, the proposed development could result in traffic issues at this junction given that the junction is already operating over practical capacity (greater than 90%). As such, they consider it appropriate to offset capacity issues by encouraging sustainable transport through additional cycle facilities within the village.

Overall, the Highways Officer raises no objections to the principle of the access off Rufford Colliery Lane [and leading onto Kirklington Road (B6020)] subject to conditions relating to the

proposed development being limited for to up to 95 dwellings, further technical details to be submitted at reserved matters stage(s) and the delivery of off-site improvement works. Off-site improvement works proposed include the provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass and cycle parking provision adjacent to the nearest bus stop.

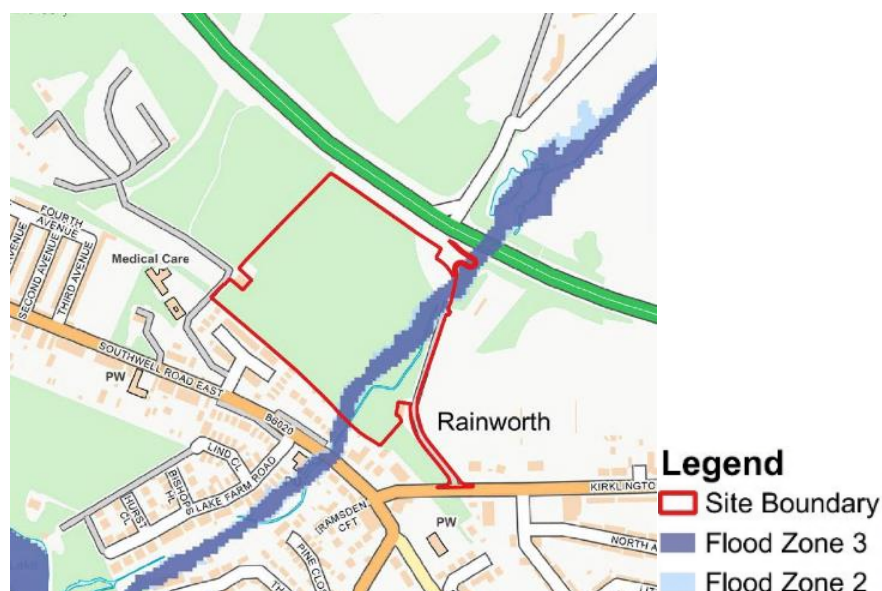
The Council has recently adopted an SPD on residential cycle and parking standards. Clearly it is not possible to assess the scheme against the provisions of this document at this stage. It is expected that any reserved matters submission which comes forward takes account of the SPD in the detailed design of the scheme.

In the absence of a highways objection, and with the ability to impose conditions as suggested (with some tweaks to suggested wording to ensure they meet the tests) the development is compliant with Spatial Policy 7 and there would be no reason to resist the application on highways safety grounds.

Drainage and Flooding

Core Policy 9 (Sustainable Design) requires developments to be pro-actively manage surface water and Policy DM5 (Design) builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems. Core Policy 10 (Climate Change) 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 majority of the site lies in Flood Zone 1 (at low risk of flooding) with small part of the east periphery of the site lying within Flood Zones 2/3 (at medium to high risk of flooding) along the route of a watercourse (Rainworth Water).



Extract from Figure 3.1 Flood Risk Assessment and Drainage Strategy 29th July 2022

The following bullet points under policy Ra/E/1 are relevant to the consideration of an alternative residential development:

- No flood sensitive development should take place in areas identified as being within Flood Zones 2 and 3;
- Provision of a drainage strategy as part of any planning application to ensure that the development does not flood during low annual probability rainfall events or exacerbate the flood risk off-site;
- The positive management of surface water through the design and layout of development to ensure that there is not detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

In relation to the first bullet point of policy Ra/E/1 (as listed above), the entirety of the proposed residential development area is indicated to be in flood zone 1. However, the proposed access to the site would cross over land in flood zones 2 and 3.

Government guidance states that the sequential test does not need to be applied for individual developments on sites, which have been allocated in development plans. However, as a departure from the allocated use, consideration will need to be given to the need to apply the sequential test if any parts of the development are located in Flood Zone 2/3. As set out in the 'Highways and Parking' section above, vehicular access to the site was originally proposed to the north of the site and off the A617. This would have led to a residential development detached from the village of Rainworth and the from a sustainability perspective was not considered to result in sustainable development. The amended access has however resulted in a situation whereby the alternative access has to pass through the Flood Zone 2/3 area and the sequential test is now required.

The area to apply the Sequential Test across would need to be defined by local circumstances relating to the catchment area for the type of development proposed. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. National policy is clear that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

If the sequential test were to be applied strictly without regard to the specific circumstances of this application, it would fail since there are likely to be other reasonably available sites appropriate for residential development in areas with a lower risk of flooding. However, taking a pragmatic view 'reasonably available' should be applied to reflect context and the specific circumstances of the site. A strict application of the sequential test is not practical in this particular instance as access outside of Flood Zone 2/3 is possible but was amended at the request of the LPA to be off Kirklington Road to provide a more sustainable development integrated with the wider village of Rainworth. All of the proposed residential development would be located in Flood Zone 1.

The proposed dwellings are categorised as 'more vulnerable' in flood risk terms and even though it is only their vehicular access that would cross over flood zone 3a, the Exception Test still needs to be applied. To pass the exception test it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.

Vehicular access connecting the proposed development more conveniently to the village of Rainworth is considered to represent a wider sustainability benefit to the community. Additionally, the submitted Flood Risk Assessment (FRA) demonstrates that the proposed development would be safe for its lifetime and that it would not increase flood risk elsewhere. As none of the proposed dwellings would be situated within Flood Zone 2/3 (as per the submitted Development Framework Plan which set the parameters for the reserved matters application), no specific mitigation measures to mitigate their risk of fluvial flooding are required.), The Environment Agency raise no objection to the application on this basis and the proposed access would be suitably raised above the level of the watercourse so that safe access and egress can be maintained from site during a flood event.

The FRA states that infiltration/SuDS as a means for surface water drainage disposal is likely to be viable (with this to be explored in more detail at reserved matters stage) and it also makes recommendations in relation to floor levels to minimise the risk of surface water flooding. The Lead Local Flood Authority raises no objection to the application on this basis, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

The FRA confirms that the Seven Trent Water sewer (STW) has the available capacity to accommodate the proposed development. New foul public sewer connections would be required by separate agreement with STW.

Subject to conditions including that any reserved matters application would need to be substantively in accordance with the submitted Development Framework Plan, the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF.

Impact on Ecology and Trees

Policy DM7 (Biodiversity and Green Infrastructure) supports the requirements of Core Policy 12 (Biodiversity and Green Infrastructure) and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Core Policy 12 further 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. 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 bullet point under policy Ra/E/1 which relates to ‘The incorporation of satisfactory buffer landscaping to minimize the impact of development on Local Wildlife Sites which are located both within and adjoining the site’ is to relevant to the consideration of an alternative residential development.

Possible Potential Special Protection Area (ppSPA)

The “*Rainworth Heath*” Site of Special Scientific Interest (SSSI) is located approximately 0.1km to the north of the site, whilst the “*Rainworth Lakes*” SSSI is located approximately 0.4km to the south of the site. The site is also located with Natural England’s (NE’s) Indicative Core Area (ICA) within which the need for the impact on the potential Sherwood Forest Special Protection Area (pSPA) for its breeding bird (nightjar and woodlark) needs to be considered. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds’ Directive and undertake a “risk-based” assessment of any development, as advised by NE in their guidance note dated March 2014.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding nightjar and woodlark populations have been adequately avoided or minimised as far as possible using appropriate measures and safeguards. The potential direct, indirect and cumulative impacts may include disturbance to breeding birds from people, their pets and traffic loss, fragmentation and/or damage to breeding and/or feeding habitat bird mortality arising from domestic pets and/or predatory mammals and bird mortality arising from road traffic and/or wind turbines pollution and/or nutrient enrichment of breeding habitats.

The first stage of any Habitat Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

The proposed development of the site has the potential to result in greater recreational pressure on the Sherwood Forest ppSPA than an employment development on this site. Residents are likely to utilise areas of Sherwood Forest because of the attractive and tranquil nature of the woodland and heathland, the variety of trails on offer and the ease of accessibility stemming from numerous car parks and visitor centres. However, it is equally acknowledged that the management of the majority of these spaces by the Forestry Commission as well as volunteer groups and Natural England, would mean that in many cases, dog walkers etc. would keep to established routes.

The current situation is that this is a ‘potential’ possible SPA, and current guidance from Natural England is that a ‘risk based’ approach should be adopted, as set out in their guidance note, and that “...LPAs seek to ensure that plans and proposals are accompanied by an additional and robust assessment of the likely impacts arising from the proposals on breeding nightjar and woodlark in the Sherwood Forest area.”

The application has been supported by an ‘Ecological Statement for Habitats Regulations

Assessment (28th June 2022)' and represents a shadow HRA. This has screened the proposed development and concludes that that no LSE is expected from the development on the ppSPA. Therefore Stage 2 of the HRA: and Appropriate Assessment is not required.

This has been considered by Natural England (NE) who have concluded that there would be no likely significant effect on the ppSPA. It remains for Newark and Sherwood District Council's (NSDC), as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding nightjar and woodlark populations have been adequately considered. In this case, it is considered that adequate information been submitted and the Council has therefore adopted the submitted shadow HRA.

NSDC is in receipt of sufficient information to conclude that there would be no impact on breeding nightjar and woodlark. Weight is also given to Natural England's views on this matter, and the Biodiversity and Ecology Lead Officer also concurs with their conclusion. Overall, the increase in visitors is anticipated to be negligible in relation to current levels. Additionally, survey work has confirmed that the application site is considered unsuitable nor in use by either nightjar or woodlark.

Dust Pollution

NE had outstanding comments regarding dust pollution but in their latest response they confirm that this has been addressed by the proposal to provide a detailed Construction Environmental Management Plan (CEMP). To ensure that this is carried through, it is recommended that a condition be imposed to ensure the CEMP is submitted at reserved matters stage should the outline application be approved.

Water Pollution

NE had outstanding comments regarding potential pollution within the Rainworth Heaths SSSI catchment but have confirmed that this has been addressed via the proposed Sustainable Urban Drainage scheme (SUDs). Conditions (as also requested by the LLFA and EA) are recommended in relation to the control of water pollution and the submission and approval of a surface water management plan.

Biodiversity Net Gain

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

NE have acknowledged that there is currently no statutory obligation to consider Biodiversity Net Gain but expected to see some consideration of BNG within the application. NSDC currently does not have a local planning policy that requires a measurable biodiversity net gain to be provided, therefore a gain of 1% would meet this requirement.

Against this backdrop, the proposal would be required to submit a Biodiversity Management Plan (BMP) to detail measures for maintenance and enhancement of ecological features post construction. Measures within the BMP would need to demonstrate how such opportunities have been maximised, and to ensure that the proposals are implemented. This requirement would be imposed via planning condition.

Impacts on Protected Species

In relation to bats, the surveys undertaken to date do not comply with best practice advice. However, the Biodiversity and Ecology Lead Officer agrees that based on the limited survey results the local bat assemblage is likely to be formed by the common and widespread species that have been recorded. They therefore do not consider it necessary to insist that further surveys be undertaken in this instance and recommends that a condition be imposed to ensure the submission, approval and implementation of a sensitive lighting scheme to demonstrate how potential impacts on potential foraging and commuting habitats from development lighting are minimised.

Mitigation measures for water vole are considered acceptable as proposed and the recommended BMP condition would ensure no adverse impact upon this species.

In relation to reptiles, it is acknowledged that the reptile surveys submitted with the application are now dated. However, the Biodiversity and Ecology Lead Officer has advised that given the low numbers of common lizard recorded, it is reasonably likely that the re-survey requested by Nottinghamshire Wildlife Trust would result in the same population level being recorded (i.e., 'low') and the mitigation strategy proposed is based on such a population level. The recommended BMP condition which takes account of this strategy would ensure no adverse impact upon this species.

Trees

The submitted Arboricultural Assessment confirms that there are a total of 51 individual trees, 18 tree groups, a hedgerow (H1) and a single woodland (W1) on and adjacent to the application site. The highest value tree cover is the Category A woodland area (W1) located to the west of the site (off site) and a mature tree group (in addition to single trees) located along an the embankment on the south west boundary (G1, G2, G3, G4, G7 and G8). Internally within the site, it is likely that all planting has established through self-seeding, with it being apparent that the site has been stripped or disturbed previously. The hedgerow (H1) is a Category C unmaintained and recently planted hedgerow adjacent to the A617. Tree cover alongside Rainworth Water includes some Category B and self-seed groups in Category C.

The proposed development parcels are indicatively shown to be central within the site. Buffers are proposed to the existing boundary tree cover including the woodland area (W1) to the west and the higher value Category B trees and groups located to the south and adjacent to Rainworth Water. As such, the proposed development as indicatively proposed would not result in any adverse impacts on any Category A and B trees/groups of trees which are regarded as are trees of high and moderate quality.

The development would likely require the removal of most of the Category C internally self-seeded tree cover – the submitted Assessment states that removal of this tree cover should

not be regarded as a constraint to development due to their low quality and young proportions.

Details of landscape is a matter reserved for subsequent approval. The current indicative Tree Retention Plan whilst considered acceptable in principle, is not to be agreed at this stage in any event and a condition is recommended to ensure further details and justification for any loss is submitted at reserved matters stage. A landscape scheme could mitigate for any essential tree loss and would help to enhance the sites habitat and biodiversity value overall.

Overall

Subject to conditions including the requirement for an Arboricultural Method Statement, Construction and Environmental Management Plan, Biodiversity Management Plan, landscape scheme and lighting scheme no adverse impact on nearby protected sites (including the adjacent Local Wildlife Sites and ppSPA), trees, biodiversity or protected species has been identified which would prevent the grant of outline permission.

Contaminated Land

Policy DM10 (Pollution and Hazardous Materials) of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

I consider the bullet point under policy Ra/E/1 which relates to 'The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures' to be relevant to the consideration of an alternative residential development.

The Environmental Health Officer and Environment Agency raise no objection to the application and they each request a contamination survey for the site (one in relation to human health and one in relation to water pollution). Two separate conditions are required as the requirements of each are different. This would ensure the site is suitable for its new use in accordance with the requirements of Policy DM10 of the DPD.

Impact on Archaeology

Core Policy 14 (Historic Environment) of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

The site lies in a general area of archaeological potential associated with pre-historic, Roman and medieval activity as recorded on the Nottinghamshire Historic Environment Record. Medieval archaeology is noted to the north at Strawberry Hill and recent excavation to the east has identified the first evidence for early medieval charcoal production in the confines of Sherwood Forest. The HER records no identified archaeological activity within the site boundary, however this may well be due to a lack of investigation and data rather than a lack

of activity. Given the surrounding known archaeological activity, the size of the site and its proposed residential development, the Archaeology Officer recommends an archaeological condition for a mitigation strategy to effectively deal with the site to meet the requirements of paragraph 194 of the NPPF. Overall, the Archaeology Officer raises no objection to the application subject to conditions to enable any remaining archaeology that currently survives on this site to be recorded prior to its destruction in accordance with Policies CP14 and DM9.

Developer Contributions

Spatial Policy 6 (Infrastructure for Growth), Policy DM2 (Development on Allocated Sites) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Given the outline nature of the application, the exact number of dwellings is not yet known and therefore the associated legal agreement will need to set out a series of formulas to allow the exact contributions to reflect the development as it is progressed through reserved matters. The figures below have been amended by Officers to reflect the reduced quantum in development and therefore will not align with the figures stated in the consultation section above.

Affordable Housing

Core Policy 1 notes that in seeking to secure 30% of new housing development on qualifying sites as affordable housing, but in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme. In this case as this scheme would be a departure from the Development Plan it would need to be able to provide the full affordable housing requirements to provide alternative benefit to the local area. The submitted Heads of Terms for the S106 agreement proposed the provision of 30% affordable housing in accordance with policy.

Health

For schemes of 65 dwellings or more, or where schemes would place an additional burden on health infrastructure where they are already operating at capacity, a contribution towards health care infrastructure provision would be sought where this can be justified. The consultation response from NHS CCG confirms that all local GP practices are operating at capacity and a contribution of £982 per dwelling has been requested which for 95 units would amount to a total of £93,290. The applicant has agreed to pay this contribution in line with policy.

