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Tuesday, 6 February 2024

**Chair: Councillor A Freeman
Vice-Chair: 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, 15 February 2024 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

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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, 18 January 2024 at 4.00 pm.

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

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 Spoons, Councillor L Tift and Councillor T Wildgust

94 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee 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 L Dales declared an other registerable Interest in Application Item 5 – Newark Day Service, Woods Court, Walker Close, Newark On Trent (22/02321/FULM (Major) as she was a District Councillor appointed as a Governor on the Sherwood Forest Hospitals Foundation Trust and a Parish Councillor appointed on the Newark health consultation group, Councillor L Dales confirmed that she had not discussed this item at any other meeting.

Councillor J Lee declared an other registrable Interest as appointed representative on the Nottingham Fire Authority. He also declared an other registrable Interest in Application No. 5 – Newark Day Service, Woods Court, Walker Close, Newark On Trent (22/02321/FULM (Major) as he had taken part in discussions at Newark Town Council.

Councillor D Moore declared an other registerable Interest in Agenda Item 6 – Newark Castle, Castle Gate, Newark-on-Trent (21/02690/FUL) as he commented during the debate of this item, that tourism would be good for his business.

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

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

96 MINUTES OF THE MEETING HELD ON 7 DECEMBER 2023

AGREED that the minutes of the meeting held on 7 December 2023 were approved as a correct record and signed by the Chair.

97 ORDER OF BUSINESS

The Chair with the permission of the Committee changed the order of business on the

agenda and Agenda Item No. 7 – The Rhymes, Carlton Lane, Sutton On Trent (23/00584/FUL) was taken as the first item of business under Part 1 – Items For Decision.

98 THE RHYMES, CARLTON LANE, SUTTON ON TRENT, NG23 6PH - 23/00584/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the rebuilding and replacement of existing barns, sheds and outbuildings for agricultural use, following demolition, the application was part Retrospective.

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. The Planning Officer therefore suggested an amendment to condition 01 to read:

The approved building shall be completed in accordance with the approved plans listed below, within 12 months of the date of this decision.

- 0001 P1 Site Location Plan received 31st March 2023
- 0005 P1 Proposed Block Plan received 31st March 2023
- 0004 REV P4 Proposed Plans and Elevations received 25th October 2023

Reason: To define this permission and to ensure the development is completed in accordance with the approved plans.

Recommend condition 02 is amended to read:

The development shall be carried out in accordance with the submitted flood risk assessment (ref TRST-BSP-XX-XX-T-W-0001-P04_Flood_Risk_Assessment, revision P04, dated 24 October 2023 and compiled by BSP Consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.79 metres above Ordnance Datum (AOD) as detailed within Section 4.1.2 of the report.
- A water entry strategy shall be provided through the addition of a 6700mm x 175mm security mesh panels as the base of the two pairs of timber barn doors to allow the flow of water during a flood event. This is detailed within Section 4.1.3 and on the plan and elevation details within Appendix B of the report.

These mitigation measures shall be fully implemented prior to first use of the building or within 12 months of the date of this decision, whichever comes first. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that floodplain volume is not lost during a flood event.

Councillor S Michael, Local Ward Member for Sutton-on-Trent, spoke against the

application on the grounds of design, inappropriate building and uncharacteristic of a farm building.

Councillor S Tyers, of Sutton-on-Trent Parish Council, spoke against the application in accordance with the views of Sutton-on-Trent Parish Council as contained within the report.

Members considered the application and raised their concern regarding whether the proposed barn would be used for farming as there appeared to be windows being installed and there was no roof ventilation.

In answer to a Members question seeking clarification if the building was not used solely for agricultural use what action would be taken. The Senior Planning Officer confirmed that the building would not have a lawful use and enforcement action could be taken.

It was suggested that a Section 106 agreement be sought which prevented the applicant from constructing a separate barn which had already received prior approval, subject to confirmation from the legal team as being lawful.

AGREED (with 9 votes For, 4 votes Against and 2 Abstentions) that full planning permission be approved, subject to the conditions contained within the report as amended by the Schedule of Communication and the addition of a Section 106 agreement, which would compel the applicant from constructing a separate barn which had already been subject to a prior approval process, this would be subject to confirmation from the legal team as lawful.

99 NEWARK DAY SERVICE, WOODS COURT, WALKER CLOSE, NEWARK ON TRENT, NG24 4BP - 22/02321/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of existing store building, the creation of car parking and removal of trees.

A site visit had taken place prior to the commencement of the Planning Committee, for the reason that there were particular site factors which were significant in terms of the weight to be attached relative to other factors and they would be difficult to assess in the absence of a site inspection.

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

Members considered the application, and it was commented that this was a prime location for a medical practice which was a much-required requirement for residents of this area. A debate took place regarding whether the trees could be retained, and the car park be reduced on site, or whether the mature trees could be lifted with their root-ball by a qualified arborist and planted in an alternative location.

The Senior Planning Officer confirmed that discussions had taken place with the applicant regarding the reduction of the car park and they had confirmed that they

did not want to reduce the car parking provision and that the application should be determined on the car parking requested. It was also confirmed that it was doubtful whether the mature trees would successfully survive being moved and re-planted. It was confirmed that the trees may not survive if left in situ and the construction of a car park was undertaken.

A Member commented on the location of the site and the highly populated residential street adjacent to the proposed development. There were only a few houses on the street that had drive-ways and the on-street car parking was used by occupants. If the car park to the surgery was not constructed visitors to the surgery would use the on-street parking which would be detrimental to residents of that area. A Member commented that people needed to change their behaviour towards cars and look to use alternative methods of travel. It was further commented that the removal of the trees would change the ecology of the area and this was wrong in terms of reducing climate change.

Having declared an other registrable interest in this application, Councillor J Lee left the meeting for the duration of this item.

AGREED (unanimously) that full planning permission be refused.

Councillor J Lee returned to the meeting at this point.

The Director of Planning & Growth left the meeting for the duration of the following minute as the Council was the applicant.

100 NEWARK CASTLE, CASTLE GATE, NEWARK-ON-TRENT - 21/02690/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought engineering works to form a new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works.

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 applicant and the Planning Case Officer.

Members considered the application and some Members commented that the modern element had been taken too far and the proposed extension was not in keeping with the historic building and the ramp should be on the other side of the castle where it would be less visible. Concern was also raised regarding the loss of trees which was required in order for this project to be undertaken. The Senior Planning Officer informed Committee that the applicant had been mindful of the trees on site and Historic England had been the driver regarding the design and had tried to keep the tree loss to a minimum. The project would not be possible without the loss of some trees.

Other Members commented on the benefits this project would bring to the Town

Centre through tourism and commented that Historic England had provided their view that this project was a sound proposal for Newark. The proposals would provide a more desirable attraction, which would be accessible for all, educational and have a multi-use. Tourism was beneficial for Newark and the rest of the district and the balance was considered acceptable. It was suggested that Condition 09 - replacement of trees/shrubs be increased from 5 years to 15 years.

Councillor D Moore having commented that his business would benefit from tourism having declared an other registerable interest and abstained from the vote.

AGREED (with 11 votes For, 3 votes Against and 1 Abstention) that full planning permission be approved, subject to the conditions contained within the report as amended by the Schedule of Communication and the amendment to Condition 09 - the replacement of trees/shrubs be increased from 5 years to 15 years.

101 PALACE THEATRE, 16 - 18 APPLETON GATE, NEWARK ON TRENT, NG24 1JY - 23/02073/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought an addition of four poster boards on the theatre frontage.

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

Members considered the application acceptable.

AGREED (unanimously) that Listed Building Consent be approved subject to the conditions contained within the report.

102 STREET VOTE DEVELOPMENT ORDER CONSULTATION

The Committee considered the report of the Director – Planning & Growth relating to a consultation by the Government and for Members to consider the proposed response to be made.

On 22 December 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on Street vote development orders. The consultation ran for 6 weeks from the 22 December and would end 2 February 2024.

The report provided information regarding the Government’s directly quoted introduction to street vote development orders, why they were needed and their vision for such orders.

It was reported that the proposals for street vote development orders were guided by three key principles:

- to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal;

- to make the system accessible and easy to use so local people can take up the opportunity that street vote development orders provide; and
- to create a robust system that enables residents to bring forward well designed development on their street that has local support, in particular, from those most directly affected by it.

Members made the following comments and suggestions:

A Member commented that he agreed to question 41 with eligibility to vote and also the comments provided regarding Rural settlements.

Questions 4, 8, 11, 19, 22 & 38 would prefer it if the Council were more equivocal in their response and should say “yes or no” and “unsure” should not be used.

A Member commented that this system was already in place and was called Parish Councils, Community Groups, District Councils and County Councils. The proposals may make Parish Councils obsolete to save money. There would be a place for this if Newark and Sherwood was a Unitary Authority, however this would create another tier of decision making and would generate more work for Officers. The landowner had to be in agreement with any proposed development and it was questioned whether the agreement of the land owner should be sought before any work commenced. It was commented that the proposals did not make sense.

A Member commented that in relation to Question 22 & 23 Neighbourhood Plans should be referenced in our response and there was a difference as Neighbourhood Plans were subject to Referendum. There was no acknowledgment of the role of a neighbourhood plan within this consultation, which was really important as some of the district council’s towns had established Neighbourhood Plans and those plans were significant as to where development was required. It was questioned how these could be put together without a coherent strategy.

It was further commented that this was complex and in reality establishing this would be difficult. Question 24 had been answered as Yes, it was questioned whether that should be No, looking at the biodiversity side of this.

Paragraph 64 – why lose the right to re-submit for three years, clarification was sought regarding the rationale behind that and suggested to be reviewed.

Paragraph 69 – 60% have to vote to agree, this may need reviewing.

It was commented that the criteria for what can be accepted had to be 50% plus one for the street vote order. If there wasn’t the threshold what was the point of doing the work. It was felt that this did not make sense and was far too complex.

It was commented that the impact on residents at the end of a street could be detrimental and been missed out.