Public Open Space

The expectations regarding the quantum of public open space is broken down into different

component parts as follows:

Provision for children and young people

This application would need to make provision for public open space at 18m² per dwelling as set out in the Developer Contributions SPD. Given the size of the site this would be expected on site.

Amenity Open Space

Amenity green space, at a rate of 14.4m² per dwelling should be provided on site in line with the SPD and again this would need to be provided on-site.

Natural and Semi-Natural Green Spaces

Ideally 10 ha should be provided per 1,000 population albeit in recognition of the difficulty achieving that all residents should live within 300m of an area of natural and semi-natural green space. The site is located at the edge of the village envelope close to Rainworth Heath (located on the opposite site of the A617) and no further contributions are sought in this respect.

This Council would be unlikely to want to take on the long-term maintenance of the public open space and this would need to be achieved via a management company secured through an appropriate obligation within a section 106 agreement.

Community Facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

Priority projects include Rainworth Village Hall, Rainworth Leisure Centre at the Joseph Whitaker Academy, and the community facilities provide for the wider community as part of the Rainworth Miners Welfare offer, all of which serve the community and all of which would welcome some investment. In terms of a priority project, the Health Improvement and Community Relations Manager has stated that the Village Hall is a building in need of upgrades and improvements to ensure its sustainable future and the Parish Council and Charity that runs the building on behalf of and for the community have plans for an extension that will provide much needed additional space for community hub type activities including an expanded community library offer.

A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling (£131,486.65 + indexation in total) would therefore be sought. The applicant has agreed to pay this contribution in line with policy.

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The proposed development of 95 dwellings on the above site, would yield an additional 20 primary and 15 secondary aged pupils. Based on current data there is a projected surplus of primary places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, the County Council will not be seeking contributions towards primary education. In terms of secondary education, whilst pupil projections show insufficient places, such contributions are covered under CIL regulations (albeit noting it is zero rated in this location in any event).

Transport

The comments from NCC request that a Bus Stop Infrastructure contribution of £42,500 is paid to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529 and shall include the installation of real time bus stop pole and displays including associated electrical connections. Whilst the number of dwellings is not fixed at this stage, this is considered a reasonable request given the junction capacity issues set out in the 'Impact on Highways' section above.

Overall, the applicant has demonstrated that the development would provide for infrastructure required through the additional 95 houses proposed.

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

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

The site is allocated in the Development Plan for employment development. The proposed development therefore represents a departure from the Development Plan. It has been demonstrated that there is no reasonable prospect of the site being developed for employment purposes. The proposed development of the site for residential purposes is therefore considered an acceptable alternative form of built development on this site given its location within the Urban Boundary of Rainworth.

In relation to impact on visual amenity, the proposal would alter the open character of the existing site. However, subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage it is considered that an acceptable scheme that results in no adverse visual amenity impacts can

be developed at reserved matters stage. Likewise, the application is not considered to result in any adverse impact upon highway safety, trees and ecology, contaminated land, flood risk or drainage, archaeology or residential amenity subject relevant conditions and further consideration at reserved matters stage.

The residential delivery of the site will make a meaningful contribution to the Districts Housing Supply in a sustainable settlement. Moreover, through the proposed S106 contributions, the applicant has demonstrated that the development would provide for infrastructure required through the additional 95 houses proposed.

As is expected for an outline application, the level of detail provided is limited. Nevertheless the supporting documentation demonstrates that the site could appropriately deliver up to 95 residential units without imposing specific harm in relation to the principle of development. The applicant has worked with consultees during the life of the application to resolve the initial issues and on this basis the recommendation is one of approval subject to the conditions below (and the completion of the associated legal agreement).

The proposed residential development is considered to be fully policy compliant in all other respects. For these reasons it is not considered that the proposed development, if approved, would undermine the strategic objectives and targets for sustainable growth set in the development plan. On balance, the benefits are significant and represent sufficient material considerations in this instance to outweigh the harm identified to justify a departure from the development plan. Overall, taking all matters into account and having regard to the three dimensions of sustainable development – economic, social and environmental roles, the proposal is considered to represent a sustainable form of development.

10.0 Recommendation

Approve, subject to the:

- a) the completion of a S106 Agreement requiring the following as set out in the table below:

	<p>Contribution Based on up to 95 Dwellings (all index linked)</p> <p>(NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).</p>
Affordable Housing	30% on site provision
Open Space / Children's Play Area	<p>On site provision & maintenance of amenity green spaces and provision for children and young people including:</p> <p>Amenity Green Space 14.4² per dwelling = 0.1368 ha (1268m²).</p> <p>Provision for children and young people 18m² per dwelling = 0.171 ha (1710m²).</p>

	Long term maintenance of the public open space would need to be achieved via a management company.
Education	None
Community Facilities	Off-site community facilities contribution £1,384.07 x 95 = £131,486.65 + indexation
Transport (for 65+ dwellings)	Bus Stop Infrastructure contribution of £42,500 to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529
NHS/Health (for 65+ dwellings)	Contribution of £982 per dwelling (£93,290 in total) sought for enhancing capacity / infrastructure within existing local practices: <ul style="list-style-type: none"> • Hill View Surgery and/or; • Rainworth Centre and/or; • Abbey Medical Group.

b) The following conditions:

01 (Time Limit)

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02 (Reserved Matters)

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03 (Parameters)

The development hereby permitted authorises the erection of no more than 95 dwellings. Any reserved matters application for the development hereby approved shall be substantively in accordance with the illustrative site layout parameters set out on Drawing No 9474-L-02E Development Framework Plan save for any amendments resulting from further survey work submitted at reserved matters stage.

Reason: To define the planning permission and in the interests of biodiversity, residential

amenity, visual amenity and general highway safety and convenience.

04 (Surface Water)

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the *principles* set forward by the approved Flood Risk Assessment and Drainage Strategy: RAIN-BSP-ZZ-XX-RP-C-0001_P03 29th July 2022, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use Sustainable Urban Drainage Systems (SuDS) throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provide surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved Flood Risk Assessment and Drainage Strategy.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide for all exceedance to be contained within the site boundary without flooding new properties in a 100 year+40% storm.
- Provide details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
- Provide details of safe access and egress including sections and levels details of crossing over Rainworth Water;
- Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.

Reason: A detailed surface water management plan following the advice contained in the FRA and Drainage Strategy is required to ensure that the development has sufficient surface water management, is not at increased risk of flooding, does not increase flood risk off-site.

05 (Human Health)

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, and
 - 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 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 by 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.

06 (Water Pollution)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

07 (Water Pollution)

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

08 (Drainage)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

09 (CEMP)

No development shall take place until a Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved in writing by The Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:

- the parking of vehicles of site operatives and visitors including manoeuvring arrangements; loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the proposed site compound;
- the erection and maintenance of security hoarding where appropriate;
- wheel and vehicle body washing facilities;
- measures to control the emission of noise, dust and dirt during construction;
- a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work;
- the means of access and routeing strategy for construction traffic showing visibility splays and method statement for the use of banksmen;
- details of construction traffic signage;
- management and procedures for access by abnormal loads;
- a strategy to control timings of deliveries to avoid the morning and evening peak travel

times where possible;

- hours of construction work;
- management of surface water run-off, including details of a temporary localised flooding management system;
- the storage of fuel and chemicals;
- the control of temporary lighting

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development.

10 (Trees)

The reserved matters application(s) shall be accompanied by an arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows for each phase. The application(s) shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details shall include:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme for that phase.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

11 (Landscaping)

Each reserved matters submission for the landscaping (as required by condition 2) shall include the submission of full details of both hard and soft landscape works for the site and a programme for implementation. This submission shall include:

o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts, gabions and structures e.g. furniture, refuse or other storage units, signs, lighting etc. For the avoidance of doubt this shall include a circular path around the proposed development.

o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of each phase of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow 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.

Reason: In the interests of visual amenity and biodiversity.

12

Part 1 (Archaeology)

No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority in writing. The Mitigation Strategy will include appropriate Written Schemes of Investigation for a geophysical survey and trial trench evaluation and provision for further mitigation work as necessary. These schemes shall include the following:

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

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

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

13

Part 2 (Archaeology)

The archaeological site work must be undertaken in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

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

14

Part 3 (Archaeology)

A report of the archaeologist's findings shall be submitted to the Local Planning Authority (and should be submitted to the Historic Environment Record Officer at Nottinghamshire County Council) within 3 months of the archaeological works hereby approved being commenced. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

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

15 (Noise)

The submission of each reserved matters application shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate. This Assessment shall inform a Noise Attenuation Scheme which shall also be submitted to and approved in writing by the Local Planning Authority at each reserved matters stage. For the avoidance of doubt, any attenuation measures include soft landscaping proposals which aim to assimilate any proposed hard landscape features (in accordance with Condition 11). The approved Noise Assessment and Noise Attenuation Scheme shall be implemented on site prior to first occupation of any dwelling and retained thereafter.

Reason: To ensure that noise levels from existing noise sources are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

16 (RAMS)

No development shall be commenced until a statement of Reasonable Avoidance Measures Statement (RAMS) and timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

- a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;

- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction;
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) details of a person responsible for the management of the protection zones.

The content of the Statement should be guided by BS42020:2013: Biodiversity – Code of Practice for Planning and Development.

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

Reason: In the interests of maintaining and enhancing biodiversity and ecological assets.

17 (BMP)

Any subsequent reserved matters application(s) shall be accompanied by the submission of a Biodiversity/Landscape Environmental Management Plan (BMP/LEMP) to include full details of the of the measures to protect and enhance existing features which shall be approved in writing by the Local Planning Authority. This shall include:

1. purpose, aims and objectives of the scheme;
2. a review of the site's ecological potential and any constraints;
3. description of target habitats and range of species appropriate for the site;
4. selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
5. selection of specific techniques and practices for establishing vegetation;
6. sources of habitat materials (e.g. plant stock) or species individuals;
7. method statement for site preparation and establishment of target features;
8. extent and location of proposed works;
9. aftercare and long-term management;
10. the personnel responsible for the work;
11. timing of the works;
12. monitoring;
13. disposal of wastes arising from the works.

All habitat protection, creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity.

18 (Lighting)

Any subsequent reserved matters application(s) shall be accompanied by the submission of a detailed lighting scheme. The detailed lighting scheme shall demonstrate how potential impacts on foraging and commuting bats have been minimised, with evidence of the input by an appropriately competent ecologist and include:

- Details of light intrusion, source intensity, and upward light; and

- Details of the lighting fittings including their design, colour, intensity and periods of illumination.

No external lighting works shall be installed within any part of the application site other than in accordance with the approved details or in accordance with any alternative external lighting scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of visual amenity and biodiversity.

19 (Access)

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall include detailed plans and particulars relating to the following items:

- i) A detailed layout plan to include all key dimensions including junction and forward visibility splays and shall be accompanied by a swept path analyses of a 11.6 m refuse vehicle throughout for the residential development;
- ii) Details of highways and private street works;
- iii) The layout and marking of car parking, servicing and manoeuvring areas;
- iv) Details of the means of foul and surface water drainage;
- v) Cycle and bin storage facilities
- vi) Timescales and a programme for implementation.

The development shall be implemented in accordance with the approved details.

Reason: In the general interests of pedestrian and highway safety.

20 (Highways)

Any subsequent reserved matters application(s) shall be accompanied by the submission of detailed plans and specifications for approval in writing by the Local Planning Authority for the following works:

- i) The provision of the access road as indicatively shown on Drawing Number LSRBR-BSP-ZZ-XX-DR-S-0005 Rev P03 'Proposed Site Access Arrangements Pentanque Way Improvements'
- ii) The provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass as indicatively shown on Drawing Number LSRBR-BSP-ZZ-XX-DR-S-0005 Rev P03 'Proposed Site Access Arrangements Pentanque Way Improvements'
- iii) The provision of the cycleway improvements as indicatively shown on drawing number LSRBR-BSP-ZZ-XX-D-S-0007 Rev P05 'Off Site Cycleway Improvements'
- iv) The provision of 3 number Sheffield Cycle Stands or other similar approved cycle parking, located near to Bus Stop NS0292

For the avoidance of doubt, these plans are indicative and will be subject to detailed technical appraisal.

Prior to commencement of development hereby approved, the works approved by this condition shall be commenced. These works shall be completed prior to the occupation of the dwellings hereby permitted. Confirmation of completion of the works shall be submitted to

the Local Planning Authority in writing prior to occupation of any of the dwellings.

Reason: In the general interests of pedestrian and highway safety.

21 (Housing Mix)

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall be substantively in accordance with the housing mix need set out in the Housing Needs Study (by Arc4 December 2020) and associated Sub Area Summaries 2021 for the Mansfield Fringe Area (or as set subsequently in any updated versions of these reports).

Reason: In the interests of providing a suitable housing mix for the area.

22 (Pedestrian Routes)

Any subsequent reserved matters application(s) shall include submission of the detailed design and specification of pedestrian access routes across the site (and shall incorporate the claimed route identified by NCC Rights of Way in their comments dated 4 May 2021 either in its existing or a proposed diverted alignment) for approval in writing by the Local Planning Authority. The route(s) shall be constructed in accordance with the approved details prior to the occupation of development.

Reason: To retain a safe and sustainable pedestrian route(s).

23 (Levels)

Any subsequent reserved matters application(s) shall include submission the existing and proposed ground and finished floor levels of the site for approval in writing by the Local Planning Authority. The submission shall include sections through the site. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

Informatives

01

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

04

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control Team (Newark & Sherwood) by phoning Nottinghamshire Customer Services on 0300 500 8080.

05

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

06

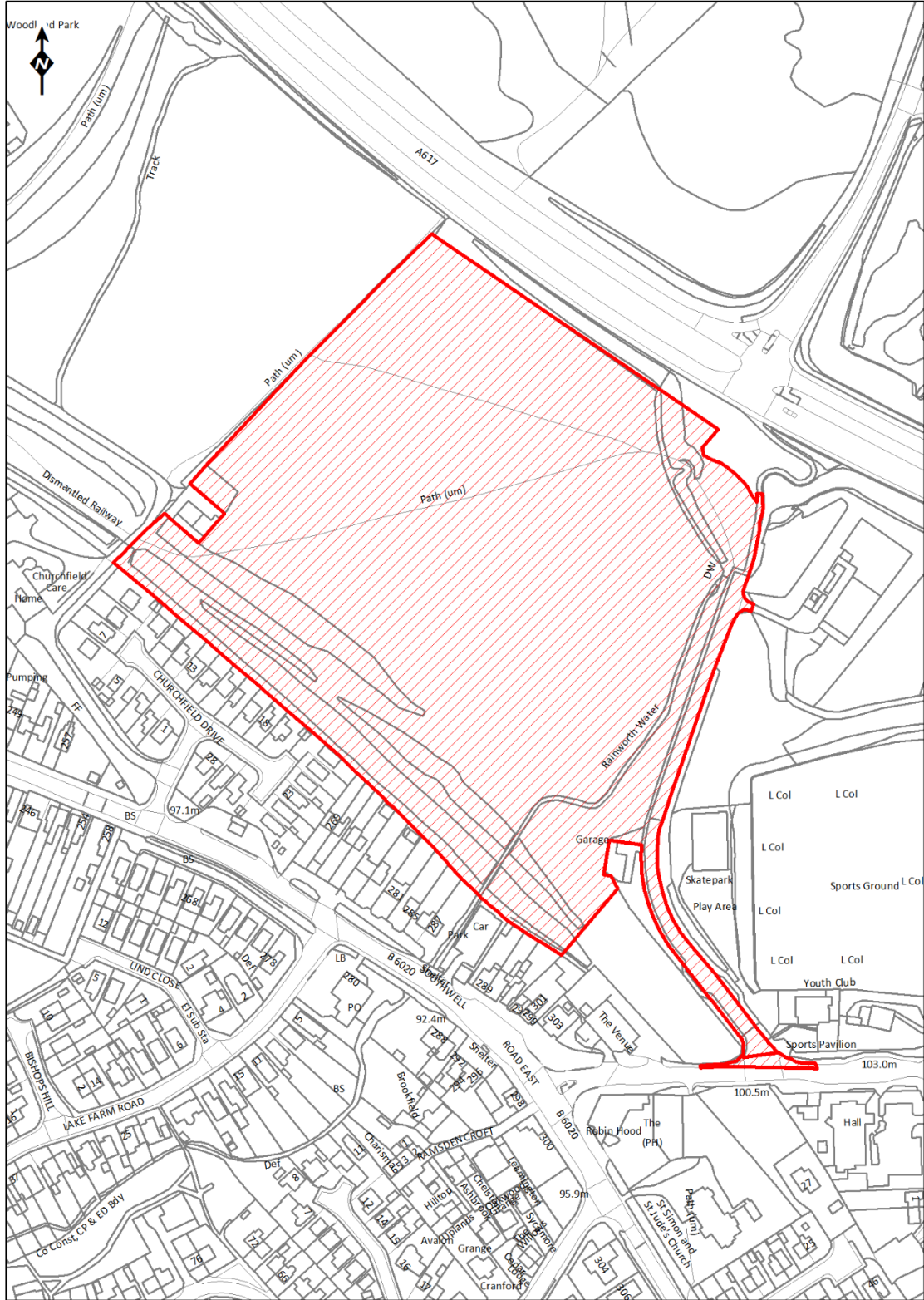
Nottinghamshire County Council Rights of Way section advise that there is a claim for a route across the development site. They recommend that the developer incorporate the route into the development on the existing line or divert the unrecorded rights through the provisions of the Town and Country Planning Act 1990. This would mitigate the risk of objections or claiming the routes as public rights of way at a later date.

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 - 21/00996/OUTM



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Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, 01636 655827

Report Summary			
Application Number	23/01361/FUL		
Proposal	Proposed change of use of land to residential and erection of a detached garage		
Location	The Mill, Mill Farm, Station Road, Rolleston, NG23 5SE		
Applicant	Mr & Mrs T Waldram	Agent	GraceMachin Planning & Property - Mr George Machin
Web Link	23/01361/FUL Proposed change of use of land to residential and erection of a detached garage The Mill Mill Farm Station Road Rolleston NG23 5SE (newark-sherwooddc.gov.uk)		
Registered	07.08.2023	Target Date	02.10.2023
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 the application is a departure from the Development Plan.

1.0 The Site

The application site relates to Rolleston Mill, a Grade II listed Mill which has been converted to a dwelling. The site lies in the open countryside within the parish of Rolleston. The site is outside the village of Rolleston and separated from it by the Nottingham to Lincoln railway line which lies to the south. To the north is a golf course and Southwell Racecourse.

The Mill Farm complex comprises a group of buildings; the watermill, granary and bridge are

Grade II listed buildings. The Mill is a late eighteenth century building of red brick with a pantile roof. Mill Cottage adjoins the Mill to the east and is a holiday let. This is curtilage listed by virtue of its physical attachment to the Mill. To the east of Mill Cottage is a former Stable building which is being converted to a dwellinghouse. Across the access track to the south of The Stables is a detached single storey red brick outbuilding (also associated with the Mill Farm complex) which is being converted to a garage to serve the converted Stables.

Access to the site is from Station Road to the south via an unmanned level crossing and a gate over the railway. This access leads through the site and beyond to the north-east serving Field Cottage and Millfield Cottage.

The site lies within Flood Zone 2 & 3a in accordance with Environment Agency mapping with the River Greet running through the site (and The Mill).

Adjacent to the Mill on the south-west side is a single storey outbuilding which does not appear to benefit from any planning permission – this will be investigated separately.

The site has the following constraints:

- Open Countryside
- Listed buildings within the Mill complex
- Unmanned Railway Crossing
- Flood Zones 2 and 3a

2.0 Relevant Planning History

04/00164/FUL – Change of use from residential (cottage) to holiday lets. Approved 24th May 2004. This permission has been implemented.

05/02436/FUL & 05/02437/LBC - Conversion, alterations and extensions of Mill to form restaurant, conversion, extensions and alterations to stables and barn to form dwellings and erection of two houses. Applications withdrawn.

10/01706/FUL & 10/01707/LBC - Conversion and repair of barn to create dwelling. Applications refused on 7th March 2010 under delegated powers due to (1) flood risk, (2) failure to demonstrate that the barn was capable of conversion and (3) due to large unjustified extension.

10/1708/FUL & 10/01709/LBC – Conversion and repair of Mill to form dwelling. Applications refused on 7th March 2010 under delegated powers due to flood risk and the failure to demonstrate that the building could be converted without substantial alterations, rebuilding and significant harm to the listed building.

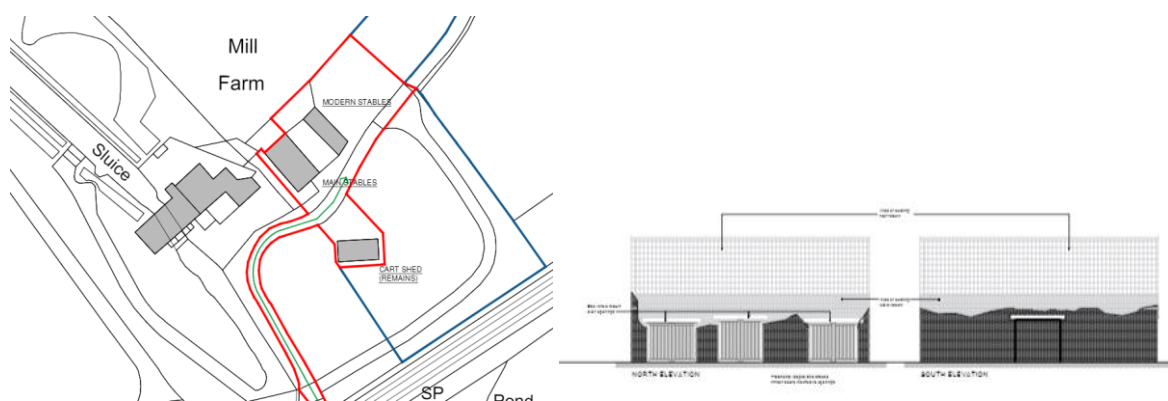
10/01710/FUL & 10/01711/LBC - Conversion and repair of Stables to create dwelling. Applications refused on 7th March 2010 due to (1) flood risk, (2) failure to demonstrate that the stable block was of generally sound structural condition and capable of conversion without substantial rebuilding and alterations; and (3) relationship between this and the cottage would not create a satisfactory standard of amenity.

11/01810/FUL & 11/01811/LBC – Rebuild of barn to create dwelling. The full application was refused on 2nd April 2012 under delegated powers for the following reasons: (1) the proposal constituted a new build dwelling in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF and (2) the application (being a new building) failed the Sequential Test for flooding as set out in the NPPF. The application for listed building consent has not been determined because it is not required.

11/01805/FUL & 11/01806/LBC - Conversion and repair of Mill (and Granary) to create dwelling. Approved 2015, consents expired January 2018

18/00766/FUL & 18/00767/LBC – Repair the existing roof to the Mill and carry out extensive structural works. The internal part of the mill will be converted into a residential dwelling – Permitted 27.07.2018 and implemented.

The Stables, Rolleston Mill (to the east) - 19/01022/FUL - Conversion and extension of the former stables to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link and repair and conversion of cart shed to form a garage to serve the stable conversion – Permitted 01.07.2020



*Left: Approved Site Location Plan showing the Cart Shed as the southernmost building edged in red
Right: Approved Cart Shed Elevations*

3.0 The Proposal

NB: For the avoidance of doubt, amended plans have been received during the lifetime of this application.

The application seeks permission for the change of use of land to residential and erection of a detached garage.

The land proposed to be change to residential use lies to the south of the Mill, in front of it across the access track and is approx.15m wide x 25m long. The land is bound by small trees and shrubs on the northern and western boundaries and bound to the south by the access track, to the east the land is separated from land belonging to the Stable by a post and rail fence. It is proposed to use this land for the erection of a detached outbuilding and parking

area to serve The Mill.

The detached outbuilding is proposed to be approx. 8m wide x 6.2m deep, 5m to the ridge. The outbuilding would be sited adjacent to the eastern boundary and c.20m from the southern boundary with the track/railway to the south. The outbuilding would contain two garage bays. The south-west elevation would have two sets of timber side-hung garage doors. The outbuilding is proposed to be constructed from mellow brickwork (to match the adjacent Mill and cart shed) with non-artificially weathered and non-interlocking pantiles with a mortar bedded (wet) ridge and flush verge (no tile clips or cloaked verge to be used). Garage doors are to be timber framed and panelled side-hinged double garage doors.

Documents assessed in this appraisal:

- Revised Application Form 29.08.2023
- Amended Site Location Plan – Ref. 2343 S01 001 Rev. P02 (21.09.2023)
- Amended Site Block Plan – Ref. 2343 S01 002 Rev. P04 (21.09.2023)
- Amended Floor Plans and Elevations – Ref. 2343 S01 101 Rev. P05 (21.09.2023)
- Planning Statement including Heritage and Flood Risk Assessment
- Flood Resilience Statement

4.0 Departure/Public Advertisement Procedure

Occupiers of 4 neighbouring 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 undertaken: 30.08.2023

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM5: Design

DM6: Householder Development

DM8: Development in the Open Countryside

DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance 2014

- Householder Development Supplementary Planning Document Adopted November 2014
- Planning (Listed Building and Conservation Areas) Act 1990

6.0 Consultations

NB: Comments below are provided in summary – for comments in full please see the online planning file.

(a) Statutory Consultations

Network Rail – No objection subject to the effective management of construction traffic when accessing the site via the level crossing.

(b) Town/Parish Council

Rolleston Parish Council – No comments received.

(c) Representations/Non-Statutory Consultation

NSDC Conservation – No objection to the amended plans subject to conditions.

No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
 - Proposed Change of Use of the Land
 - Proposed Outbuilding
2. Impact upon the Character and Appearance of the Area (including Heritage)
3. Impact upon Residential Amenity
4. Impact on Highways Safety
5. Impact upon Flooding

The National Planning Policy Framework 2023 (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 Development Plan Document (DPD).

Given the site includes a Listed Building and is within the setting of other curtilage listed buildings section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

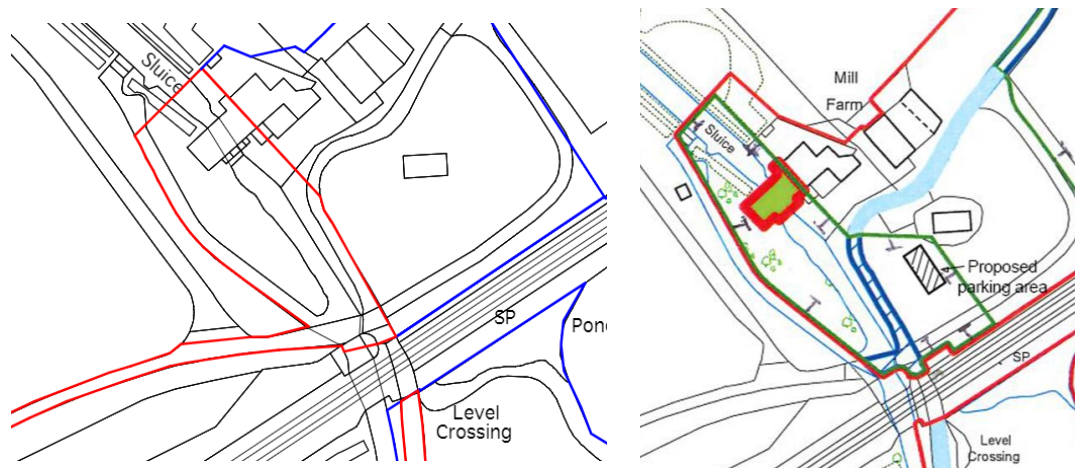
'Act') is relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Principle of Development

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

Given the nature of the application site, it clearly falls within the Open Countryside rather than in any village - DM8 is therefore applicable. The Mill was converted to a dwelling under application 18/00766/FUL. Having reviewed the original permission for the conversion of the Mill building the land upon which the outbuilding is proposed was not included within the red line of the approved Site Location Plan (see below, left). However, this land **was** included within an approved 'Parking Plan' (shown below, right) which identified the area where the outbuilding is proposed as the allocated parking space for the dwelling. It is therefore anticipated that the Site Location Plan was not updated to include this land in error given it is the only land available (and accessible, given the presence of the watercourse) for vehicle parking to serve the Mill. Having reviewed the 2018 officer report it is clear that the parking provision for the converted Mill was considered as being provided in the hatched area identified in the parking plan and was assessed as being sufficient in size to accommodate the number of vehicles required for the new dwelling. However, having considered the implications of this permission, given this land was not included within the approved Site Location Plan it does not benefit from authorised residential use. The change of use of this land has therefore been included within this application to regularise this previous omission.



*Left: Site Location Plan approved under 18/00766/FUL
Right: Proposed Parking Area Plan approved under 18/00766/FUL*

Proposed Change of Use of the Land

Policy DM8 sets out that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and limited to certain acceptable types of development. The expansion of domestic curtilage into the open countryside would not fall within the list of appropriate development types within the open countryside as set out within Policy DM8 and as such, this development would not accord with this policy and thus would be unacceptable in principle.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise. As set out above, in this case the change of use of this paddock land to domestic curtilage would be contrary to the development plan, which amongst other things, aims to safeguard the countryside from harmful encroachment. However, the planning history for the site and the site-specific context are material considerations. As set out above, the intention of the original permission was to approve this land as the parking area for the dwelling as shown on the approved 'Parking Plan'. Given this plan was received following ongoing negotiations on the original scheme and post-dates the submitted Site Location Plan (SLP) it is assumed that the SLP wasn't amended to align with this plan by omission.

On the ground, the land is partially laid to grass with an area of hardstanding that is being used as a parking area for occupiers of The Mill. The land is enclosed to the east by a post and rail fence, beyond which is a cart shed which is being converted to a garage to serve the converted (and remodelled) Stable building to the north-west, to the south is an access track and the train line beyond and to the west is The Greet sluice/watercourse. To the north of the land is the access track and beyond this is The Mill. As such the land is well enclosed on all sides and is well separated from any land which visually reads as open countryside. It is therefore considered that given this land is constrained by existing land features and boundaries that any further encroachment into the undeveloped open countryside would be prevented (see aerial image below).



2022 Aerial Photo of the Site (broadly edged in red)

However, it is considered that the southern portion of the land (which was not identified by the hatched area on the previously approved 'Parking Plan' for the Mill), does provide an attractive green and rural setting to the Mill complex and contributes positively to the open countryside characteristics of the site, despite the physical land features enclosing it. To retain this attractive setting Officers have negotiated with the Applicant to reduce the amount of land included within the proposed change of use so that it is drawn tightly around the proposed garage (i.e., the previously approved parking area) and land required for manoeuvring within the site. This is consistent with the approach taken in application 19/01022/FUL for the conversion of The Stables and the cart shed (which is adjacent to this proposed garage) – see the planning history section for an extract of the approved Site Location Plan. The land included within this application is now the minimum required for the erection of the garage and space to manoeuvre into it to provide a parking space for the converted Mill.

Whilst the impact of the development on the character and appearance of the area and heritage assets will be explored in greater detail below it is concluded overall that the use of this land as a parking area for this dwelling in principle would result in no harm to the setting of the listed Mill complex and would not, given the site-specific context, result in any visual harm on the openness of the countryside, particularly given the area directly to the north-east provides parking provision for an adjacent property. All of these factors will weigh into the overall planning balance.

Proposed Outbuilding

Given the proposal includes the change of use of the land, for the reason set out above the application has been validated as a full planning application. However, in principle the erection of an outbuilding associated with a dwellinghouse would ordinarily be considered as a householder development. On the basis that the principle of the change of use is acceptable, the outbuilding has been considered under relevant householder policy and guidance.

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6 (Householder Development). These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. It also states that there should be no adverse impact in the amenities of neighbouring users including loss of privacy, light and over-bearing impact. Policy DM5 (Design) accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Impact on the Character and Appearance of the Area (including Heritage)

It is for technical reasons that the proposed outbuilding has not been advanced as householder development, however given it would essentially be a new domestic building the NSDC Householder Development Supplementary Planning Document (SPD) contains relevant guidance. This SPD sets out the general design principles which all householder development should seek to follow in order to ensure that the standard of development within the District accords with the high standards of sustainable development set out within the NPPF. The Householder SPD advises that the objective of any addition to a dwelling is to successfully integrate with the hostdwelling and the surrounding area. To achieve this any addition should have a balanced visual relationship with the hostdwelling and its features should respect the character and appearance of the surrounding area through design, proportions and detailing of the proposal.