Question 11 – it was considered that this did not cover the areas with isolated pockets of up to nine dwellings, which would not get a voice. Those areas already felt frustrated that they had not currently got a voice.

Split boundaries was also questioned and what would happen in those circumstances.

The Chair requested that the responses be circulated to Members of the Planning Committee before the final version was submitted.

AGREED that:

- (a) the contents of the report and the proposal for street vote development orders be noted;
- (b) subject to the above comments and any further comments submitted after the Planning Committee, the draft Council response in Appendix 1 be endorsed; and
- (c) the responses be circulated to Members of the Planning Committee before the final version was submitted.

103 DE-LISTING NOTIFICATION

The Committee considered the report of the Director – Planning & Growth relating to the formal Notification of the de-listing of a Listed Building within the District.

On the 15 December, Historic England notified Newark and Sherwood District Council that Old Hall Cottage of Main Street, Kneesall had been removed from the List of Buildings of Special Architectural or Historic Interest (List entry number: 1045629). The date of Notification was reported as the date of de-listing. The building was originally designated in 1986. The report provided detail regarding how and why buildings were listed.

AGREED that the contents of the report and the notification of De-listing be noted.

104 PERMITTED DEVELOPMENT RIGHTS: SOLAR AND TELECOMMUNICATIONS MASTS

The Committee considered the report of the Director – Planning & Growth relating to the latest permitted development right.

On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on 4 proposals concerning:

- (1) permitted development rights relating to recreational campsites;
- (2) renewable energy;
- (3) electric charge vehicle points; and
- (4) film-making.

A paper was presented to the 20 April 2023 Planning Committee, setting out the Council's response to this consultation. The Government had issued, on the 28 November 2023, a new Statutory Instrument 2023 No. 1279 (The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023), setting out permitted development rights relating to (2) Renewable Energy, in addition to amendments to the telecommunications permitted development right and extensions to schools, colleges, universities, prisons and hospitals. The amended legislation came into force on 21 December 2023. A report was also presented to the

10 August 2023 Planning Committee in relation to (1) and (4) as above.

AGREED that the contents of the report and the permitted development right changes be noted.

105 NATIONAL PLANNING POLICY FRAMEWORK 2023 AND MINISTERIAL STATEMENT - THE NEXT STAGE IN OUR LONG TERM PLAN FOR HOUSING UPDATE

The Committee considered the report of the Director of Planning & Growth relating to changes arising from the recently amended National Planning Policy Framework (December 2023) and changes that were to come into effect for planning.

AGREED that the report be noted and the Planning Committee be aware of the contents of the documents when considering planning applications.

During the presentation of the above item, in accordance with Rule 2.7, the Chair indicated that the meeting had been ongoing for three hours and a motion was required to be proposed and seconded to extend the meeting for the duration of one hour.

AGREED (unanimously) that the meeting continue for the duration of one hour.

106 APPEALS LODGED

AGREED that the report be noted.

107 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.08 pm.

Chair



Report to Planning Committee 15 February 2024
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Jen Wallis, Planner

Report Summary			
Application Number	23/01650/HOUSE		
Proposal	Proposed front and rear extensions		
Location	31 Ridge Hill Lowdham NG14 7EL		
Applicant	Mr and Mrs Harrison	Agent	Mckenzie Tilson - Mr Alasdair Tilson
Web Link	23/01650/HOUSE Proposed front and rear extensions with internal reconfiguration 31 Ridge Hill Lowdham NG14 7EL (newark-sherwooddc.gov.uk)		
Registered	27.10.2023	Target Date	22.12.2023
		Extension of Time	23.02.2024
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0.		

In line with the Council’s Constitution, Councillor Wendels has requested the application be referred to the Planning Committee for consideration on the grounds that the proposed extensions would be overbearing and impact on neighbouring properties, overlooking, not in keeping and impact on surface water. In addition, the Officer’s recommendation differs from that of Lowdham Parish Council.

1.0 The Site

The application site is occupied by a two-storey detached dwelling located on the east side of Ridge Hill, within the village of Lowdham, within an established residential area.

The dwelling is constructed of brown brick with a grey tiled roof and is surrounded by detached two storey dwellings of a similar design and appearance as the host property. A

number of neighbouring dwellings have previously been extended and altered.

The host dwelling is slightly elevated above Ridge Hill with the site sloping gently downwards from east to west. The site frontage is open with a long driveway leading to a single integral garage. To the rear the garden is terraced and bounded by a variety of close boarded fencing approx. 1.8m in height above adjacent ground level.

The site is located within a part of Lowdham inset from the Green Belt.

2.0 Relevant Planning History

98/50989/FUL – Pitched roof to existing extension. Application Permitted 16.03.1998.

23/00921/HOUSE - Single storey front and rear extensions, two storey rear extension, together with cladding and rendering. Application Withdrawn 19.07.2023.

3.0 The Proposal

The proposal is for the erection of a single storey extension to the front elevation and a part single/part two storey extension to rear. In addition, sections of the front and rear elevations at first floor level would be finished in an off-white smooth render. The plans also indicate that the existing single garage would be converted to a fourth bedroom with the existing garage door replaced with a window and matching brickwork (such alterations could likely be carried out under Permitted Development and as such will not be considered any further as part of the application and an informative note added to advise that a Lawful Development Certificate be submitted).

During the consideration of the application, a first floor extension to the front of the dwelling has been removed from the proposals, and the area of brickwork to be finished in render has been reduced.

Single storey porch extension to front;

Depth: 1.1m

Width: 2.5m

Height to Eaves: 2.8m

Height to Ridge: 4.2m

Single storey extension to front;

Depth: 0.7m

Width: 3.5m (half width)

Height to Eaves: 2.8m

Height to Ridge: 3.3m

Single storey extension to rear;

Depth: 3.8m

Width: 8.5m (full width)

Height to Eaves: 2.5m

Height to Ridge: 3.8m

Two storey extension to rear;
Depth: 2.8m
Width: 5.2m
Height to Eaves: 5.2m (match existing eaves)
Height to Ridge: 6.8m (just below ridge of main roof)

Documents assessed in this application:

Existing Ground Floor Plan 2006.179.002
Existing First Floor Plan 2006.179.003
Existing Elevations 2006.179.004
Received by the Local Planning Authority on 15.09.2023

Location and Block Plan 2006.179.001 Revision C
Received by the Local Planning Authority on 30.11.2023

Proposed Floor Plans 2006.179.005 Revision G
Received by the Local Planning Authority on 08.12.2023

Proposed Elevations 2006.179.006 Revision H
Received by the Local Planning Authority on 01.02.2024

4.0 Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter.

Site visit undertaken: 16.11.2023.

5.0 Planning Policy Framework

The Development Plan

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

Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD Adopted July 2013 (ADMDDP)

Policy DM5 – Design
Policy DM6 – Householder Development
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (2023) (NPPF)

Planning Practice Guidance (on-line resource)

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

Householder Development SPD 2014

6.0 Consultations

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

(a) Statutory Consultations

None.

(b) Town/Parish Council

Lowdham Parish Council – Object to the original plans on the following grounds:

- Overbearing
- Adverse affect on neighbours (overlooking/loss of privacy/light)
- Extension is too big for plot - proposed increase in rear ridge height not in-keeping with the neighbourhood
- Excessive amount of white render out of character with street scene
- two storey not acceptable
- No soakaway proposed - sewers will need to accept increased water flow
- Work started already without permission.

Following the submission of revised plans, Lowdham Parish Council maintain their objection on the following grounds:

- The second storey is overbearing and has a domineering effect
- Proposal would overshadow the neighbour's patio resulting in a loss of amenity, sunlight and privacy
- The neighbours back bedroom would be affected by loss of light
- The proposed render to the front of the property is out of character with the street scene.

(c) Representations/Non-Statutory Consultation

NSDC Biodiversity and Ecology Lead Officer - The proposals are unlikely to have any impact on bats or nesting birds, and the provision of a bird nesting box, or bat box, would provide some biodiversity enhancement, proportional to the type and scale of development, as required by the NPPF and NSDC Amended Core Strategy Core Policy 12. I would advise that a self-cleaning, integrated bat box located in a suitable position within the walls of the proposed extension would be preferable.

Representations have been received from 3 neighbours, objecting to the application on the following grounds:

- Overbearing impact on neighbouring dwellings and their garden areas
- Overshadowing and loss of light
- Overlooking and loss of privacy
- Large areas of render would be out of character
- Dwelling has previously been extended
- Proposed extensions are disproportionate to the host dwelling and would result in over-development
- Increased surface water run-off and flooding implications
- Existing boundary beech hedge should be retained
- Building work has already commenced.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact on the Character and Appearance of the Area
2. Impact upon Residential Amenity
3. Impact upon Highway Safety
4. Impact upon Flooding
5. Impact upon Ecology

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

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. 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 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. Such considerations are assessed below.

Impact on the Character and Appearance of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. 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 is also relevant and has similar criteria to DM6. The Council's Householder Development 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).

One of the main considerations in this application is the scale and massing of the proposed extensions and their impact upon the design of the original dwelling, and the character and appearance of the surrounding area.

The proposed porch would be located to the centre of the front elevation and enclose the existing front door. It has been designed with a simple dual pitched roof to respect that of the host property and would be constructed of brick to match those used in the construction of the original dwelling. The single storey extension to the southern half of the front elevation would comprise of a modest extension to the existing lounge. It has been designed with a monopitch roof to mirror the existing single storey element to the northern half of the front elevation. The new lounge window would reflect the proportions, design and positioning of the first-floor bedroom window above. Whilst these extensions to the front of the property would be readily visible from within Ridge Hill, they would appear as subservient additions, which would respect the design and appearance of the existing dwelling and would not therefore harm the character or appearance of the surrounding area.