Policy DM6 of the DPD states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials. Policy DM5 (Design) is also relevant and has similar criteria to DM6. The Council's SPD states the addition should respect and is balanced with the scale and proportions of the host dwelling and is well related to the characteristics of the application site in terms of its size and shape. Also, the addition should respect the wider street scene and integrate well into it. (para 7.4).

Given that the site includes a listed building and is within the setting of curtilage listed buildings regard must also be given to the distinctive character of the area and proposals much seek to preserve and enhance the character of the area in accordance with Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD and Core Policy 14 (Historic Environment) of the Core Strategy. Policies CP14 and DM9 of the Council's Local Development Framework 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 importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in Section 16 of the National Planning Policy Framework (NPPF). Paragraph 200 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within

Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'. Paragraph 200 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

Change of Use of the Land

Considering first the impact of the change of use of land to accommodate the outbuilding and provide a parking area for the dwelling. From visiting the site, part of this land is already being used for parking for the Mill (the north-west corner of the site) and is laid to hardstanding. To the south the remainder of the land is laid to grass and there is a vacant mobile home which has been used previously for the Mill occupiers during construction works but is due to be removed from the site. Following amendments to the SLP as described in an earlier section of this report it is considered that the change of use of the smaller portion of land to accommodate the proposed garage and space for parking and manoeuvring would not have a significant impact on the character of the site. The land is well enclosed and separated from the surrounding countryside by physical land features (like the railway, River Greet and the Mill itself). By virtue of the land's positioning to the front of the dwelling and enclosed by the access track and railway line it does not read visually as part of the open countryside that otherwise surrounds the site. Conversely, this land has an enclosed character, associating it within the built complex of the Mill and converted outbuildings that surround it. Nevertheless, the land does provide an attractive green and rural setting to the Mill complex and contributes positively to the open countryside characteristics of the site, despite the physical land features enclosing it. As such, the land proposed for the change of use is now the minimum necessary to accommodate the proposed garage and space for manoeuvring into it and the exclusion of the land to the south would retain the attractive green and rural setting to the Mill complex.

On the ground the change of use of this portion of land would unlikely have any perceivable impact from either inside or outside of the site. Given the wider land is enclosed by physical features of the landscape, subject to providing an appropriate boundary between the remaining land to the south any further encroachment into the undeveloped open countryside would be prevented. It is therefore considered that the change of use of this land in principle would not result in any significant impact on the character or visual amenity of the area. The Conservation Officer has also raised no objection to the principle of the change of use of this land.

Proposed Outbuilding

In relation to garages and outbuildings, the Householder SPD advises that poorly designed and sited garages and outbuildings can give rise to detrimental impacts on the appearance of host dwelling and the character of the surrounding area, as well as a reduction in

standards of amenity to neighbouring properties and occupiers of the host dwelling. As a result, the design and assessment of such development should consider the following (*inter alia*):

- (i) Whether the proposal is domestically proportioned and would not introduce a feature that would be overly dominant in comparison to the main dwellinghouse.*
- (ii) The impact of how the proposal is sited in relation to the dwelling and surrounding area. This is particularly the case where it would be positioned in front of the property, where it is more likely to result in the introduction of an overly dominant feature, and to detrimentally impact on the character of the surrounding area (especially where this type of development is currently absent).*
- (iii) Whether the form and angle of pitch to the roof is sympathetic to that of the host dwelling and that external facing materials have been chosen which respect those of the existing property [...]*

In this case, following amendments made during the course of this application it is considered that the proposed garage would be domestically proportioned (noting a reduction in length by 4.5m) and would not introduce an overly dominating feature given the positioning of the outbuilding adjacent to an existing cart-shed and the general subservient scale of the building in footprint and height. Given the site context the outbuilding would introduce an overly dominant or prominent feature in the street scene and given the position adjacent to an existing cart-shed, would not result in an uncharacteristic form of development. Following amendments made during the course of the application the scale of the outbuilding has been reduced and the materials have been amended to bricks and pantiles to match The Mill (and adjacent cart-shed) with sympathetic architectural detailing.

The Council's Conservation Officer (CO) has advised that whilst a proliferation of outbuildings would look cluttered and detract from the setting of the Mill, there is the capacity to accommodate a modest structure here as historic maps show that there were other outbuildings at the site, albeit more to the east. There was and is no obvious set pattern (as might be seen in a crew yard, for example) to the outbuildings here, and so grouping a new outbuilding broadly with the other outbuildings is considered to be a logical and traditional approach. The position as shown for the new outbuilding/garage is considered to be acceptable from a heritage perspective as its grouping with the other cart shed building helps minimise the sense of sprawl from outbuildings. Its positioning also allows the attractive breathers in the gable end of the existing cart shed to remain on view and the alignment is such that it would minimise the visual impact when viewed to and from the Mill.

Concerns have been raised in relation to the potential crowding of the site, specifically referring to an existing detached outbuilding to the south-west of the Mill (within the garden area) which does not appear to benefit from any planning permission, however this outbuilding will be investigated separately by Planning Enforcement colleagues.

The CO has confirmed that the amended plans are considered to be acceptable in terms of the scale, design and material palette for the outbuilding which would be of a more ancillary scale and traditional design than the original scheme. Initially Conservation commented that

the garage would need to be reduced to a two-bay structure, however, they note that the current proposal broadly mirrors the gable width and length of the adjacent historic cart shed but has lower eaves and a very simple design, such that it would not look out of scale or imposing here. The overall size reduction, combined with the careful placement of the structure and the simplification of its design and materials, mean that the overall impact from this structure is now considered to be acceptable from a conservation perspective. The proposed new garage would be a responsive but recessive addition to the site and would preserve the setting, and thereby significance, of the listed Mill and associated historic outbuildings.

Summary

Overall, whilst noting the in-principle policy objection to encroachment of domestic curtilage into the open countryside it is considered that there are site specific circumstances in this case that would mean that there would be no adverse impact on the wider character of the area as a result. Furthermore, following amendments made throughout the course of this application it has been concluded that the land proposed for the change of use is the minimum necessary to regularise the parking provision for the Mill and the proposed outbuilding would be of an acceptable scale and has been designed to respect the character, proportions and architectural detailing of the Mill and other buildings within the Mill complex.

It is therefore not considered that the proposed outbuilding in terms of its scale and design would dominate the host dwelling, nor would it have any adverse impact upon the wider area given the location of the property and its site-specific context. The (amended) outbuilding would successfully integrate with the site and respect the hostdwelling design and proportions, sustaining the character and appearance of the dwelling and wider area and would not result in any harm to the setting the listed building. The proposed development is therefore considered to accord with the aims of Core Policy 9 and 14 of the Amended Core Strategy and Policies DM5, DM6 and DM9 of the NSDC DPD. The proposal would also comply with the objective of preservation set out under section 66, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Policy DM5 advises 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. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The proposed outbuilding would be located on a parcel of land to the south-east of the

residential properties adjacent to The Mill (separated across approx. 30m) which would prevent any amenity impact through overbearing or overshadowing. Given the positioning of windows and separation distances there would be no overlooking impact as a result of the development either. Whilst the outbuilding would be close to the neighbouring cart shed, this is not considered to result in any amenity impact given this building is incidental to The Stables dwelling which lies to the north. The development is therefore considered to be acceptable in this respect, in accordance with Policy DM5 and the guidance in the NPPF.

Impact on Highways Safety

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

The property is accessed over the unmanned level crossing to the south of the site. The proposed development is for a domestic outbuilding to be used in association with the hostdwelling. On the basis that this would not materially increase traffic using the site (or crossing the level crossing) it is not considered that there would be any adverse highways impact as a result of the proposal. The application would regularise the parking of vehicles on this land for The Mill and would provide sufficient space for parking, turning and manoeuvring within the site which is considered to be acceptable.

Given the proximity of the site to the railway Network Rail have been consulted who has advised that they raise no objection subject to the effective management of construction traffic when accessing the site via the level crossing. This can be controlled by a suitably worded construction management plan condition. Subject to this condition, the proposal is considered to accord with Spatial Policy 7 and Policy DM5.

Impact on Flood Risk

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

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

Whilst domestic outbuildings as householder developments are ordinarily acceptable in principle, owing to what is anticipated to be an error on the site location plan in the original permission for the conversion of the Mill to a dwelling the proposal would also result in the change of use of land to residential. The expansion of domestic curtilage into the open countryside does not fall within the list of appropriate development types within the open countryside as set out within Policy DM8 and as such, is considered to be unacceptable in principle.

However, it has been concluded that the positioning of the outbuilding and its scale and design, as amended throughout the course of this application, would result in no harm to the setting of the Grade II listed Mill complex and would not, given the site-specific context, result in any visual harm on the openness of the countryside. Whilst noting that the development would be contrary to the Development Plan, it is considered in this case that the formalisation of the area previously intended to be approved for the parking of vehicles associated with The Mill and the lack of any identified visual or character harm on the open countryside, coupled with the site history are material considerations that weigh in favour of the proposal such that the harm through changing the use of a small portion of land is outweighed in this case. No harm has been identified in respect of impact on the character of the area, heritage, amenity or flood risk and thus it is recommended that planning permission is granted subject to the conditions outlined in Section 10.0.

10.0 Conditions

01

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

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

02

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

- Amended Site Location Plan – Ref. 2343 S01 001 Rev. P02 (21.09.2023)
- Amended Site Block Plan – Ref. 2343 S01 002 Rev. P04 (21.09.2023)
- Amended Floor Plans and Elevations – Ref. 2343 S01 101 Rev. P05 (21.09.2023)

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the following external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority:

- Bricks (including a sample panel to be constructed showing brick type, bond pattern, pointing and jointing)
- Roof Materials (including a sample)

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

Reason: In order to preserve or enhance the setting of the nearby listed building.

04

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

- Garage doors (including finish)
- Rainwater goods (including material and finish)

Reason: In order to preserve or enhance the setting of the nearby listed building.

05

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

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

Reason: In order to preserve or enhance the setting of the nearby listed building.

06

No development shall be commenced until a Construction Method Statement has been

submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for how construction traffic will be effectively managed when accessing the site via the level crossing.

Reason: the interests of operational railway safety at the request of Network Rail.

07

The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the host dwelling known as The Mill, Mill Farm, Station Road, Rolleston, NG23 5SE.

Reason: In the interests of visual and residential amenity, highway safety and to prevent the creation of a separate dwelling without and assessment of the implications of this.

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 less than 100m² of floorspace is proposed.

02

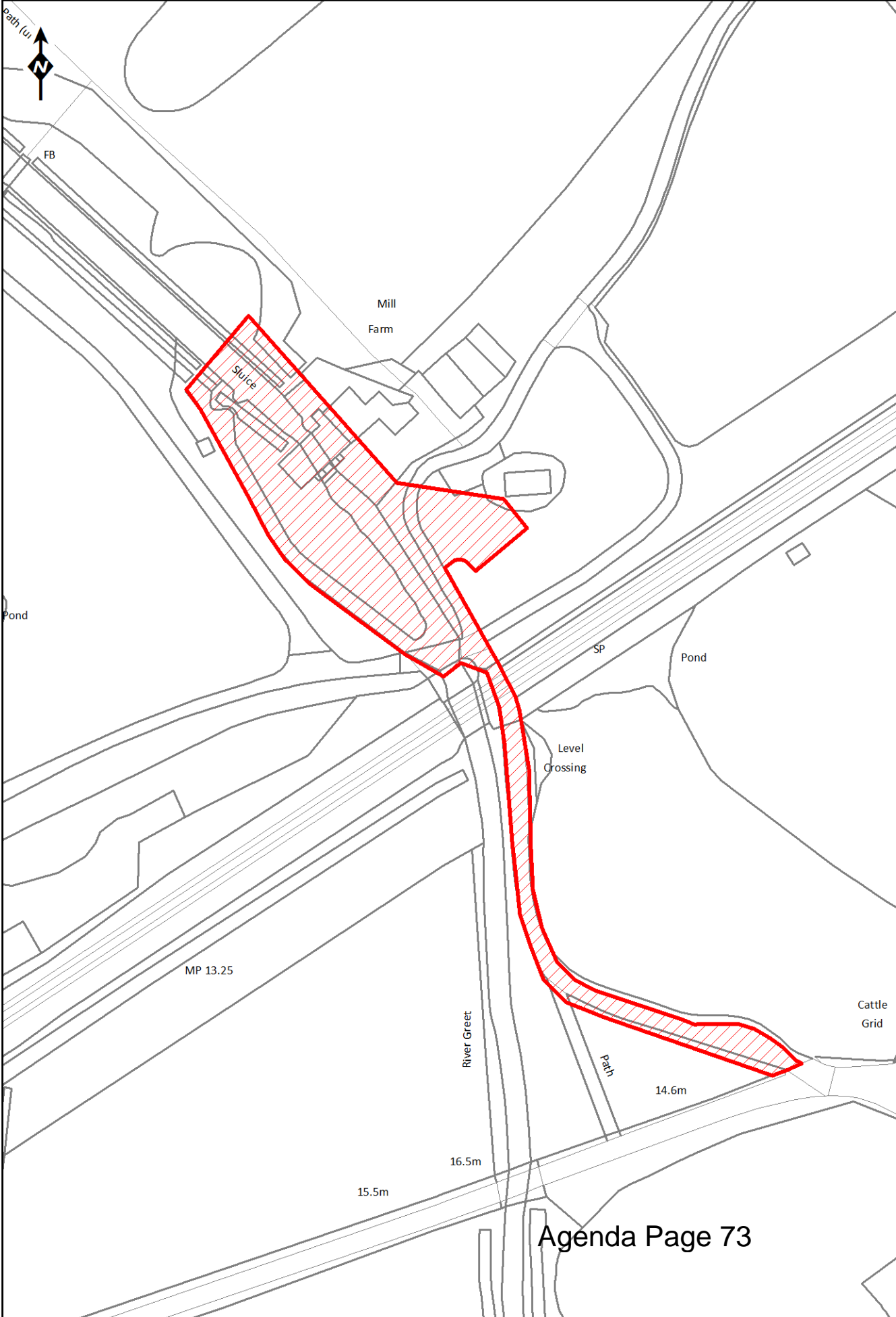
This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The Local Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town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

BACKGROUND PAPERS

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 - 23/01361/FUL





Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	23/00263/FUL		
Proposal	Siting of a static caravan for residential occupation by equestrian key worker (retrospective)		
Location	The Stable Yard, Staythorpe Road, Rolleston		
Applicant	Joe Wilson	Agent	Grace Machin Planning & Property
Web Link	23/00263/FUL Siting of a static caravan for residential occupation by equestrian key worker (retrospective) The Stable Yard Staythorpe Road Rolleston NG23 5SG (newark-sherwooddc.gov.uk)		
Registered	08.03.2023	Target Date	01.05.2023
		Extension of Time Agreed	06.10.2023
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 scheme of delegation as the officer’s recommendation is contrary to that of the parish. Cllr Melton has elected to refer the application due to concerns around the issue of building outside of the village envelopment given the history of this site.

1.0 The Site

The site lies to the north of Rolleston village in the open countryside on the south-eastern side of Staythorpe Road. Vehicular access is from Staythorpe Road.

The wider site comprises over 16 hectares of land and accommodates 19 stables, one storage barn, hardstanding and fenced paddocks. Bramble Cottage lies to the north-east. The existing

equestrian business is operated by J1 Livery. At the time of the case officer visit there were 15 stabled horses and 8 in fields associated with the enterprise.

The static caravan subject of this application is already on site, located adjacent (its back to) to a row of coniferous trees with its front elevation facing the yard. There is a raised deck area overlooking part of the stable yard. It is set back from the highway and accessed via a track that sweeps east and southwards from the road to the stable yard.

A right of way (no. 2A) runs along the perimeter of the wider site from, north of the site on Staythorpe Road extending south and across the field extending east. The site lies in an area known for superficial deposit flooding but within flood zone 1.

2.0 Relevant Planning History

04/01302/FUL – Erection of stables, tack room, open store and barn for horse livery, construction of menage, approved 02.09.2004. At the time, this application was associated with Bramble Cottage to the north-east and the barn, stable and menage approved is what now forms the stable yard associated with the proposed static home. It was approved for commercial use.

05/01355/FUL – Erect barn, stables and menage (resubmission of 04/01302/FUL amended scheme) approved 04.08.2005.

22/00171/AGR – Proposed extension to the fodder storage building, refused 09.02.22 as it didn't meet the criteria under Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended.

22/00915/FUL – Proposed extension to existing equestrian barn (to the south-west of the existing barn and accessed through the yard) approved 20.06.2022. A non-material amendment was approved (23/00147/NMA) on 30.01.2023 which inserted a new door, filled in NW and SW elevation and part removal of mezzanine floor.

3.0 The Proposal

Full planning permission is sought for a static caravan for residential occupation. The static home is already in place and has two bedrooms with wrap around decking. Two car parking spaces are located adjacent to it within the yard area.

Foul sewage disposal has been clarified as discharging into an existing cesspit and a soakaway for surface water drainage.

The following documents have been deposited with the application:

- Site Location Plan, unreferenced
- Block Plan, unreferenced
- Plans and Elevations, J1L/2023/SC-01
- Photographs – Static Caravan, Jan 2023
- Accounts for last 3 years.

4.0 Departure/Public Advertisement Procedure

Occupiers of 10 properties have been notified by letter. A site notice has been displayed at the site and an advert has been placed in the local press expiring on 11th April 2023.

Site visits undertaken 17th March and 4th August 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 and Density
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
DM8 – Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Landscape Character Assessment SPD
Technical housing standards – nationally described space standard, 2015

6.0 Consultations

(a) Statutory Consultations

Environment Agency – No specific comments made, general advice regarding foul connection.

(b) Parish Council

Rolleston Parish Council – Object to the proposal, development is not justified for the purpose indicated.

(c) Representations/Non-Statutory Consultation

Two representations (from the same person) have been submitted summarised as follows:

- Accounts do not relate to the applicant's business nor do they demonstrate the financial viability of any business that would meet the test set out in Policy DM8;
- No evidence to justify a dwelling, such as functional need;
- The storage building is being advertised for storage rent on facebook – it is clear there is no intention of developing the equestrian business but to use them for an alternative purpose which is material to decision making as per *LG and another v Welwyn Hatfield BC (2011)* as the permission (22/00915/FUL) was gained under false pretences.
- Development is contrary to SP3.
- Applicant purchased equestrian livery in full knowledge that was being sold off without a dwelling – Bramble Cottage where previous owners lived is now in separate ownership.
- Applicant already has a dwelling less than 1 mile from the livery.
- The claim that an equestrian employee is a key worker lacks justification and there is no definition of a key worker.
- Local residents are aware that the enterprise operates successfully with those tending the horses travelling to and from the site. It is not a stud farm where overnight supervision is necessary.
- PPG paragraph 67-010-20190722 applies assisting with interpretation of para.80;

7.0 Comments of the Business Manager – Planning Development

Preliminary Matter

The description of development references an 'equestrian key worker'. There is no definition for key worker in either local or national planning policy. It is clear that the application been advanced on the basis that a worker associated with the site needs to be present on site at all times to enable the business to function and it is on this basis that the application is assessed.

The key issues are:

1. Principle of Development
2. Impact on Character
3. Trees & Ecology
4. Residential Amenity
5. Highway Safety and Parking

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 Amended Core Strategy details the settlement hierarchy and proposed spatial distribution of growth that will help deliver sustainable growth and development in the District. The intentions of this hierarchy set out in Spatial Policies 1 and 2 of the Core Strategy 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.

The site lies within the parish of Rolleston and in my judgement is located outside of the built part of the village at the south-eastern edge. As such it is considered to be within the open countryside. It is noted that this is not a matter in dispute, with the agent agreeing with this assessment. Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD states "Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD."

In accordance with the requirements of Spatial Policy 3, Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD states, at criterion 7, that 'Proposals for dwellings in connection with equestrian uses will be assessed in accordance with criterion 2.' Criterion 2 (New and Replacement Rural Workers Dwellings, the Extension of Existing Dwellings and the Removal of Occupancy Conditions Attached to Existing Dwellings) allows for rural workers dwellings where they can demonstrate a functional and financial need to the operation being served.

It goes on to say that the scale of the dwelling should be commensurate to the needs, and the ability of the operation they serve to fund them. The justification text for the policy details the types of evidence that should be submitted to support such applications. To accord with the requirements of the policy, the applicant was invited to share details of financial accounts which they have done.

Sanham Agricultural Planning Ltd have been commissioned by the Local Planning Authority to scrutinise the submission which has included a site visit and provide independent advice on whether the proposal has demonstrated both a functional and financial need for a person(s) to live on site. Their advice is as follows:

"The application relates to the proposed retention of a mobile home on the application site known as Bramble Liveries, Staythorpe Road, Rolleston.

The application site comprises 14.2 hectares (35 acres) of land, stables and buildings owned by the applicant Mr. J. Wilson, who currently lives away from the application site at Trent Valley Equestrian Centre. The application site is let to Mr. & Mrs. Godber, who purchased the mobile home to enable them to live on the site to manage their equestrian enterprise known as Godber Sport Horses. The applicants' previous business which was run from a different site was known as Moat Lodge Sports Horses.

The rented unit comprises the 14.2 hectares (35 acres) of land, 20 stables, a storage barn which contains three of the 20 stables, an outdoor arena (menage) 65 metres x 25 metres, and a field shelter 3.6 metres x 6.1 metres.

At the time of my site visit the unit was stocked with a total of 24 horses and ponies, which comprise 6 brood mares, with two foals at foot, with 2 mares due to foal in September and the other two mares in March, 2024. There were also 7 three/four year olds, 3 rehabilitation horses, 1 retired horse and 5 competition horses. The site is all down to grass, with 4 hectares (10 acres) which has been mown for hay.

I calculate using standard manday figures from recognised sources, that the existing equestrian enterprise has a standard labour requirement for approximately 3.4 full-time persons. The current labour force comprises Mr. & Mrs. Godber, together with an apprentice and part-time/casual help. I therefore consider the current enterprise is full-time. I also consider there is an essential/functional need for one person to live at or near the stable yard especially as there are 6 brood mares which are foaled on the site, together with high quality competition horses.

Applications for agricultural and other rural occupational dwellings including equestrian dwellings in the countryside are currently covered in paragraph 80 of the National Planning Policy Framework (the Framework) revised in July, 2021, which states "Planning Policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-

(a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;". Planning Practice Guidance was also provided in July 2019 at paragraph 010 which deals with the need for rural workers' dwellings in the countryside, and sets out five considerations which may be taken into account, these are:-

1. "Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural or forestry or similar land-based rural enterprise (for instance where farm animals, or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);" – I am of the opinion that there is evidence of the necessity for a rural worker to live at, or in close proximity to, the stables on Staythorpe Road to ensure the welfare of the horses kept at the application site and to supervise the foaling of the brood mares. I am therefore satisfied that this consideration has been complied with together with the criteria in paragraph 80(a).

2. "The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;" – the proposal is for the retention of a mobile home,

and therefore the enterprise is required to show that it has been planned on a sound financial basis and that there is a prospect of it being financially viable after three years. However, the site is rented, and the temporary dwelling is owned by the tenants and not the landlord; therefore, I would not expect the mobile home to be replaced by a permanent dwelling unless it were to be built by the landlord; as the tenant would be unwise to invest in building a permanent dwelling on someone else's property. However, I have had sight of the tenants' accounts for the years ending 31st March, 2019, 2020, 2021 & 2022. All four years show profits however, these four years relate to a different site and the profits would be unable to pay the tenants a minimum wage or sustain the cost of a permanent dwelling. I am of the opinion that as the enterprise has only been on the application site since July, 2022 it is not possible to assess the current viability of the enterprise, however, it is clear that the enterprise has been planned on a sound financial basis. Therefore, this consideration has been partially satisfied.

3. "Whether the provision of an additional dwelling on-site is essential for the continued viability of a farming business through the farm succession process;" – the application is not for an additional dwelling, therefore this consideration is not relevant to this application.

4. "Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context;" – there is no existing accommodation on the site other than the mobile home, the subject of this application. Therefore, this consideration is not relevant to this application.

5. "In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period." – This application is related to a new enterprise, and due to the large number of horses kept at the application site including 6 brood mares which foal on the site, I consider that there is an essential/functional need for a full-time worker to live at or near their place of work, and therefore it may be appropriate to consider granting temporary consent for the retention of the mobile home to enable the tenants of the unit to provide the required levels of supervision and security necessary on a unit of this nature. Therefore, this consideration has in my opinion been satisfied.

In conclusion, I ADVISE that there is equestrian support for the retention of the mobile home to enable the tenants to establish a viable enterprise on the unit, and continue to provide the required levels of supervision and security necessary for an enterprise of this nature."

I am satisfied that the advice set out above is robust and from a suitably experienced expert on rural matters. Whilst this advice refers to the 2021 NPPF, now superseded by the September 2023 version, the advice contained within it remains unchanged.

It is noted that one interested party has made reference to the adjacent dwelling 'Bramble Cottage' once belonging to this enterprise. This is correct. It would appear that in 1964 a timber framed bungalow was sold off by the Ministry of Agriculture Fisheries and Food. This

wasn't subject to an agricultural occupancy condition albeit it appears that the bungalow likely had its roots in agriculture. Planning permission was later granted (originally in 1992 but the final design appears to have been settled in 1996) for a replacement bungalow and garage which was built on site which became known as Bramble Cottage, an open market dwelling.

From an internet search, it would appear that Bramble Cottage was sold off separately from the land subject to this application site in May 2008 and since that time has been in separate ownership. It is also noted that the property (along with the c4.8ha of land it retained) is currently up for sale for £1,250,000 and so is available and could technically fulfil the functional needs of the business. However, the applicant's agent has confirmed that this dwelling is beyond the financial reach of a business that is relatively new, not yet generating the levels of income to support such a dwelling and that the static home reflects this.

The land is currently rented to the occupants, and it would appear there is no formal tenancy agreement in place, albeit anecdotally we are advised the agreement is long term, 5 years plus. However, whilst the occupants appear to have brought the caravan onto the site to reside in, I am conscious that the applicant is actually the owner of the land, not the tenants. Therefore, the length of the tenancy becomes irrelevant, as in theory new tenants could take over the same business and live in the temporary caravan and continue to provide the functional need identified.

It is noted that the current business has only been operating from this site since July 2022 albeit the accounts from the previous 3 years (operating at a different site) have shown profitability. The independent agricultural consultant has advised that it is clear that the business has been planned on a sound financial basis. Where there is a functional need demonstrated (as is the case here) it is industry standard practice to grant permission for a caravan on a temporary 3-year basis to allow the applicants the opportunity to demonstrate that the enterprise could grow to enable it to financially support a permanent dwelling. This period of time is reasonable and will allow the opportunity to review the housing needs of the enterprise, the financial sustainability and whether the building is still fit for purpose, noting that static homes have a limited shelf life.

I therefore conclude that for the reasons set out, a temporary 3-year permission with an agricultural occupancy tie to the business would be appropriate in principle and accord with the policy context set out.

Impact on Character

Policy DM5 (Design) states that the rich local distinctiveness of the District's landscape and character should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development. Policy CP9 (Sustainable Design) expects new development to be a high standard of sustainable design.

In accordance with Core Policy 13 (Housing Mix, Type and Density), all development proposals will be considered against landscape character. A Landscape Character Appraisal (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform 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 LCA has recognized a series of Policy Zones across the 5 Landscape Character types represented across the District.

Trent Washlands Policy Zone 11 (Cromwell, North and South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands) comprises a flat, large scale intensive landscape which has a landscape condition and landscape sensitivity defined as 'moderate' giving a policy action of 'conserve and create'. In terms of landscape features, the Council's SPD seeks to conserve traditional field patterns and strengthen tree cover and ecological corridors. For built form this seeks to conserve the character of village settings and concentrating new development around existing settlements and planting to soften new development.

The static home is a standard specification and has not therefore been designed to reflect the character of the local area. Measuring 12.21m in length by 3.7m in width and at 3.6m to its flat roof (including the 500mm it is raised from the ground) this static home is modest in size. It is set behind a row of coniferous trees so is not visible from the Staythorpe Road nor from other vantage points given it is located amongst other larger agricultural style buildings. Given this, the proposal meets the 'conserve' element of the objective embedded in CP13. As the static home is not suitable for a permanent residence, partly due to its limited lifespan, and the applicant is looking to secure a temporary permission, I consider it would not be reasonable to expect the 'create' element to be forthcoming through landscaping especially in the absence of visual harm.

With regards to the expectation for a high standard of sustainable design required by Policy CP9, it is acknowledged that a static home is not necessarily to the highest of standards and by its temporary nature is not necessarily sustainable in the long term. However, in the context of a temporary permission, the design is considered adequate for a finite period.

I therefore conclude that the proposal is acceptable in respect of Core Policies 9 and 13 of the Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD.

Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The static home is located within an existing stable yard, adjacent to a line of coniferous trees. The trees are non-native and in any event the home is raised from the ground, away from the trees, outside of their root protection areas and canopies. Given the nature of the static home and that it is raised off the ground, I do not consider that the development would harm the trees. Furthermore, the presence of the static and the residential use is very unlikely to impact on ecology given the site is in active use as a stable yard. No surveys have been carried out, but I do not consider they were necessary in this instance. There is no conflict identified in respect of the policy objectives.

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 also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Core Policy 9 also seeks a high standard of sustainable design and to contribute to a compatible mix of uses.

The nearest residential property is Bramble Cottage to the north-east on Staythorpe Road which is approximately 16m from the site. However, there is very little intervisibility between this neighbour and the mobile home given it is tucked away behind the conifers and there are no windows facing towards the north-east. I therefore do not consider there would be any adverse impacts on living conditions for the occupiers of Bramble Cottage.

Three dwellings at Goodwins Court lie to the west off Staythorpe Road but with an intervening field and with a distance of at least 91m between them, there is not harm identified in respect of amenity here either.

Turning to the amenities of future occupants. As noted previously, the proposed static home is of a standard specification. The design is akin to a holiday home/lodge and not therefore designed for permanent occupation as a main dwellinghouse. It is modestly proportioned with a floor space of c45m². An L shaped wrap around veranda is in situ to the western side and a small area of grass is present to the other side providing some limited private amenity space for the occupants. Consideration has therefore been given to whether the proposed caravan would provide a good standard of amenity for occupants of the site who would live there on a full-time basis.

In 2015, the Government introduced statutory guidance titled “Technical housing standards – nationally described space standard” which sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage, and floor to ceiling height. This hasn’t been adopted by this Council but is a useful tool setting out typical expected standards for new build dwellings.

The proposal effectively seeks permission for a new 2-bedroom 1 storey dwelling. The minimum gross internal floor area for a new 2-bedroom 1 storey dwelling is 61m² with 2-square metres of built-in storage. The gross internal floor area of the proposed lodge, including built-in storage, is below that minimum space standard. The size and width of the bedrooms would also fall below the corresponding minimum space standards for double and single bedrooms. These figures suggest the proposed park home/lodge would provide a low standard of amenity for occupants. However, it is noted that the Applicant has specifically chosen the static home as their preferred means of accommodation on a temporary basis and would therefore be aware of its limitations in terms of internal space. The external amount of amenity space is adequate.

Whilst the static home does not adversely impact on neighbours, it is acknowledged that it would provide for a relatively low level of amenity standard for the occupiers. This represents

a further reason why the home is not suitable for permanent occupation. However, the applicant has suggested they are seeking a temporary permission of 3 years and on balance the proposal does not conflict with Policy DM5 or CP9.

Highway Safety and Parking (including Rights of Way)

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development and Spatial Policy 7 (Sustainable Transport) reflects this focusing on sustainable transport.

There is a right of way located to the west and south of the wider site. However, at a considerable distance from the application site, this would not have any impact on the proposals and need not be considered further.

No alterations are proposed to the site access and the proposal is not likely to give rise to a significant number of additional vehicle movements or adverse impacts on the highway. There is sufficient space adjacent to the static home to park two vehicles which is the quantum of parking the Council's SPD requires for a 2-bedroom dwelling. The proposal therefore would accord with Policies DM5 and SP7.

8.0 Implications

In writing this report and in putting forward recommendation's 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

Following independent advice from a rural expert, it has been concluded that the application has demonstrated that to enable the proper functioning of the rural business on site, it is essential for a worker to be on site at most times. The enterprise has operated elsewhere for three years but has only been operating at this site since July 2022. The provision of a static home reflects that the business is in its infancy. Whilst the business appears to have been planned on a financially sustainable basis, additional time is required to fully demonstrate that the site could support a permanent dwelling, if indeed that is what is sought. At present, the business cannot afford to secure the adjacent dwelling currently for sale and it is considered unreasonable to expect this given the newness of the business. A three-year temporary permission is therefore considered reasonable and reflects standard industry practice.