The proposed extensions to the rear would comprise a single storey extension projecting 3.8m to the rear extending across the full width of the rear elevation. Above part of this single storey extension, a first-floor extension is proposed which would project 2.8m rearwards and extend across the northern two thirds of the rear elevation. Given the elevated position of the dwelling in relation to Ridge Hill, and the limited gaps between neighbouring dwellings, the proposed rear extensions would not be particularly visible or overly intrusive when viewed from public vantage points. The extensions would however be visible from the rear garden areas of neighbouring dwellings and some wider views across open countryside from the east.

The proposed single storey extension has been designed with a simple mono-pitch roof, the scale and proportions of which would remain subordinate to the two-storey detached host dwelling. Due to changes in land levels, this extension would sit relatively low in relation to the neighbouring gardens and would not appear overly intrusive.

The proposed first floor extension above would be more readily visible from neighbouring properties. However, this element of the proposals has been shortened in depth, thereby reducing its overall scale and massing. It has been designed with a pitched roof, the eaves height and pitch of which would be the same as the pitched roof of the host dwelling, but with a very slight reduction in the ridge height from the main roof. The fenestration detailing

has also been amended to ensure the new windows respect the size and proportions of the existing window openings. As a result, the proposed first floor extension would respect the design and appearance of the host property, remaining subordinate to it, and would not therefore appear overly intrusive or visually harmful when viewed from neighbouring properties.

Whilst concerns have been raised by local residents regarding the totality of development on the site, including the previous and proposed extensions, a number of neighbouring dwellings within Ridge Hill have been significantly extended and altered since the housing development was first constructed. As a result, the proposed extensions would not be out of character with the size or scale of surrounding properties, nor harm the established pattern of development within the surrounding area.

With regards to materials, all the extensions would be constructed in facing brick and roof tiles, to match those used in the construction of the original dwelling. There would also be small areas of off-white render to the front and rear of the first-floor elevations of the existing dwelling. Whilst the existing host dwelling and surrounding neighbouring properties are predominantly constructed of brown brick, there are several dwellings within the vicinity of the application site that have small sections of off-white render or white cladding to the front elevation. It is considered that the reduced level of render now proposed would not appear out of character with the established street scene, nor detract from the overall character or appearance of the host property.

It is therefore considered that the proposed development, would accord with the aims of Policies DM5 and DM6 of the NSDC DPD, the provisions of the Householder Development SPD and the NPPF in this respect.

Impact upon Residential Amenity

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

Concerns have been raised by neighbouring occupiers that the proposed rear extensions would result in harm to residential amenity through unacceptable levels of overlooking, overshadowing and by an overbearing impact.

32 Ridge Hill comprises a two-storey detached dwelling located to the north of the host property, the front and rear elevations of which are in line with those of no.31. The section of the proposed rear extension closest to the shared boundary with no.32 comprises part single storey, part two-storey element. The side elevation of the proposed extension would be located between 3m and 4.4m from the shared boundary. Given these separation distances, together with the reduced scale of the first-floor element which has been designed with a pitched roof design which would slope downwards towards the shared boundary, it is not considered that this element would result in an unacceptable degree of overbearing impact or result in unacceptable levels of overshadowing to occupiers of no.32. The proposed projection would not intercept the 45-degree line from the centre of the nearest windows

located within the rear elevation of no.32. In terms of overlooking, the rear elevation of the proposed first floor would contain 2 new bedroom windows. These windows are modest in size and whilst they would allow some views over the far end of the rear garden of no. 32, the angles would be so oblique that they would not allow unacceptable levels of overlooking to occur. In built up urban areas such as Ridge Hill, there will often be some level of mutual overlooking over neighbouring rear gardens. In this case, the expected private zone to the immediate rear of the neighbouring dwelling would be protected.

30 Ridge Hill comprises a two-storey detached dwelling located to the south of the host property, but it is set further forward towards Ridge Hill by approx. 2.5m. The element of the rear extension closest to the shared boundary with no.30 comprises a single storey element which would be constructed up to the shared boundary. The shared boundary currently comprises a 1.8m high close boarded fence, beyond which is a beech hedge which measures approx. 2.5m in height, located within the rear garden area of no. 30. The proposed extension would measure 2.5m to the eaves and 3.8m to the top of the monopitch. Given the limited height of the extension and its sloping roof, only the very top section of roof would be visible from the rear garden area of no.30 above the existing boundary fence and hedge. As a result, the proposal would not appear overbearing or overly intrusive. The submitted plans demonstrate that the proposed extension would not intercept the 45-degree line from the centre of the nearest windows located within the rear elevation of no.30. It is also noted that the proposed single storey extension would be orientated to the immediate north of the rear garden area of no.30, therefore no harm would occur through overshadowing or loss of light.

27 Ridge Hill comprises a two-storey detached dwelling located to the south east of the host property, the rear garden area of which measures in excess of 30m in length and extends beyond the rear eastern boundary of the application site. The existing rear elevation of the host property currently contains two-bathroom windows which are fitted with obscure glazing. The proposed first floor extension would contain two-bedroom windows with clear glazing. This would inevitably result an increase in overlooking over the far end of the rear garden area of no.27, at a distance of approx. 20m from the rear elevation of no.27. As stated above, in built-up residential areas some level of mutual overlooking, particularly from first floor bedroom windows over neighbouring rear gardens, usually occurs. In this case, the area of garden affected is so far from the host dwelling and already experiences some level of overlooking from other neighbouring dwellings, that it is not considered the proposal would lead to significant levels of overlooking or loss of privacy which would result in unacceptable harm to the living conditions of no.27. The proposed first floor extension would be located 8m from the boundary with no.27 and located on a lower level than the rear garden area of this neighbouring property, as such it is not considered that the proposal would result in unacceptable harm through overshadowing or by an overbearing impact.

In reaching these conclusions, I have had regard to the 'fall back' position afforded by Permitted Development rights, from which the host property benefits. In this case the property could be extended by a 4m deep single storey extension across of the full width of the property, and a 3m deep two storey extension across part of the rear elevation.

Properties on the opposite side of Ridge Hill also comprise detached two storey dwellings. These neighbouring properties sit at a lower level than the host property due to the natural slope of the land running from east to west and are separated by a distance of over 25m.

Given the level of separation which would be retained between the host property and these neighbouring dwellings opposite, together with the intervening public highway, the proposals would not result in harm to the residential amenity of these properties through overlooking, over-bearing or overshadowing.

In terms of the residential amenities of future occupiers, whilst it is accepted that the proposal would result in a reduction in private amenity space for the property, there would be adequate private amenity space remaining to serve the enlarged dwelling.

It is therefore concluded that the proposal is acceptable from a neighbour amenity perspective and would not result in significant harm to the living conditions of neighbouring occupiers. The proposal therefore complies with Policy DM6 and DM5 of the DPD and the guidance contained within the NPPF having regard to the living conditions of neighbouring occupiers.

Impact upon Highway Safety

Spatial Policy 7 states that new development should provide safe, convenient and attractive accesses for all, Policy DM5 states that provision should be made for safe and inclusive access to new development and Policy DM6 states that householder development should ensure that there is no adverse impact on the highway network as a result of the proposal.

Paragraph 115 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

With regards to off-road car parking levels, the revised proposal would increase the number of bedrooms within the dwelling from 3 to 4. Guidance contained within the Supplementary Planning Document 'Residential Cycle and Car Parking Standards & Design Guide', specifies that a 4-bedroom dwelling in this location would normally require a minimum of three off-road car parking spaces.

As part of the proposals, the existing single integral garage would be lost, however the revised site plan demonstrates that three off-road car parking spaces could be accommodated on the frontage of the site. A condition could be attached to any approval to ensure that these three off-road car parking spaces were provided before the extensions were occupied.

For the reasons outlined above, the proposal would not result in unacceptable harm to highway safety, and would accord with Spatial Policy 7, Policies DM5 and DM6 of the ADMPD, Part 9 of the NPPF, and the Residential Cycle and Car Parking Standards & Design Guide SPD.

Impact upon Flooding

Core Policy 9 and Policy DM5 require that proposals pro-actively manage surface water and Core Policy 10 and Policy DM5 seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk.

The site is located within Flood Zone 1 (low risk) of fluvial flooding and in an area at very low risk from surface water flooding. The proposed extensions would be erected on areas which are currently hard surfaced. The remaining rear garden area is part patio, part lawn, and the new driveway to the front would have low level planting to either side, a soakaway, and an acro drain installed between the driveway and Ridge Hill. As a result, any increase in surface water run-off from the driveway and extensions would be discharged within the site, and given the limited scale of the development, it is unlikely to lead to an unacceptable increase in flooding over and above the existing scenario. The proposal is therefore considered to comply with Development Plan policies in this regard.

Impact upon Ecology

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

In support of the application a Protected Species Report was submitted, which concluded that there was no evidence of any bat roosts or birds nesting within the building. Following consultation with the Council's Biodiversity and Ecology Lead Officer, they have confirmed that the proposals are unlikely to have any impact upon bats or nesting birds, and the provision of a bird nesting box, or bat box, would provide some biodiversity enhancement, proportional to the type and scale of development, as required by the NPPF and NSDC Amended Core Strategy Core Policy 12. They advise that a self-cleaning, integrated bat box located in a suitable position within the walls of the proposed extension would be preferable.

Subject to a condition securing the provision of such a bat box, it is considered that the proposal would accord with the NPPF, Core Policy 12 of the ACS as well as Policy DM5 of the A&DM DPD.

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

In conclusion, it is considered that the proposed extensions and alterations to the dwelling would not have any adverse impact upon the design or appearance of the host dwelling or the character of the surrounding area. Although the concerns raised by neighbouring occupiers have been taken into account, the above assessment has found that the proposals would not have a significantly detrimental impact upon the residential amenities of surrounding dwellings to justify a refusal of permission in this case. There would also be no adverse impacts upon highway safety, flooding or protected species as a result of the development, subject to conditions.

It is therefore considered that the proposal complies with policies contained with the ACS and the ADMDPD, as well as the Council's Householder Development SPD 2014 and Residential Cycle and Car Parking Standards and Design Guide SPD 2021. It is therefore recommended that permission is granted, subject to the conditions set out below.