There is no harm identified in respect of landscape, amenity, trees, ecology or highway matters to indicate a decision should be made contrary to this in principle conclusion.

10.0 Conditions

01

The use of the static caravan as a dwelling hereby permitted shall be discontinued and the land reinstated to its former condition, including the removal of the caravan, all ancillary works and structures on or before the expiration of a period of three years from the date of this decision.

Reason: In recognition that the financial accounts show the business has only been operating from this site for a short time, a temporary permission is considered reasonable to allow the applicant the opportunity to demonstrate that the enterprise operating on site is sustainable and can support a permanent dwelling in the longer term and in recognition that a static home is not suitable for permanent occupation, in the interests of amenity.

02

The occupation of the static caravan hereby permitted shall be limited to a person solely or mainly working or last working either on the land associated with the enterprise (as outlined in red on the title drawing received on 29th March 2023) or in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason: The dwelling is located in the open countryside where new residential development is normally restricted to the essential need for the uses described.

03

This permission relates to the following approved plans:

- Site Location Plan, unreferenced but received on 27 February 2023
- Block Plan, unreferenced but received 10 February 2023
- Plans and Elevations, J1L/2023/SC-01, received 10 February 2023
- Title drawing of wider site received 29 March 2023.

Reason: So as to define this permission and for the avoidance of doubt.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission 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/

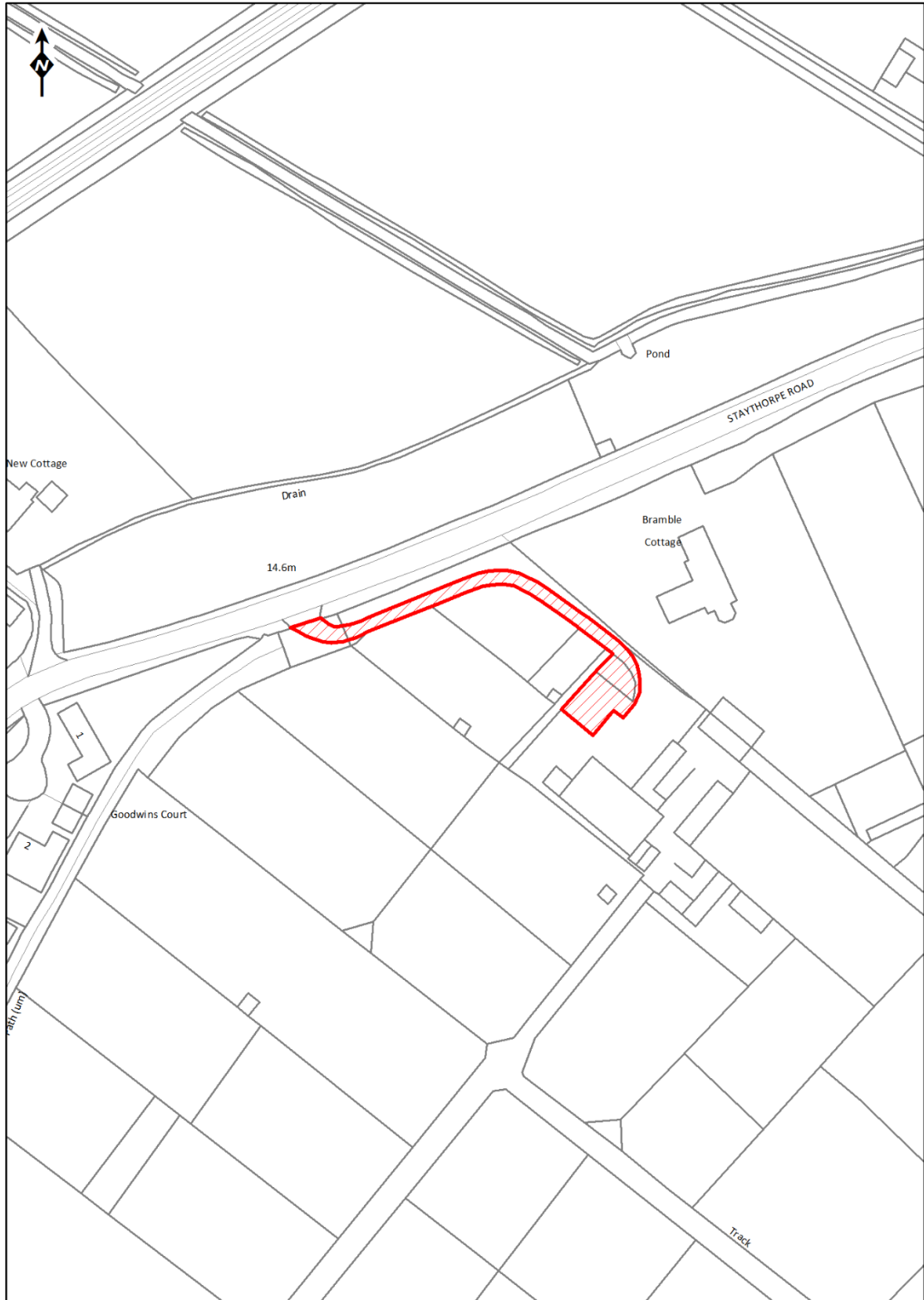
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given as a static caravan is not considered a building for CIL purposes.

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 - 23/00263/FUL



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Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, 01636 655326

Report Summary			
Application Number	23/00828/FUL		
Proposal	Installation of an outdoor Kazuba2 waterless toilet		
Location	Parish Church of All Saints, Front Street, Barnby In The Willows		
Applicant	Mrs Yvette Wellard	Agent	
Web Link	23/00828/FUL Installation of an outdoor Kazuba2 waterless toilet Parish Church Of All Saints Front Street Barnby In The Willows (newark-sherwooddc.gov.uk)		
Registered	15.05.2023	Target Date	28.08.2023
		Extension of Time	06.09.2023
Recommendation	That Planning Permission is REFUSED for the reason(s) detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the officer’s recommendation is contrary to that of the Parish Council and because the application has been called in by Councillor Oldham on grounds that there is a clear need for the community and support from the community, eco-friendly design, and support for the viability of the church.

1.0 The Site

The site relates to a Grade I listed church in Barnby-in-the-Willows and falls within the Conservation Area. The Parish Church is a 13th Century building which has 15th, 17th and 19th Century phases. The church is an important building within the context of the conservation area and forms a group with the old vicarage to the northwest, church cottage and Barnby Hall. The site is next to open fields and is used to access public footpaths south of the site.

The site has the following constraints:

- Conservation Area
- Within the grounds of a (Grade I) Listed Building
- Public Right of Way through the Site
- Flood Zone 1 and 2 (Proposal is proposed to be sited in an area of the site which falls within flood zone 1)
- The site lies in an area of high archaeological potential.

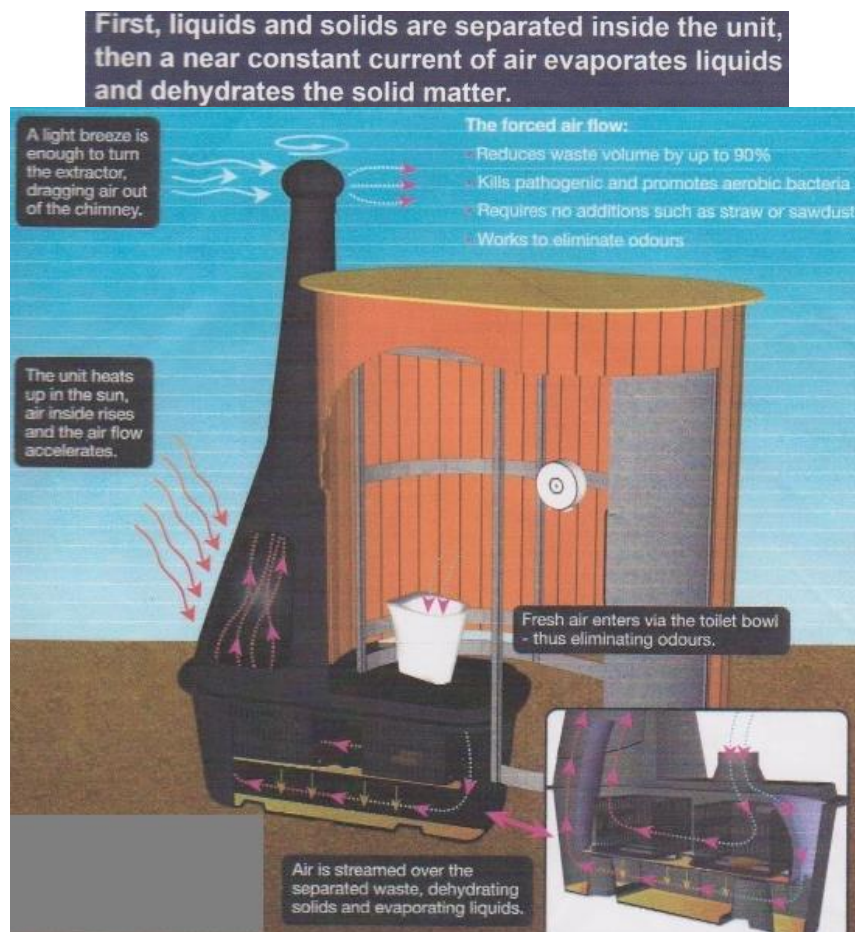
2.0 Relevant Planning History

14/02272/FUL Replacement of lead roof covering (Permitted 25.03.2015)

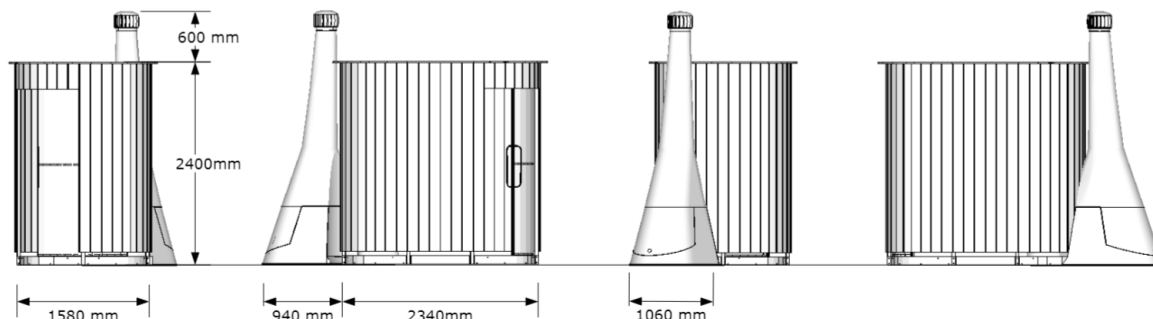
13/01397/FUL Erect a Broadband Signal Receiver Antenna to Church Roof (retrospective) (Permitted 08.08.2014)

3.0 The Proposal

The application seek permission for the erection of a proposed self-contained toilet. The toilet is an ECO toilet and does not require plumbing to mains water and uses natural breeze and solar gain using a sewage tank to operate (as explained in more detail in the diagram below). Excavation in the form of an 850mm deep pit for the installation of the sewage tank below ground would be required.



The self-contained unit would be of a contemporary design with a timber appearance with a metal door. The cubicle itself measures approximately 2.4m in height by 2.34m by 1.58m however when including the flue, the overall height would be 3.0m and the length would be 3.28m. The building would be clad with a black flue to the rear.



4.0 Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has been posted near the site and an advert has been displayed in the press.

Site Visit undertaken: 10.07.2023

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Core Policy 10 – Climate Change

Allocations & Development Management DPD (2013)

DM5 – Design

DM12 – Presumption in Favour of Sustainable Development

DM9 – Protecting and Enhancing the Historic Environment

DM4 - Renewable and Low Carbon Energy Generation

Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance

Householder Development Supplementary Planning Document 2014

Landscape Character Assessment Supplementary Planning Document 2013

6.0 Consultations

(a) Statutory Consultations

Historic England – Do not wish to offer comments and instead advise advice is sought from the council's conservation specialists.

(b) Town/Parish Council

Barnby Parish Council – Barnby in the Willows Parish Council have no objections to the proposal and feels that the facility will be an asset to the community, and the location on site is suitable given the advice that the church have been given to work to. It is understood and appreciated, that the facility will be accessible and that steps will be taken. (through considerate planting etc.) to ensure that the toilet is sensitively presented to be in keeping with the area and not an eyesore.

(c) Representations/Non-Statutory Consultation

NSDC Conservation Officer – The application is for a composite toilet within the church yard. The toilet is a large oval building with a large flue. The exterior is timber clad. The proposed location is prominent and will be highly visible during the approach to the church.

The conservation team have concerns about the scale of the proposed toilet and its location given the site is very open and the site can be viewed from various places within the conservation area. It is understood that the proposed toilet is large to allow for disabled access and a reduction in size will limit its use for the community.

However, it is still considered that there are more suitable locations for the facility which would reduce its visual impact while still being able to gain sunlight and airflow to allow for it to function correctly. In addition, the applicant may want to consider screening to reduce its visual impact. The proposed development does not preserve the special interest of the listed building which is contrary to S66 and CP14 and DM9 of the council's LDF DPDs. The proposal also does not preserve and enhance the character and appearance of the conservation area.

NSDC Archaeology Advisor – The site lies in an area of high archaeological potential associated with the medieval, post-medieval and modern development of Barnby in the Willows. This relates primarily to the potential for inhumations and associated with All Saint's Church and the remains of the medieval settlement, some of which survives as visible earthworks in the adjacent field. The 850mm deep pit which will certainly impact any surviving archaeological remains if present.

The proposed location of the toilet is just inside a modern extension to the churchyard and the potential in this area for inhumations may well be lower than in the main Churchyard as defined on the first edition OS maps. However, it is entirely possible that the original medieval churchyard extended further or that the modern extension overlies part of the medieval settlement as noted above.

It should be further noted by the applicant that disturbing human remains without an appropriate Faculty from the Church or licence from the Ministry of Justice is prohibited under criminal law and all appropriate measures need to be taken where there is a known potential for inhumations. If permission is granted further archaeological work should be undertaken and conditions are recommended.

NCC Rights of Way Officer - No comments received.

NSDC Environmental Health Officer – No comment.

Public Representations – 6 letters have been received from neighbours/interested parties in support of the proposed toilet facility on the grounds that it will be a benefit to the church and community and being nearby a Right of Way walkers will also have access to the facility.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact upon Character of the Area including Heritage
3. Impact on Residential Amenity
4. Impact on Flood Risk
5. Archaeology

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. This policy states ‘A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Development Plan is the statutory starting point for decision making. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood (including, where relevant, policies in Neighborhood Development Plans) will be approved without delay, unless material considerations indicate otherwise.’

Principle of Development

Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) seeks to protect and promote Leisure and Community Facilities. The proposal seeks permission to erect a self-contained public toilet within the ground of a Grade I listed church that currently does not have a toilet.

Policy DM4 states ‘In order to achieve the commitment to carbon reduction set out in Core Policy 10 (Climate Change), planning permission will be granted for renewable and low carbon

energy generation development, as both standalone projects and part of other development.'

The proposed toilet would be ECO friendly and would not require mains water supply, instead working using natural resources and a sewage tank. The design requires the toilet to be erected in relatively open space in order to function correctly. The proposed toilet uses both energy from the sun and wind to reduce waste volume and reduce odours that would be generated. The toilet would be both accessible to people going to the Church for events and functions and for general public use as the site connects public footpaths.

As the toilet would support the use of the Church, the proposal as a matter of principle is supported by Spatial Policy 8 and Core Policy 10 subject to consideration of the site-specific issues set out below.

Impact upon Character of the Area including Heritage.

Core Policy 9 (Sustainable Design) requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 (Design) echoes this stating that the District's Landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Core Policy 14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment), 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 importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. Local Planning Authorities should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The proposed waterless toilet by reason of its size, design, materials and siting would be prominent and highly visible on approach towards the church from its main entrance. It would be located adjacent to the public right of way which runs in a north-south direction through the Church grounds. Its detached contemporary design would be an alien feature which would distract from views of the Grade I Listed Church, compromising its setting which has been historically been experienced as sitting within an open graveyard area devoid of any other buildings.