10.0 Conditions

01

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

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

02

The development hereby permitted shall be carried out only in accordance with the following approved plans:

Location and Block Plan 2006.179.001 Revision C
Received by the Local Planning Authority on 30.11.2023

Proposed Floor Plans 2006.179.005 Revision G
Received by the Local Planning Authority on 08.12.2023

Proposed Elevations 2006.179.006 Revision H
Received by the Local Planning Authority on 01.02.2024

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details shown on the approved plan.

Reason: In the interests of visual amenity.

04

During the construction of the extensions hereby approved, a self-cleaning, integrated bat box shall be installed, a minimum of 4m above the ground (as close to the eaves as possible) within the southern facing side elevation wall of the proposed first floor rear extension.

Reason: To ensure bio-diversity net gain is achieved on the site.

05

Prior to the extensions hereby approved being first brought into use, the three off-road car parking spaces, as shown on the Location and Block Plan 2006.179.001 Revision C received by the Local Planning Authority on 30.11.2023, shall be provided and made available. The three off-road car parking spaces shall thereafter be retained for parking purposes for the lifetime of the development.

Reason: To ensure an acceptable level of off-road car parking is provided, in the interests of highway safety.

Informatives

01

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

02

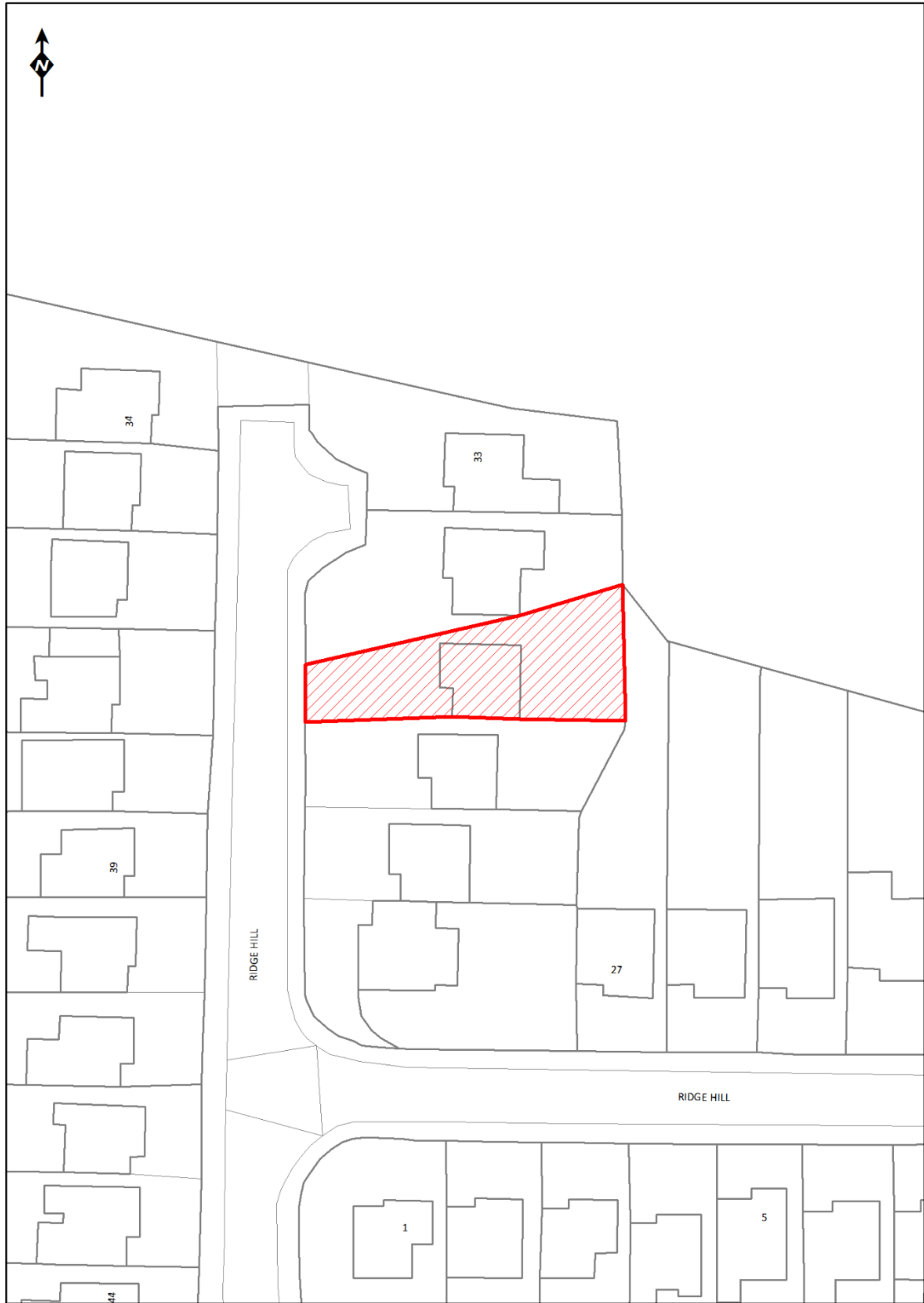
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as less than 100m² of floorspace is proposed.

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.



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Report to Planning Committee 15 February 2024
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Juliette Wilson, Conservation Officer, Extn 5859

Report Summary			
Application Number	23/01338/LBC		
Proposal	Small open porch and installation of composite doors (Retrospective)		
Location	Foxgloves, Main Street, Edingley		
Applicant	Dr Karen Dening	Agent	N/A
Web Link	23/01338/LBC Small open porch and installation of composite doors (Retrospective) Foxgloves Main Street Edingley NG22 8BE (newark-sherwooddc.gov.uk)		
Registered	31.7.2023	Target Date	20.11.2023
		Extension of Time	22.2.24
Recommendation	That Listed Building Consent is <u>REFUSED</u> for reason set out in Section 10.0 of this report		

In line with the Council’s Constitution, Councillor Rainbow has requested the application be referred to the Planning Committee for consideration on the grounds that the design, brick and pantiles are in keeping with the barn and it has a practical purpose in protecting the property from flooding. In addition, the Officer’s recommendation differs from that of Edingley Parish Council.

1.0 The Site

The application site comprises a large former agricultural barn, which was approved for conversion into two residential units in 1997. At the time of the application the building was identified as curtilage listed in association with the Grade II listed Manor Farmhouse (LEN 1193536), designated 11th August 1961.

The application site at the date of listing was in the same ownership as Manor Farmhouse

(the principal listed building), was physically related to the principal listed building and had a related function to that principal listed building.

The site is accessed from the Main Street and is situated west of the Grade II* listed Church of St Giles.

Other notable listed buildings within this area of Edingley include:

- Grade II Pair of head stone in church yard of Church of St Giles 5-metres north of the chancel (LEN 1370173), designated 13th May 1986
- Grade II Church Farmhouse (LEN 1045537), designated 13th May 1986

2.0 Relevant Planning History

23/01339/LBC - Installation of EV charging point. Approved 17.11.2023

04/00538/FUL & 04/00539/LBC – Conversion of existing garage to granny annexe. Approved 6.5.2004 & 13.5.2004

97/50542/FUL & 97/50543/LBC – Conversion of Farm building to one dwelling. Approved 7.3.1997

94/50465/FUL & 94/50464/LBC - conversion of farm buildings to two dwellings. Approved 28.7.1994

3.0 The Proposal

Listed building consent is sought for the retention of a brick and pantile, open lean-to porch located on the north-east facing elevation. It measures 1.97m wide by 1.5m deep, 2.4m high to eaves and 3.2m high to the ridge. It also includes the installation of two composite upvc doors in anthracite grey.

4.0 Departure/Public Advertisement Procedure

Occupiers of two 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.

A site visit was undertaken 5th October 2023.

5.0 Planning Policy Framework

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a presumption in favour of the preservation of listed buildings and preservation or enhancement of conservation areas.

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2
- Historic England (2017) Adapting Traditional Farm Buildings: Best Practice Guidelines For Adaptive Reuse
- Newark and Sherwood Conversion of Traditional Rural Buildings Supplementary Planning Document 2013

6.0 Consultations

Edingley Parish Council - support the application.

7.0 Comments of the Business Manager – Planning Development

As the application concerns a designated heritage asset of a Listed Building, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

The key issue is:

- Whether the proposal preserves the special architectural and historic interest of the curtilage listed building.

Summary of Significance of Heritage Asset(s)

The building is curtilage listed building in association with Manor Farmhouse (LEN 1193536). Manor Farmhouse dates to the early 18th century and is constructed of redbrick, with concrete pantile roof, brick coped gables with kneelers.

Historically associated with the farmhouse is a large agricultural building range. The building is a 'U' planform with a range of agricultural building types/uses. The building is constructed of redbrick and clay pantile. The building has typical agricultural architectural details such as threshing openings and cartshed openings.

Manor Farmhouse was designated on 11th August 1961 and at the time of designation the farmhouse and agricultural buildings were in the same ownership, physically associated being located together at the end of the lane and in ancillary use to the Farmhouse. The agricultural buildings were converted in the 1990s, a listed building application was submitted and

approved in 1994 and 1997 in which the Council considered it to be curtilage listed. At this time, no additional information has been provided to alter the curtilage listed status of the building.

Heritage impacts

Porch

Historic England's Best Practice Guidelines for Adapting Traditional Farm Buildings sets out that the general principal is carefully designed extensions maybe considered acceptable where they assist in the future '*safeguard of the significance*' of the heritage asset. The building was successfully converted into residential use, which allowed for the safeguarding of the building.

Historic England's Best Practice Guidance suggest that porches can be '*overtly domestic extensions*', which are '*alien in character and can rarely work successfully within the context of the historic farm buildings*'.

Porches are not a typical agricultural feature and its unsympathetic introduction, such as in this case, erodes the agricultural character of the building and therefore its contribution to the special interest of the designated heritage asset.

The building is a large 'U' plan form with a mix of agricultural building types. The location of the porch does not respond positively to the traditional planform and is awkwardly located between different roof forms. In addition, the type of brick used in the construction of the porch is not a good match to this part of the building. The main part of the agricultural building has an orange/red brick, and the porch is constructed with a paler brick with pink tones. The use of different bricks contributes to the extension jarring with the original part.