Listed buildings come in three categories of 'significance'. Grade I for buildings of the highest significance. Grade II buildings these make up 92% of all listed buildings. As a Grade I Building, the Church is therefore regarded as being of exceptional national, architectural or historical importance.

The proposed installation would result in a less than substantial harmful impact to the setting of the listed building and the character and appearance of the Conservation Area contrary to

Sections 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990 ('The Act') as well as paragraph 200 of the NPPF. The Conservation Officer also objects to the proposed development as it would not preserve the special interest of the listed building and nor does it preserve and enhance the character and appearance of the conservation area.

Paragraph 202 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

Public benefit identified includes the provision of public toilet facilities for the Church which currently has no other toilet facilities. The proposed provision means that a greater range of uses of the church would become more feasible as a consequent of such provision which could help to supplement the church's income. However, these benefits identified are not considered great enough to outweigh the harm to the high grade listed Church identified.

This is in part because it has not been demonstrated that there are no other potential less harmful forms of toilet provision or alternative locations on the site. Whilst the Applicant has been advised that alternative locations have been ruled out and a plan showing where these locations are, the applicant hasn't provided information of whether or not they have explored alternative toilet facilities that aren't of the eco variety and are of a more appropriate design in the context of the site.

Overall, the proposed development would be harmful to the setting of the setting of the listed building significance and the character and appearance of the Conservation Area and therefore contrary to the policies within the Development Plan and the relevant statutory duties contained within the 'Act' as well as the National Planning Policy Framework. There is no clear and convincing justification for the harm identified nor any public benefits or other material considerations that are sufficient enough to outweigh the level of identified harm.

Impact on Archaeology

Core Policy 14 (Historic Environment) of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk-based assessment.

The site lies in a general area of archaeological potential associated medieval, post-medieval and modern development of Barnby in the Willows. The proposed location of the toilet is just inside a modern extension to the churchyard and the potential in this area for inhumations may well be lower than in the main Churchyard as defined on the first edition OS maps. However, it is entirely possible that the original medieval churchyard extended further or that the modern extension overlies part of the medieval settlement. Given the surrounding known archaeological activity, the size of the site and the engineering works required for the proposed development the Archaeology Officer recommends archaeological conditions for continuous archaeological monitoring through a mitigation strategy to effectively deal with the site to meet the requirements of paragraph 194 of the NPPF. Overall, the Archaeology

Officer raises no objection to the application subject to conditions if approved to enable any remaining archaeology that currently survives on this site to be recorded prior to its destruction in accordance with Policies CP14 and DM9.

Impact on Residential Amenity

Policy DM5 'Design' of the Allocations & Development Management 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 proposal would be sited on the southeast boundary of the church yard over 55m away from any residential development with open field situated to both the east and the south. With this in mind I don't consider the proposal would impact upon neighbour amenity.

On the basis of the above, I am satisfied that the proposal complies with Policy DM5 of the DPD.

Impact on Flood Risk

Policy DM5 of the DPD states that the Council will aim to steer new development away from area at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Paragraph 168 of the NPPF states that applications for minor developments and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site specific flood risk assessments.

Part of the site sits within Flood Zone 2 however the proposed location of the self-contained toilet would sit within Flood Zone 1. It is therefore considered that there would be no increased flood risk as a result of the proposed.

8.0 Implications

In writing this report and in putting forward recommendation's 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 proposed waterless toilet by virtue of its position, design, materials, scale and detailing would be harmful to the setting and significance of the Grade I listed Church and the character and appearance of the Conservation Area. It is acknowledged that its provision would provide facilities for the Church where there are currently none which would result in some degree of public benefit. However, it is not considered that the public benefit identified would outweigh the harm that has been identified.

10.0 Reason for refusal

The proposed toilet by virtue of its position, design, materials, scale and detailing would be harmful to the setting and significance of the Grade I listed Church and the character and appearance of the Conservation Area. There is no clear and convincing justification for the harm identified nor any public benefits or other material considerations that are sufficient enough to outweigh the level of identified harm.

The proposal is therefore considered contrary to Core Policy 9 (Sustainable Development) and Core Policy 14 (Historic Environment) of the adopted Amended Newark and Sherwood Core Strategy (2019) and Policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the allocations and Development Management Development Plan Document Development Plan Document (2013). The proposed development would also be contrary to the aims of the NPPF (2023) and the objective of preservation required under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives

01

Refused Plans:

- Proposed Block Plan Received 20th June 2023
- Site Location Plan Received 20th June 2023
- Proposed Elevation Drawing KL2prm Received 20th June 2023

02

The application is contrary to the Development Plan and other materials 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

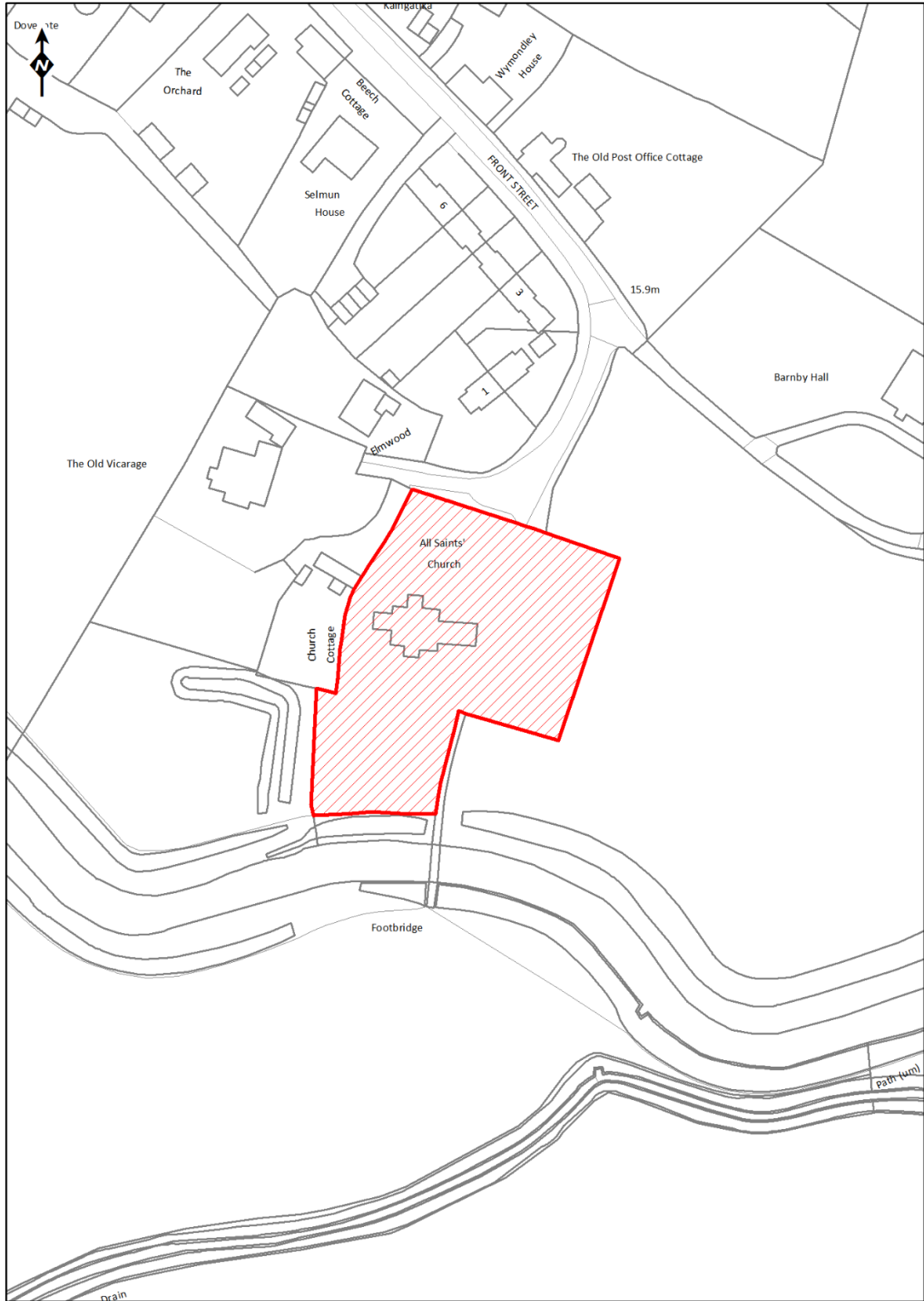
You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after 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 - 23/00828/FUL



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Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Oliver Scott, Senior Conservation Officer, 01636 655847

Report Summary			
Application Number	23/00993/LBC		
Proposal	Installation of a lockable steel gate and 2 No. side panels to the top of the stairs leading up to the mezzanine floor		
Location	The Buttermarket, Middle Gate, Newark On Trent		
Applicant	Newark and Sherwood District Council	Agent	Eric Dyche, ED Designs
Web Link	23/00993/LBC Installation of a lockable steel gate and 2 No. side panels to the top of the stairs leading up to the mezzanine floor The Buttermarket Middle Gate Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	12.06.2023	Target Date	10.10.2023
Recommendation	That Listed Building Consent is APPROVED for the reason(s) detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the applicant is Newark and Sherwood District Council.

1.0 The Site

The application site comprises the building known as the ‘Buttermarket’. This building fronts Middle Gate, with a side access to Chain Lane. It is connected to Newark Town Hall.

In accordance with Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’), the building complex known as the Buttermarket is considered to form part of the Grade I Town Hall listing, which adjoins to the east of the application site.

The Buttermarket is otherwise surrounded by important period buildings within a highly sensitive location at the heart of Newark Conservation Area (CA). In terms of the Council's Local Development Framework, the site lies within the area defined as Newark Town Centre and Primary Shopping Area, and also within Newark's Historic Core.

The main building within the Buttermarket complex comprises a distinctive former Victorian covered market, built 1883-84. It has an attractive gabled façade to Middle Gate, and is constructed in red brick externally with lead, glazing and slate roofs. Ancillary areas to the rear of 23 and 25 Middle Gate include an area at first floor known as the 'old bar' area. For ease of reference, the Buttermarket is considered to be the entirety of the building complex comprising the former covered market (which currently includes Tambo and Iguazu), and the Exchange (including Hobsons Shoes), as well as the new education hub within the upper floor space behind 23 and 25 Middle Gate (Specsavers and Gracegentle). When we refer to the former covered market, we refer only to the main building element which includes the central atrium and mezzanine.

The Buttermarket complex is an important thoroughfare between Middle Gate, Chain Lane and the Market Place (via the Town Hall). The Council has invested significantly in the renovation and repurposing of this building complex.

2.0 Relevant Planning History

19/01410/FUL & 19/01411/LBC - Alterations and conversion of units 4, 9, 10 and 11 into a single unit including demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate. Approved, all conditions discharged fully.

20/00210/LBCLDC - Application for a Certificate of Lawfulness for proposed works to include the strip out and removal of former additions (not part of the original building fabric) at first floor. Certificate issued.

20/00322/LBCLDC - Certificate of lawfulness of for proposed works to Listed Building to include combining 3no former units to create 1no single unit, the internal alterations include the removal of former additions to the building (not part of the original building fabric). Certificate issued.

21/02468/LBCLDC – Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets. Certificate issued.

21/02462/LBC - Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors. Approved 19.01.2022.

21/02470/LBC – Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level. Approved by Committee

18/01/2022. Condition 2 discharged (ref 22/00218/DISCON) 04.03.2022.

22/00986/S19LBC - Variation of condition 2 attached to planning permission 21/02470/LBC to amend the proposed staircase. Approved 07.07.2022. Minor tweaks to construction design of the staircase. Scheme implemented in accordance with the approved details and completed.

3.0 The Proposal

The proposal seeks approval to install a lockable steel gate with side panels at the top of the new staircase that leads to the mezzanine. The existing height of the balustrade is 1100mm. The proposed gate, which is the width of a typical pedestrian gate has a maximum height of 1945mm. The proposed gate design architecturally matches in with the existing design of the balustrades around the mezzanine with its distinctive circular patterning. The justification of the proposal is to prevent anti-social behaviour and vandalism.

The staircase is a relatively new addition and is part of a wider project to repurpose and regenerate the Buttermarket. The modern metal and glass structure is situated at the eastern end of the main atrium (adjacent to the lifts) and was approved by Planning Committee in 2022 (ref 21/02470/LBC; amended by 22/00986/S19LBC).

Documents considered within this appraisal:

Application form
Heritage statement
Site location plan
Photo showing location of proposed gate
Proposed stair gate – dwg no. 19_2255_(02)211 P01
Initial sketches and technical drawings of gate

4.0 Consultation/notification summary

Occupiers of 91 neighbouring properties have been individually notified by letter.

A site notice was posted on Middle Gate on 22.08.2023 and an advert has been displayed in the Newark Advertiser (published 24.08.2023).

A site visit was undertaken on the 14.09.2023.

Newark Town Council was consulted on 16.08.2023.

In accordance with the arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021, Historic England were consulted on the proposals on 16.08.2023.

5.0 Legal and policy considerations

The former covered market now known as the Buttermarket is fixed to and historically associated with the Town Hall, a nationally significant Grade I listed building. It is considered to fall within the meaning of a listed building as set out under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').

Section 16 of the Act requires 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 importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2023). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: *"The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; if alteration is justified on other grounds, then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place"* (paragraph 43).

6.0 Consultations

(a) Statutory Consultations

Historic England – In a letter received on 30.08.2023, they refer the Local Planning Authority to guidance contained within their Historic England Advice Notes series and suggest advice is sought from the Council's in-house conservation specialists.

(b) Town/Parish Council

Newark Town Council – No objection was raised in their planning meeting of 30.08.2023.

(c) Representations/Non-Statutory Consultation

None received.

7.0 Comments of the Business Manager

The key issue is whether the proposed works are justified and avoid harm to the special architectural and historic interest of the Town Hall, a Grade I listed building.

Significance of heritage asset

On 3 July 1882, the Borough Council resolved to erect a covered market on the site of the shambles, between the Buttermarket and Middlegate. Several plans were examined, including those of Charles Bell of London (valued at £2,000) and Mr Lees of Nottingham (£2,048), both proposing iron and glass roofs. Mr Bell's plan was adopted. The foundation stone was laid in October 1883 and the market was opened in October 1884. The plans for internal fittings were prepared by George Sheppard, Borough Surveyor, who also made the only known contemporary drawing of the New Market, published in 1886.

In celebration of the opening, the Newark Advertiser wrote: 'The area was formerly covered by the shambles but the shops were very old and dilapidated... various difficulties arose owing to the property dealt with belonging to three distinct bodies, the Corporation, and the Trustees of Bell's and Phillipott's Charities, and also owing to the question of ancient rights of light. The iron roof is supported by elegant but powerful iron pillars standing on stone corbels. The interior is of white brick and the floor is of concrete. The roof is of wood, boarded and the exterior slated in. A long range of windows on the north side admits plenty of light while at night the building will be illuminated by two large Bray's lamps of seven lights each, and four gas lights round each pillar. Each of the lock-up shops is also fitted with gas burners. The exterior of the building is of red brick. The circular window at the Middlegate end is filled with coloured glass. There are 17 lockup stalls let at £5-4-0 p.a. apiece exclusive of gas. In the centre are 25 stalls rented at £3-18-0 p.a. each. All have been let.' The memorial stones were originally on either side of the entrance, with a drinking fountain in the central wall.

The New Market Hall does not seem to have been a commercial success. In 1896 a local paper wrote that: 'The large and commodious New Market Hall, built for business which never came, offers at once seclusion... and a perfect quietude and atmosphere of repose, around which... the town's trade and commerce runs without disturbing the solitary interior.'

Historic photographs record that a campaign of 'restoration' was undertaken in 1936 but it is unclear how extensive this was. Further works were undertaken in 1950 including 'alterations to main entrance and provision of male cloakroom and toilets' and in 1959 the main entrance was altered.

By the 1970s the interiors had 'deteriorated markedly' as a result of many phases of repair. In 1982 the Town Council acquired the freehold from the District Council. The restoration of the Town Hall was led by the Town Council and funded by a commercial partnership by which, in 1988, Lovell Enterprise (Newark) Ltd acquired the 1884 New Market from NSDC and leased the ground floor of the Town Hall itself, intending to create a single retail complex. The interventions included the introduction of a mezzanine floor and stairs within the shell of the New Market, the creation of new retail units at ground and first floor levels, and new connections to the buildings to the north and to Chain Lane. The intention was that the building should subsequently be self-financing. The roof of the Market Hall was replaced. The work was carried out by the developer and his architect to the Town Council's recommendations with Guy St John Taylor [of Newark] acting as consultants.