The application site is set back from the road, however, due to the openness of the site, the porch is visible from the Main Street. The awkward relationship with the traditional agricultural planform and existing roof form is visible from the wider area.

Although the porch is visible, it is considered not to affect the setting of Grade II* listed Church of St Giles, due to mature trees and the location of the porch (you do not experience the church and porch at the same time).

Composite upvc doors

As part of the original conversion all windows and doors were approved as timber. The design of the door was tongue and grove timber boards to the bottom section and glazing to the upper section. Timber is a traditional material, which reflects traditional technology expected for a building of this age and use. The replacement of timber doors with composite upvc versions removes traditional workmanship with detail that cannot be replicated through modern composite materials.

The applicant has raised concerns about the ongoing maintenance of the timber door with it being replaced multiple times over their time as the building owner. Discussions outlined that

part of the problem is from rainwater coming off the roof hitting the door. This could be addressed through a more sensitive approach of installing rainwater goods with a larger capacity that can discharge rainwater efficiently.

Other Matters

Although nothing has been formally submitted with the application, the applicants have raised concerns over flooding. This is following water levels around the property during Storm Babet in October 2023, where water from a nearby stream diverted down the property's drive and up to the dwelling.

Comments have been made, that without the porch the water would have entered the property. The conservation team have previously advised other listed building owners in the district about flood resilience. Although the porch may have prevented water entering the property, less visually invasive options are available, such as removable barriers to the door.

8.0 Implications

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

9.0 Conclusion

The introduction of an alien and overtly domestic extension results in harm to a listed building that derives significance from a rural agricultural vernacular character. The porch is constructed with brickwork that is not a suitable match to the host property. The introduction of modern composite upvc materials erodes the traditional, historic character of the building.

The problems raised by the applicant in relation to the ongoing maintenance of timber doors and flood resilience can be achieved through solutions that are more sensitive to the building's heritage status and are therefore not considered to represent a clear and convincing justification in this case.

The proposal therefore results in less than substantial harm to the significance of this heritage asset, which, in accordance with paragraph 208 of the NPPF can be weighed against the public benefits of the proposal. Any benefits arising from the proposal are essentially private gains, and not public/heritage benefits that can be weighed against the harm identified.

It is considered that the proposal does not preserve the special interest of the listed building as required by Section 16 of the Act and therefore should be refused.

10.0 Reason for refusal

In the opinion of the Local Planning Authority, the porch and composite upvc doors would, by virtue of being an unsympathetic addition and introducing an unauthentic fabric into the

heritage asset, result in less than substantial harm to the special interest and significance of the listed building that lacks clear and convincing justification.

The proposal therefore fails to preserve as required by the duty contained within Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in contrary to Section 16 of the National Planning Policy Framework, a material planning consideration. The identified harm is less than substantial for the purposes of the NPPF, but no public benefits have been identified that would outweigh the harm identified.

Informatives

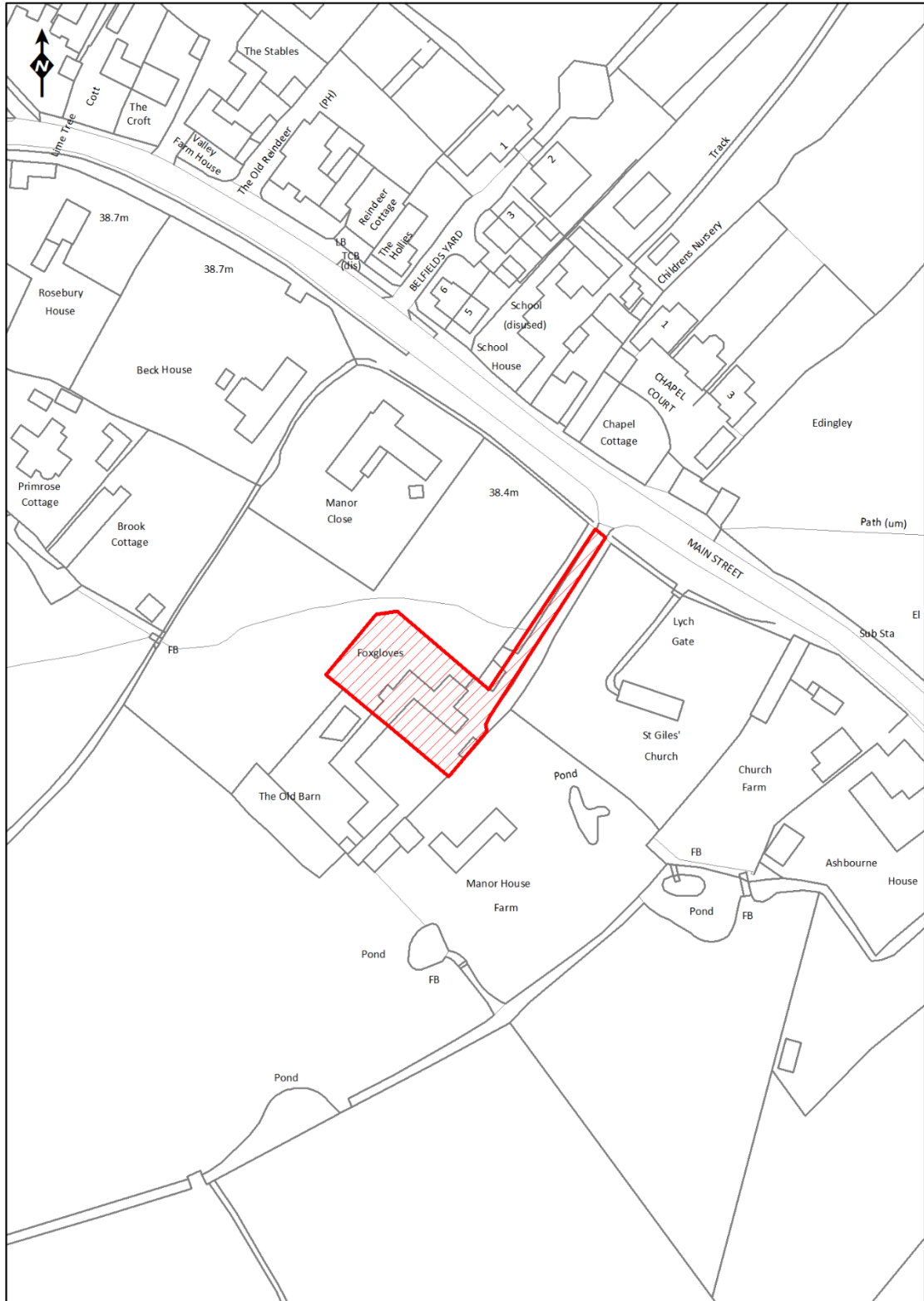
The application is clearly contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

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 - 23/01338/LBC



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Report to Planning Committee 15 February 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner

Report Summary			
Application Number	23/02091/FUL		
Proposal	Change of use from residential to Community Hub including associated alterations.		
Location	34 Manvers View, Boughton, NG22 9HJ		
Applicant	Newark And Sherwood District Council - Mr Terry Bailey	Agent	Newark & Sherwood District Council - Mr Lee Powell
Web Link	23/02091/FUL Change of use from residential to Community Hub including associated alterations		
Registered	30.11.2023	Agreed extension of time	21.02.2024
Recommendation	That planning permission is APPROVED, subject to the conditions in Section 10.0		

In accordance with the Council’s Constitution, this application is before the Planning Committee for determination as Newark and Sherwood District Council is the Applicant.

1.0 The Site

The application site is situated off Manvers View, an established residential estate to the north of Boughton, known as The Retford Road Estate, just north of the playing fields serving the Dukeries Leisure Centre/Academy. Access through Turner Lane, Manvers View comprises mainly two storey terraced dwellings. The property comprises three bedrooms with bathroom upstairs and living room, dining room, kitchen and wc downstairs. The property is an end of terrace dwelling adjacent to the end of Manvers View, adjoining with another dwelling to the west, and an open field to the south.

2.0 Relevant Planning History

23/02094/ADV - Display of 3 No. fascia signs. Pending consideration

3.0 The Proposal

The proposal is for the change of use of an existing Council owned dwelling into a community

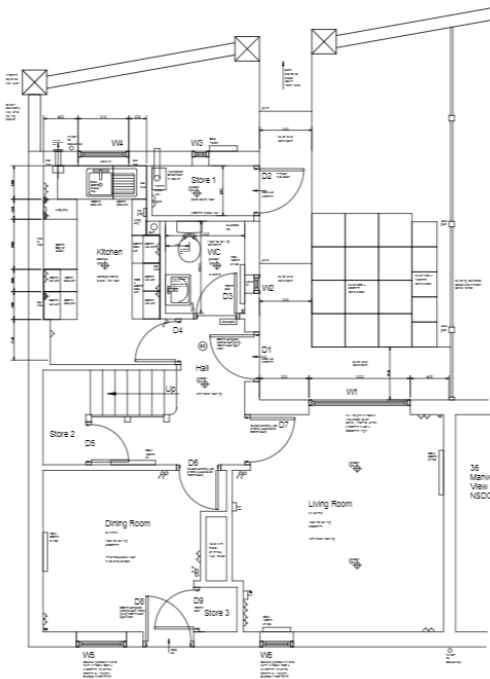
hub for use by local residents within the residential area. The Hub will provide a base for initiatives to grow, to tackle local issues in partnership with the Police, Community Safety Teams, Housing Services and Waste Management, NHS, Credit Union, CVS, CAB, Inspire and several other agencies. It will also provide an enhanced community capacity building with support from local colleges/schools and both statutory and non-statutory agencies which will feed into the Council's digital strategy.

The supporting document submitted states the following:

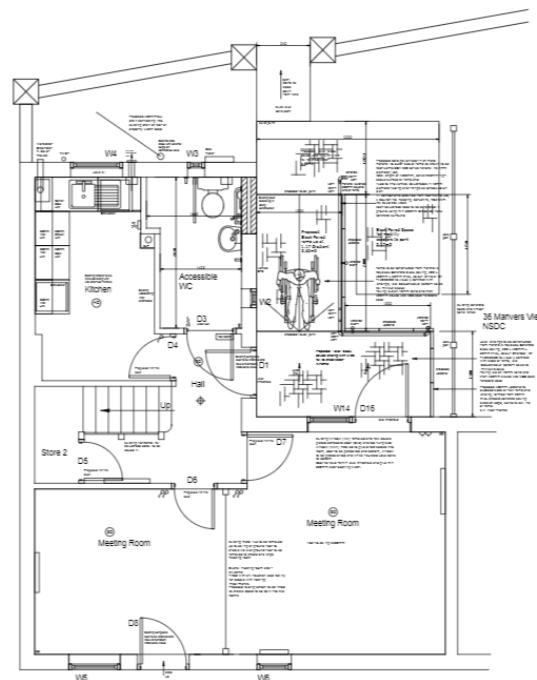
- The purpose of the hub will be to bring together tenants and residents in one place to provide one voice to encourage them to become involved in improvements locally.
- The meetings will be provided to hear views, have coffee mornings and some fundraising activities.
- The community hub will be used for both daytime services provision and some daytime and evening meetings and trainings.
- Normal working hours will be between 9am-5pm Mondays to Fridays
- Some activities for families will be held in the evening and some weekends.
- The weekend activities will last no later than 6pm and will be adhoc.
- Evening meetings will be held with staff and or Management Group volunteers and residents on the estate, not every evening but adhoc and will finish before 9pm.
- It is not envisaged that there will be significant number of meetings outside the normal working week outside of 9am-5pm.
- All meetings will be conducted in a respectful manner taking into account, noise levels and the close proximity to neighbours.

On the ground floor, would see the dining and living rooms convert into 2 meeting rooms, the kitchen and W C would remain largely unaltered.

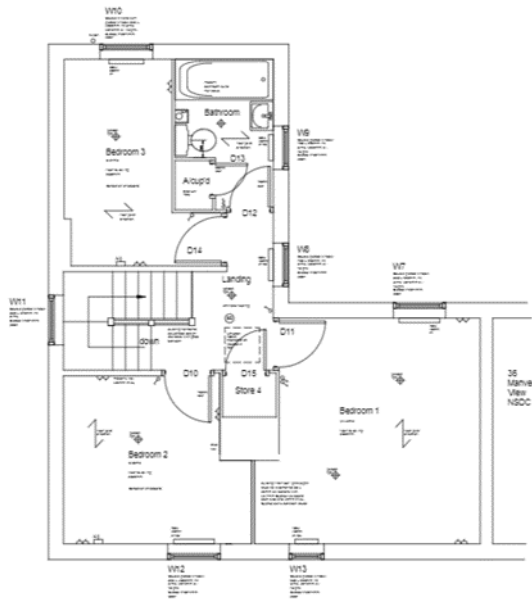
The three bedrooms on the first floor would be converted into a library /meeting room, a housing and police hub and a partnership room.



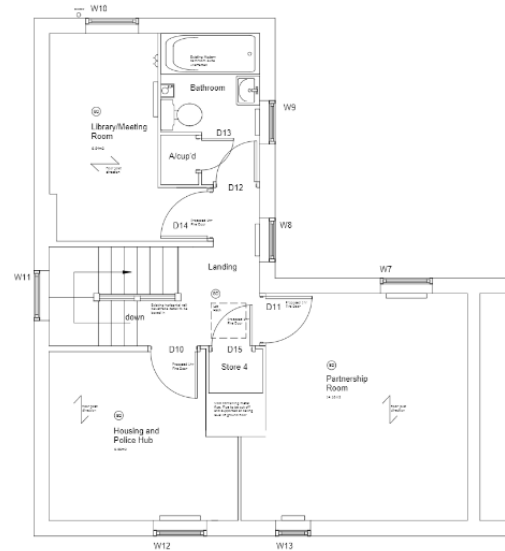
Existing ground floor plan



Proposed ground floor plan



Existing first floor plan



Proposed first floor plan

Some signage is proposed to be displayed on the building, which is being considered under a separate application 23/02094/ADV.

Submitted Documents (Superseded documents are not included within the list below)

- Site location plan received 27 November 2023
- Block Plan received 27 November 2023
- Existing ground floor plan ref: 03 received 27 November 2023
- Existing first floor plan ref: 04 received 27 November 2023
- Existing elevations ref: 05 received 27 November 2023
- Proposed ground floor plan ref: 06 received 27 November 2023
- Proposed first floor plan ref: 07 received 27 November 2023
- Proposed elevations ref: 08 received 27 November 2023
- Supporting information received 27 November 2023
- Additional information (parking) received 15 January 2024
- Additional information (noise) received 14 December 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of thirteen properties have been individually notified by letter. A site notice has also been displayed near to the site on 13.12.2023.

Site visit undertaken on 13.12.2023.

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 9 -Sustainable Design

Allocations & Development Management DPD

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

Other Material Planning Considerations

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)

6.0 Consultations and Representations

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

(a) Statutory Consultations

NCC, Highway Authority – following initial concerns raised, no objection subject to conditions relating to provision of cycle storage and the submission of a Car Parking Management Plan.

(b) Parish Council

Ollerton and Boughton Town Council – Support the application.

(c) Representations

NSDC Environmental Health (noise) – following initial concerns raised, no objection.

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact on the Visual Amenity/Character of the Area
3. Impact upon Residential Amenity
4. Impact upon Highway Safety

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

Paragraph 97 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning decision should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments, as well as to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The site is located within the main built-up area of Ollerton and Boughton, which is identified as a Service Centre by Spatial Policy 1 (Settlement Hierarchy) of the Core Strategy where new development is supported in principle. The proposal is for the change of use of the existing two storey dwelling to provide a community hub for local residents and a base for local service providers. The dwelling is Council owned.

Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities' of the Adopted Core Strategy DPD encourages the provision of new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the District and beyond. The applicant has adequately justified the need for the type of development proposed within the supporting statement. The proposed Hub will provide a base for initiatives to grow, tackle local issues in partnership with other local services, enhance community capacity building with support from local colleges, schools and other agencies in order to improve health and wellbeing of residents, reduce crime and anti-social behaviour, as well as creating a vibrant and self-sufficient local community that contributes to their local area.

Class F of The Town and Country Planning (Use Classes) Order 1987, as amended, lists uses for Local Community and Learning. Class F is then sub-divided into F1 – Learning and non-residential institutions and F2 – Local Community. Class F1 includes schools, museums, libraries, places of worship, law courts etc.

A community hub such as this would represent a more local facility and fall within Class F2. Class F2 is also sub-divided into the following 4 parts:-

- F2(a) – Shops mostly selling essential goods, including food, where the shop's premises do not exceed 280 sqm and there is no other such facility within 1000 metre;
- F2(b) - Halls or meeting places for the principle use of the local community;
- F2(c) - Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms);
- F2(d) – Indoor or outdoor swimming pools or skating rinks.

The proposal would fall within F2 (b), however, under the legislation, it is possible to move from between parts (a) to (d) without requiring planning permission or between F1 and F2 if no restrictions are in place via condition. Although the site is self-limiting to a certain extent because of its size, it is located in a sensitive location, directly adjoining another dwelling, it is considered that in the event permission is granted, a condition preventing a change to any of the other parts within Class F2 should be imposed, in order to retain reasonable control over the potential for future uses.

While the loss of one social dwelling is regrettable, the property would be used as a community hub for the local residents to improve health and wellbeing, reduce crime and improve the feelings of safety in the communities. Furthermore, the internal layout of the property would remain largely the same as the existing dwelling so that when/if the community hub is no longer required, the property can easily be converted back into a dwelling.

In principle, the provision of a community hub in this location is supported as it would enable the community to meet its day-to-day needs and would be of an appropriate size to the area it would serve. This is however subject to a site specific assessment.

Impact on Visual Amenity/Character of the Area

Core Policy 9 'Sustainable Design' of the Amended Core Strategy (Adopted March 2019) requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocations & Development Management DPD, which requires the proposal to respect the visual amenity and character of the surrounding area.

The building would be viewed within the context of the site and is sited adjoining and adjacent to the other existing dwellings within the established estate. No alteration is proposed to the existing form of the building other than converting one of the windows on the front elevation at ground floor level to a double pane disabled accessible door with a low level access ramp. The signage proposed on the front and side elevations of the building is being considered by a separate advertisement consent (23/02094/ADV).

The building itself would remain largely unaltered and therefore similar to the other dwellings within the vicinity that are in situ. If or when the hub is no longer required, the building could easily be converted back into a dwelling.

The proposal is considered appropriate for its context. The building therefore would not result in a detrimental impact on the character or appearance of the building itself or the wider area, in accordance with Core Policies 9, DM5, and Part 12 of the NPPF.

Impact upon Residential Amenity

In relation to amenity, Paragraph 135 of the NPPF states that a high standard of amenity should exist for existing and future users. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. 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. Proposals resulting in the loss of amenity space will require justification.

As the building would largely remain in its current form, it is not anticipated the change of use would result in any unacceptable overbearing impact, loss of light or loss of privacy to neighbouring occupiers.

However, the change of use of the building from a single private dwelling to a community hub is likely to lead to additional noise and disturbance. The building is adjoined by another dwelling to the northwest within an established residential area. As such, concerns were initially raised by the Council's Environmental Health officer in relation to potential noise and disruption that could be created within the hub, particularly during the evenings and at weekends, especially given that the 'partnership room' had a shared wall to the adjoining dwelling at first floor level and the quality of noise attenuation between the properties is unclear.