The New Market is not listed in its own right, although it is physically connected to the Town Hall and is considered to form part of the Town Hall's curtilage (thus part of the listed building, as explained in the legal section above). Its architect, Charles Bell FRIBA 1846–99 was prolific but not distinguished. He is best known for his Methodist Chapels and schools. His design for the New Market was straightforward. Beyond the somewhat chapel-like elevation to Middlegate, it is essentially utilitarian. The primary construction details are of good quality- for example the white brick facing of the interior. Only the west façade aspires to polite architecture; it makes an attractive contribution to the streetscape in Middlegate, in which it is the principal 'event' in long views from north and south.

A number of Bell's buildings are listed, although not his only other known (and surviving) market building in Darwen, Lancashire (it is rather more elaborate than Newark). The principal significance of the New Market is its street elevation and while the Market Hall is characteristic of its date and is at least potentially, an attractive space, its original design is utilitarian, and it has been greatly altered internally. Nevertheless, the building contributes positively to the character and appearance of the CA and forms a key element in the setting of the listed town hall.

Assessment of proposal

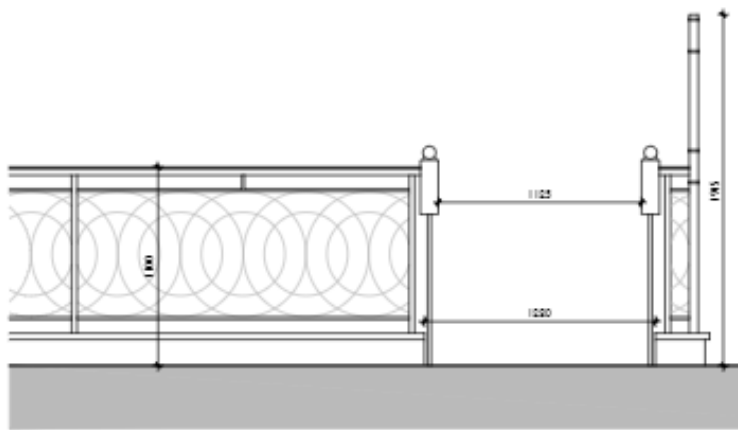
The mezzanine is part of the 1990s phase of adaptation and has a distinct mock-Victorian character. The metal balustrade has a distinctive circular pattern. A substantial double staircase did sit centrally within the covered market, but this was removed recently in favour of the slim, elegant metal staircase at the eastern end.

The Council has invested significantly in the renovation and repurposing of the Buttermarket which now includes vibrant retail and restaurant uses at ground floor and new activity at first floor. Unfortunately, there has been a flood of anti-social behaviour since the new staircase has been installed including a number of incidents of vandalism. There is currently no barrier to the staircase and therefore access is unrestricted when the Buttermarket is open. Additional security measures have been installed, but these do not prevent access.

The proposed gate would be installed directly at the top of the staircase. The design is bespoke and matches the existing design of the balustrades. To ensure that the gate is not bypassed to the side, it is necessary to include side panels.

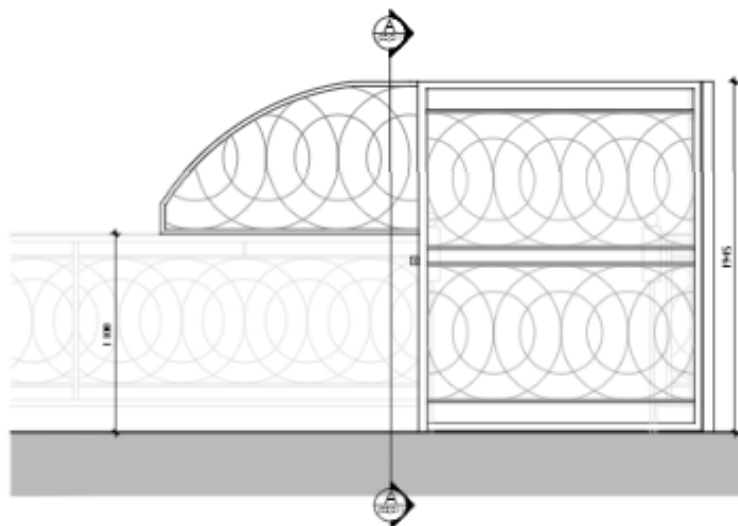
The applicant is clear that the gates will not prevent access when the upper floor is in use.

The design of the gates has been very carefully considered and pre-application advice sought from the Conservation Team. The applicant was advised to consider matching the balustrade design rather than creating a contrasting modern element to match the staircase. The use of matching circular details in the gate and panels ensures that it blends in with the existing appearance. The height of the gates and panels are necessary to prevent someone easily climbing over. This height above the existing balustrades risked creating an architectural feature that is alien and obtrusive when seen in the wider atrium. However, the slim profile of the metalwork and replication of the existing sections and detailing helps ensure that it is not unduly prominent.



Existing Elevation (Front)

1:25 at A1



Proposed Elevation (Front)

1:25 at A1



Extract from the submitted plans showing the existing appearance of the balustrade at the top of the staircase, and the new gate shown below.

The new gate will be capable of being pinned back when open via a special latch.

Overall, it is felt that the new gates will cause no harm to the special interest of the listed building.

Other material considerations

The Town Council raised no objection to the proposal. As the adjacent landowner, and a key partner in the management of the town centre, the Town Council's opinion is important in this context.

Historic England raised no concerns with the proposals. Whilst this cannot be interpreted as support for the proposal, it is felt that their lack of concern is due to confidence in the Council's in-house Conservation advice and the modest nature of the proposal.

Safety and accessibility are relevant considerations in this case. Anti-social behaviour is a well-documented problem within the town. Although the Council is working with partners to improve this situation, the alteration to the staircase is justified and will help better manage anti-social behaviour.

Whilst we have not found any fundamental harm with the proposal (in the context of paragraphs 200-202 of the NPPF), it is felt that the applicant's reasons for proposing the scheme carry clear and convincing reasons, including helping sustain the heritage values of the Town Hall (by reusing the heritage asset) and managing safe access to the upper floors.

Whilst not determinative in the above discussions, it is noted that the works proposed are reversible and otherwise only affect modern fabric (the existing balustrades date from the 90s).

There are no other material considerations in this case.

8.0 Implications

In writing this report and in putting forward recommendation's 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

For the reasons set out above, the proposed works are considered to cause no harm to the special interest of the Town Hall, a Grade I listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council's LDF DPDs (notably policies CP14 and DM9), and section 16 of the NPPF.

The proposal will cause no harm to Newark CA or the setting of any other heritage asset.

We draw your attention to the minor nature of the works and the need for the proposal which

will provide safe, secure and appropriate access to the first floor of the Buttermarket and will support the new education hub in the upper floor. The proposal is part of a phased project aiming to bring activity and life back to the Buttermarket, contributing to wider social and economic aims that will benefit the local community.

It is concluded by advising that the proposals have sought to balance the sensitive heritage values of the site through good design with optimum location and minimal disruption to the openness of the atrium.

10.0 Conditions

01

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The new gate hereby permitted shall not be carried out except in complete accordance with drawing number 19_2255_(02)211-P01.

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

03

Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good within 3 months after they are complete.

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

Informative notes

01

The application as submitted is acceptable. In granting consent without unnecessary delay the Local 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 Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in the application. It should however be noted that:

a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence and would be liable for enforcement action.

b) You or your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

03

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015

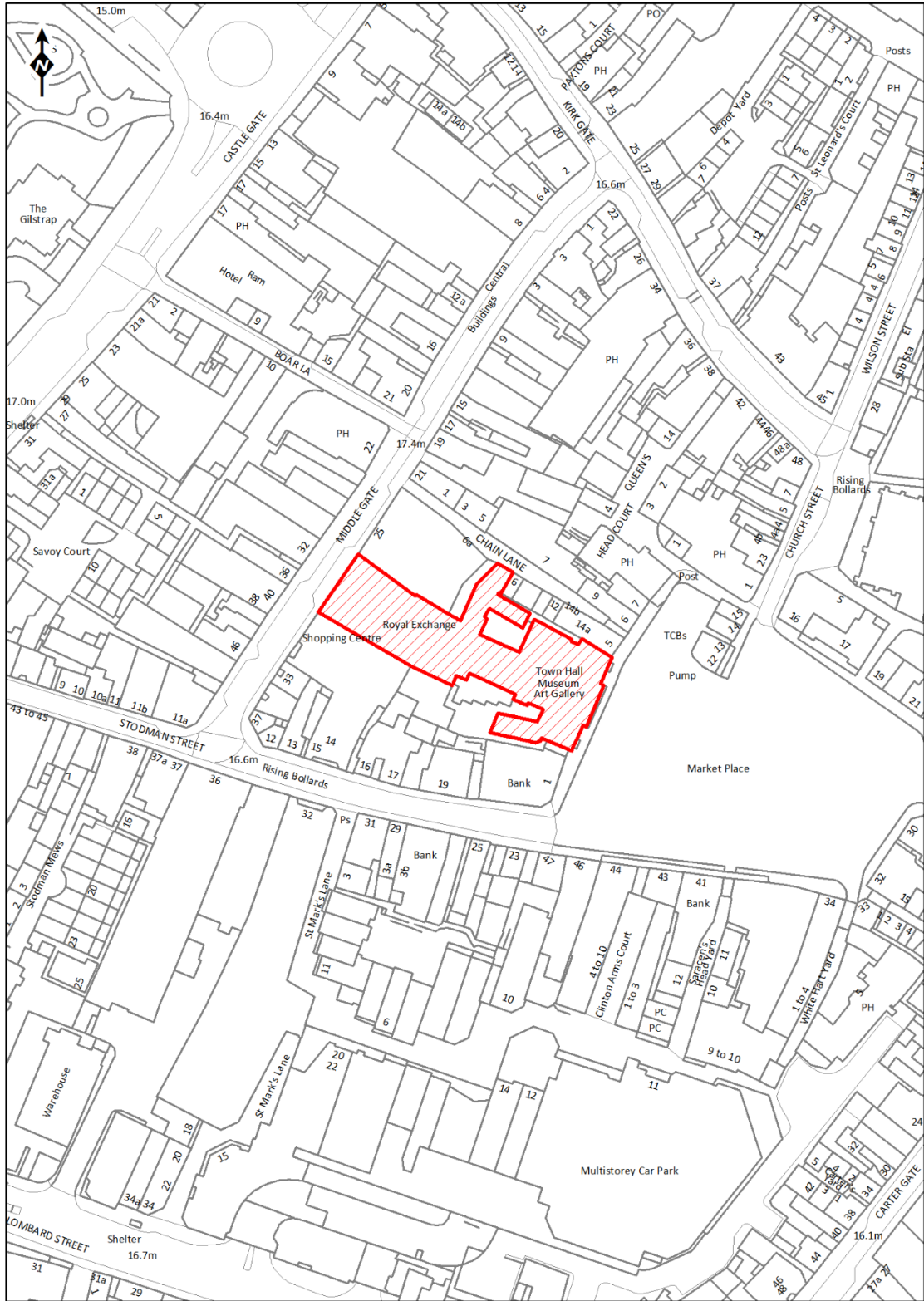
The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised 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 - 23/00993/LBC



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Report to: Planning Committee 5 October 2023
 Director Lead: Matt Lamb, Planning and Growth
 Lead Officer: Oliver Scott, Senior Conservation Officer, ext. 5847

Report Summary	
Report Title	Appointment of Heritage Champion
Purpose of Report	Update Planning Committee Members on a recent approval by the Portfolio Holder for Sustainable Growth on the appointment of and need for a Heritage Champion and the role they play in supporting the protection of the historic environment.
Recommendations	To note the report

1.0 Background

- 1.1 A Portfolio Holder Report was presented to Councillor Spoor as Portfolio Holder for Sustainable Growth to approve the appointment of a Heritage Champion. This report has been prepared for Planning Committee for awareness and confirmation that Councillor Andy Freeman has been appointed as the Council's Heritage Champion. Below is the Portfolio Holder report.
- 1.2 A Heritage Champion is normally a local councillor who has been nominated by their authority to promote all aspects of the historic environment in their area. It is up to the local authority to decide how to nominate their Heritage Champion.
- 1.3 The role is not a statutory position but can be positive and influential. At a strategic level for example, Champions can make sure that local plans and strategies capture the contribution that the local historic environment can make to the success of an area. They could also promote heritage within the local authority, generating enthusiasm for and awareness of the importance of the local historic environment.
- 1.4 It would, however, be for the Heritage Champion to interpret the role in a way that fits with their own interests, position and local conditions.
- 1.5 There is an existing network of Heritage Champions across the country. Historic England offer support and training for this role and will otherwise be encouraging the Champion to support the authority's local historic environment services (both archaeological and

historic buildings conservation officers). Useful guidance is available in Historic England's '[Heritage Champions Handbook](#)'.

- 1.6 The position was previously held by the Chairman of the Planning Committee. The previous Champion played an important role in promoting Conservation priorities for the Council, including the production of Conservation Area Appraisals, the introduction of a Criteria for identifying Non-designated Heritage Assets, the delivery of a Newark High Street Heritage Action Zone and proactive approaches to both the Heritage at Risk and Heritage Crime agendas.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 Essentially, the Council can decide to appoint or not appoint a Heritage Champion.
- 2.2 If the Council does decide to appoint a Champion, they will play an important and influential role in supporting and celebrating our local historic environment. Being a Heritage Champion can lead to highly visible and positive outcomes for the community, which can boost the Council's profile within the local area. This contributes in turn to our Community Plan objectives of maintaining the high standard of the appearance of the local environment and improving the health and wellbeing of local residents.
- 2.3 The Council could decide not to appoint a Champion. This would prevent the opportunity for the Champion to become a figurehead and voice for the historic environment. This may result in some reputational impact from a Historic England perspective. This would not contribute to our objectives in the Community Plan insofar as maintaining the appearance of the local environment or improving the wellbeing of local residents.
- 2.4 It is therefore recommended that the Chairman of Planning Committee (Councillor Andy Freeman) is appointed as the Heritage Champion.

3. Implications

- 3.1 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 below where appropriate.
- 3.2 The Council would need to inform Historic England of the appointment. Local Engagement Advisers (LEAs) are the main point of contact for Heritage Champions in Historic England. By ensuring that Historic England has the details of our Champion, including how they prefer to be contacted, they can be kept up to date on new publications, heritage events and training opportunities.

Financial Implications (FIN23-24/8211)

- 3.3 There should be no additional financial implications associated with the role of Heritage Champion other than attending occasional training events. It is envisaged that the championing role will permeate throughout other tasks as a local authority member and be incidental to them. However, it could be necessary for some specific time to be

allocated to Champion duties (e.g. meetings, training, etc). This would equate to no more than a handful of days per year.

- 3.4 The occasional training events, as per paragraph 3.3, will generally be funded by Historic England and the handful of days per year travel expenses can be contained within the Council's existing Members' service budget.

Legal Implications

- 3.5 There are no legal implications in this case. The role is an honorary position aimed at raising the profile of the historic environment, but it has no statutory function.

PLANNING COMMITTEE – 5 OCTOBER 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 19 August 2023 and 18 September 2023)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/Z/23/3323364	23/00198/ADV	ATM Esso Interchange Filling Station Fosse Road Winthorpe	7M Totem Pole Sign	Fast Track Appeal	Refusal of an advert consent application.

PLANNING COMMITTEE – 5 OCTOBER 2023

Appendix B: Appeals Determined (19 August 2023 and 18 September 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/01400/FUL	Grasmere Back Lane Eakring NG22 0DJ	Proposed erection of 1no. single-storey dwelling	Delegated Officer	Not Applicable	Appeal Allowed	21st August 2023
22/02205/HOUSE	102 Whinney Lane Ollerton NG22 9TZ	Single storey front extension (part retrospective) Re- submission of 22/01453/HOUSE.	Delegated Officer	Not Applicable	Appeal Dismissed	13th September 2023
22/01085/FUL	Land To the Rear Of 57 To 59 Jubilee Street Newark On Trent	Removal of existing garages and workshop and erection of 3 bungalows	Delegated Officer	Not Applicable	Appeal Dismissed	15th September 2023

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.

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Business Manager – Planning Development