The applicant confirmed that it would not be appropriate to limit the use of the hub to a daytime use only as the purpose of the Hub is to promote use by tenants and residents, and most of the tenants and residents available time to use the hub would be after 5pm. They go on to state that events planned would be noise minimal up to 9pm and would include meetings of no more than 15-20 people maximum. The applicant has confirmed that the partnership room (room adjoining no.36 Manvers View) will not be used by residents and only by agency staff predominantly during office hours (9:00 -17:00 Mondays to Fridays), although one or two staff from Public Protection may use this room during some evenings.

The proposed opening hours of the hub would be Mondays to Friday from 09:00 to 21:00, Saturdays from 09:00 to 18:00 and Sundays between 09:00 and 16:00. The Hub will be managed on a day-to-day basis by NSDC Tenancy officers, including bookings and openings. The applicant goes on to state that the activities and events would mainly be tenant's meetings, fundraising, autism awareness nights, mums and toddler sessions. Agencies would also hold healthy eating events, as well as community safety events (advice and support sessions). Most of these types of events will be during the working day.

A condition can also be added to restrict the opening hours of the hub to ensure the nearby neighbours would not be harmfully impacted by any noise or disturbance that are unacceptable within an established residential area.

Further information provided by the applicant confirmed that the meeting room on the first floor titled 'Partnership Room' (adjoining to number 36) would not be in use after 5pm. Most activities at the hub will be carried out during the day. The applicant also agreed to install

acoustic insulation on the shared wall to the adjoining property known as no.36 Manvers View. The acoustic insulation would be provided by British Gypsum, a GypLyner single B226003(EN) as a wall lining. The applicant further confirmed that they will continue to monitor the levels of noise to ensure the hub does not cause any undue nuisance.

Taking the above in mind, subject to the restricted opening hours and the internal acoustic insulation, the proposed change of use is not considered would have a detrimental impact on amenity for the occupiers of the dwelling or neighbouring occupants.

Impact upon Highway Safety

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

Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Initially, the Highway Authority requested further information on estimates of peak car parking demands based on the anticipated peak occupancy of the proposed hub, surveys of parking demand in the existing on -street parking bays to determine the availability of spare capacity to serve the use and details of secure, covered cycle parking and secure lockers for cycle equipment.

The applicant confirmed the hub is situated on a walkway between Manvers View and Stepnall Heights and that it is anticipated that most people using the Centre will be from the estate and within walking distance; proposed office spaces are estimated to be around 7 in the building and would be shared as a hot desking facility.

The survey undertaken by the applicant concluded that on Manvers View alone, would have on average 15 spare parking spaces in the morning, 14 around midday and 12 in the evening. This has not taken into account the spaces available on Stepnall Heights.

It is unlikely that officers will be travelling in to work using cycles as most visiting officers would need a car to do their job; the local residents are likely to be walking from their home to the hub. The hub itself has little space to accommodate covered cycle parking and secure locker for cycle equipment. Whilst the applicant is not expecting or anticipating people would be travelling to the hub using cycles, the rear garden of the property is secured by gates and a high fence and can accommodate one or two cycles if and when its needed, and the applicant can provide sturdy locks on a temporary basis.

In response to this additional information, to address the concerns raised, the Highway Authority has commented that the estimates of peak occupancy and car parking demands associated with the proposed community hub provided and surveys of car parking availability undertaken on Manvers View and Stepnall Heights and comparison of the two sets of information confirms that adequate car parking space is available on Manvers View to

accommodate the potential demands arising from the hub. Stepnall Heights provides additional spare car parking capacity.

They therefore now raise no objection, concluding that proposed development is unlikely to give rise to a materially adverse impact on highway safety as car parking demands can be accommodated in allocated on-street spaces.

They go on to state that the provision of lockable cycle parking/storage facilities in the form for visitors within the rear garden, needs to be secured by planning condition. They also recommend a condition with the aim of reducing car parking demands and encouraging travel by sustainable modes as set out below:-

“1. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The cycle facilities shall not thereafter be used for any purpose other than the parking of cycles.

2. No part of the development hereby permitted shall be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Car Parking Management Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interest of encouraging sustainable travel.”

It is understood that the recommended conditions aim to reduce car parking demands and encouraging travel to and from the site by sustainable modes. Paragraph 56 of the National Planning Policy Framework (NPPF) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

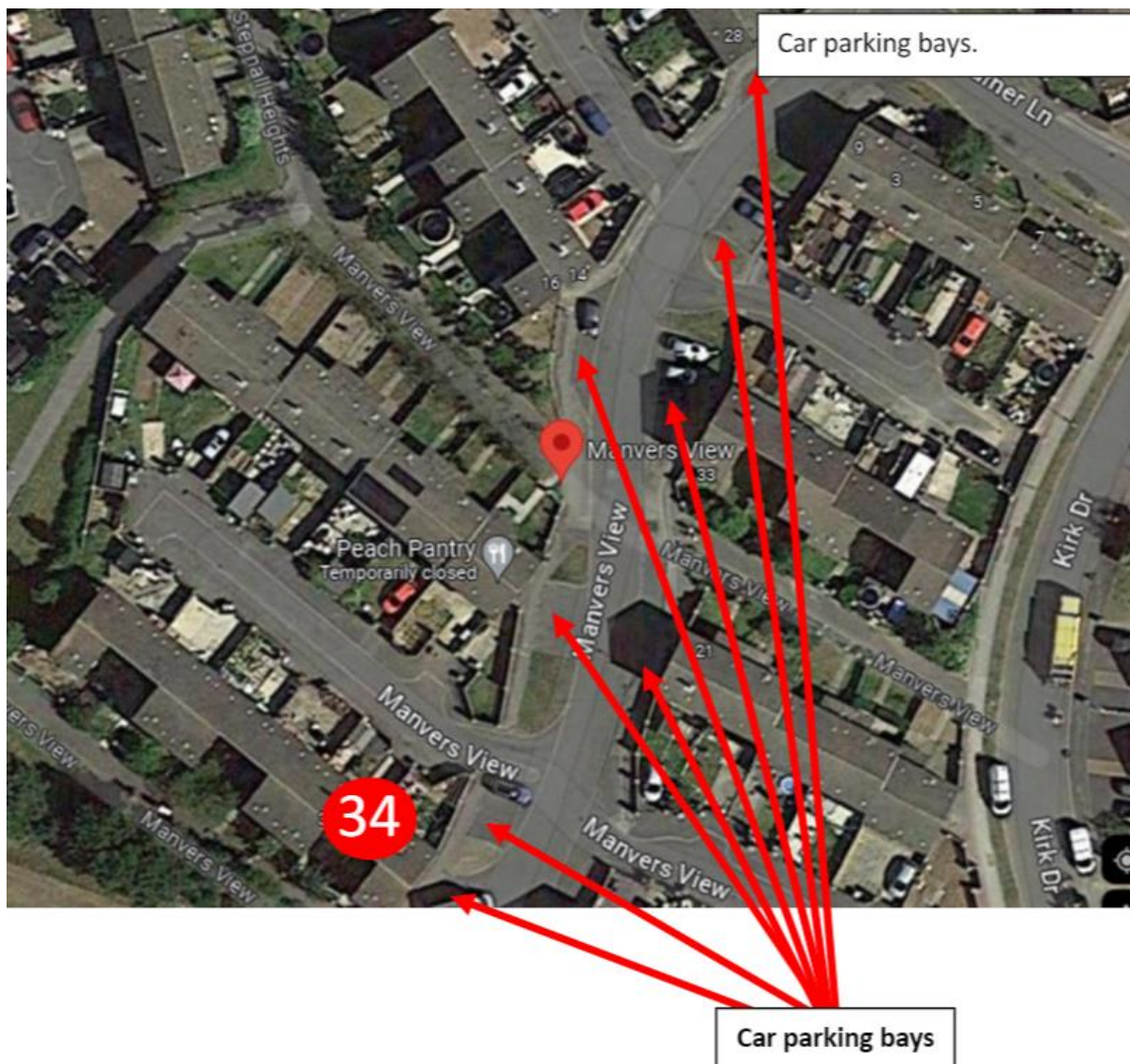
- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The supporting and additional information provided by the applicant outlined that there will be up to 7 office spaces available in the hub, the anticipated number of people would be using the centre (both staff and residents), as well as the number of public parking availability on Manvers View during different times throughout the day.

The response provided by the applicant has identified the need for secure cycle parking is extremely low as the residents using the hub would be from Manvers View and not likely to be travelling by bicycle; the service providers using the hub will be travelling by car. The

applicant has also explained the available space with the proposed site is restricted and they need to consider what facilities they can offer. In this case, space for parking mobility scooters and buggies for the residents would be more appropriate and reasonable. Indeed this arrangement can be seen on the proposed ground floor plan. The applicant further stated that while it is not expecting or anticipating people would be travelling to the hub using cycles, the rear garden has gates and a high fence and can accommodate one or two cycles if and when it's needed, sturdy locks can also be provided on a temporary basis. The recommended condition from highway authority has been re-worded to this effect.

The hub will be used as a shared facility (hot desking) for the staff and other agencies, therefore the number of car users at the site is likely to be less than 10 at any one time. The public parking availability survey concluded that there are 15 space available in the mornings, 14 in the afternoons and 12 in the evenings on Manvers View alone. The majority of properties within the estate have their own parking spaces in their back gardens. Furthermore, there are more public parking spaces available on Stepnall Heights, a street north/northwest to Manvers View.



These public parking spaces on Manvers View do not form part of the application site, nor within the ownership of the applicant. The submitted survey has identified there are a ample

number of public parking available during different times throughout the day, and the highway authority agreed that proposed development is unlikely to give rise to a materially adverse impact on highway safety as car parking demands can be accommodated in allocated on-street spaces. With the above in mind, it is considered the recommended condition for car parking management plan would be unreasonable and unenforceable in this case.

There is ample public car parking for site users on Manvers View. As such it is not envisaged that the proposal would result in any material highway safety impact. The application is therefore in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

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 principle of this development in this location is considered to be acceptable and accords with the Development Plan. The proposed change of use from existing dwelling to a community hub is considered to be acceptable in terms of impact on the character of the area, and residential amenity subject to conditions. Furthermore, the proposed development would not detrimentally impact upon surrounding highway safety. It is therefore recommended that planning permission be granted subject to appropriate conditions.

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 site location plan, block plan and approved proposed plans reference:

- Site location plan received 27 November 2023
- Block Plan received 27 November 2023
- Proposed ground floor plan ref: 06 received 27 November 2023
- Proposed first floor plan ref: 07 received 27 November 2023
- Proposed elevations ref: 08 received 27 November 2023

Reason: So as to define this permission

03

The premises shall be used for a Community Hub (falling within Class F.2(b)) and for no other purpose, including any other use falling within class F.2 of the Town and Country Planning (Use Classes Order) 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential.

04

The use hereby permitted shall only take place during the following hours:-

09:00 to 21:00 Mondays - Fridays

09:00 to 18:00 Saturdays

09:00 to 16:00 Sundays

And not at any other time.

Reason: In the interests of residential amenity.

05

The use hereby permitted shall not commence until the acoustic insulation GypLyner single B226003(EN) provided by British Gypsum has been installed along the whole internal party wall at ground and first floor levels with No.36 Manvers View. The acoustic insulation shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

06

No amplified music shall be played on the premises.

Reason: In the interests of residential amenity.

07

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The cycle facilities shall not thereafter be used for any purpose other than the parking of cycles for the lifetime of the use.

Reasons: In the interest of encouraging sustainable travel.

Informatives

01

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

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

02

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

BACKGROUND PAPERS

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 - 23/02091/FUL



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Report to Planning Committee 15 February 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner

Report Summary			
Application Number	23/02094/ADV		
Proposal	Display of 3 No. fascia signs		
Location	34 Manvers View, Boughton, NG22 9HJ		
Applicant	Newark and Sherwood District Council - Mr Terry Bailey		
Web Link	23/02094/ADV - Display of 3 No. fascia signs		
Registered	30.11.2023	Agreed extension of time	21.02.2024
Recommendation	That Advertisement Consent is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0		

In accordance with the Council’s Constitution, this application is before the Planning Committee for determination as Newark and Sherwood District Council is the Applicant.

1.0 The Site

The application site is situated off Manvers View, an established residential estate to the north of Boughton, known as The Retford Road Estate. Accessed through Turner Lane, Manvers View comprises mainly two storey terraced dwellings. The property comprises three bedrooms with bathroom upstairs and living room, dining room, kitchen and wc downstairs. The property at no. 34 is an end of terrace dwelling adjacent to the end of Manvers View, adjoining with another dwelling to the west, and an open field to the south.

2.0 Relevant Planning History

23/02091/FUL - Change of use from residential to Community Hub including associated alterations. Pending consideration.

3.0 The Proposal

The application seeks advertisement consent to display three fascia signs to announce the Boughton Community Hub (the existing premises) on the existing property known as no.34

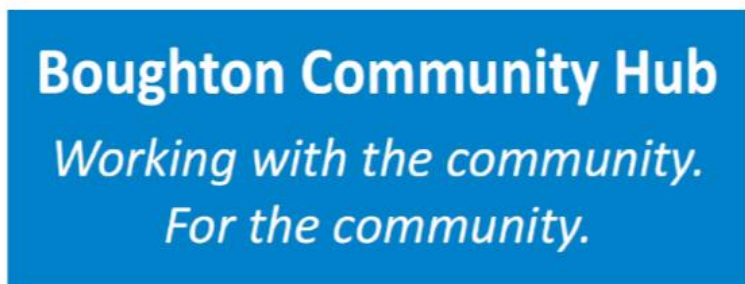
Manvers View.

Sign 1 would be positioned on the east side elevation of the property measuring 2.0m wide by 0.75m in height.

Signs 2 and 3 would be positioned on the southern (front) elevation. Sign 2 would measure 2.0m in width and 0.4m in height and sign 3 would be 0.8m in width and 1.22m in height as detailed below:



Sign 2 - 2000mm x 400mm



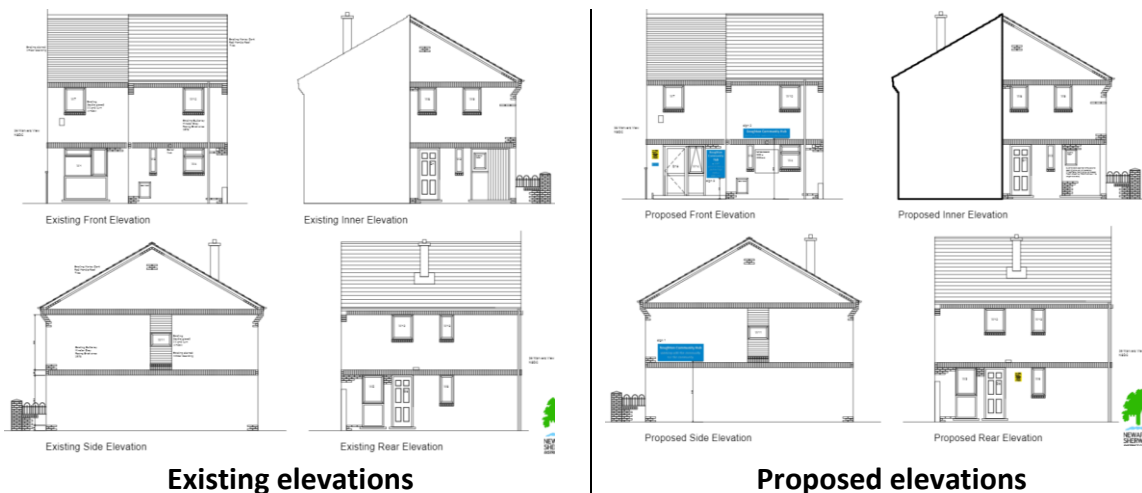
Sign 1 - 2000mm x 750mm



Sign 3 - 800mm x 1220mm

Two small 'Entrance' and 'CCTV' signs would also be placed to the left of the entrance door on the north elevation measuring 0.3m by 0.15m, and 0.3m by 0.4m approximately.

One small 'CCTV' sign would be placed to the right of the rear door on the north elevation measuring approximately 0.3m by 0.4m.



Material of the signs would be aluminium composite, projecting no more than 0.003m from the external wall of the building. The signs would have light blue background and white letting and none would be illuminated.

Submitted Documents as listed below:

- Site location plan received 28 November 2023
- Block plan received 28 November 2023
- Existing Elevations ref: 5 received 28 November 2023
- Proposed elevations ref: 8 received 28 November 2023
- Proposed signage ref: 9 received 28 November 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site on 13.12.2023.

Site visit undertaken on 13.12.2023.

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)
Core Policy 9 – Sustainable Design

Allocations & Development Management DPD

Policy DM5: Design

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Newark and Sherwood Local Development Framework Shopfronts and Advertisement Design Guide SPD

6.0 Consultations and Representations

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

(a) Statutory Consultations

NCC Highway Authority – confirmed that this application can be considered under Standing Advice.

(b) Parish Council

Ollerton and Boughton Town Council – No comment received.

(c) Representations

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Background Information
2. Impact on Amenity
3. Impact on Public Safety

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 141 of the NPPF (2023) the main issues in determining this application for advertisement consent are related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management DPD.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Impact on Amenity

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

Core Policy 9 (Sustainable Design) of the Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD relate to visual amenity by seeking to ensure the character and appearance of the surrounding area is preserved. The justification text for Policy DM5 states that the impacts of advertisements in terms of visual amenity will be assessed by reference to local distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

The application seeks consent for the installation of 3 fascia signs to the existing property at Manvers View (currently pending decision for change of use to a community hub for the local residents). The signs would advertise the local community hub including white text and light blue background. The signs are non-illuminated and would be fixed to the building, 2.6m above ground level for signs 1 and 2 and 0.9m above ground level for sign 3.

The fascia signs would be appropriately sited and designed and would advertise the Boughton Community Hub's main approach. The signage would be affixed to the building and completed with aluminium composite, projecting no more than 0.003m from the external walls of the building. As such, it is not considered the proposed signs would result in visual clutter. These are not overly large and appropriate for the scale of the building.

Overall, it is considered that the scale and design of the advertisements proposed would be appropriate for the location. The signage would be visible within the public realm to pedestrians walking and driving in the vicinity, however, the signage would not result in any adverse visual amenity impact which is in accordance with DM5 and CP9 as well as the provisions of the NPPF.

Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. Owing to the nature of the application it falls to be considered against the Highway Authorities standing advice. It is considered that the proposed advertisements would not result in any unacceptable detriment to highway safety for pedestrians or other highway users given the proposed siting of the signage would be attached to the building and lack any illumination. The advertisements are therefore considered acceptable in terms of public safety.

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 proposed advertisement signs are considered appropriate and proportionate to the purpose which they would serve. There are no identified detrimental impacts in relation to public safety or visual amenity – as a result the proposal is therefore compliant with paragraph 141 of the NPPF, Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD. Accordingly, there are therefore no material considerations why advertisement consent should be refused.

10.0 Conditions

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried out except in complete accordance with the site location plan and approved proposed plans reference:

- Site location plan received 28 November 2023
- Block plan received 28 November 2023
- Proposed elevations ref: 8 received 28 November 2023
- Proposed signage ref: 9 received 28 November 2023
- Application Form received 28 November 2023

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the materials and colour finishes detailed in the submitted application.

Reason: In the interests of visual amenity.

04

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

No advertisement shall be sited or displayed so as to:

- a) endanger persons using the highway.
- b) obscure, or hinder the ready interpretation of, any traffic sign; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

Informatives

01

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

BACKGROUND PAPERS

Application case file.



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Report to Planning Committee 15 February 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
Application Number	23/02240/ADV		
Proposal	Signage on the Facades of the ASI building and within the Car Park area.		
Location	Air And Space Institute Newark (ASI), Great North Road, Newark On Trent, NG24 1BY		
Applicant	Lincoln College Group - Mr Nick Pettit	Agent	Stem Architects - Mr William Silby
Web Link	23/02240/ADV Signage on the Facades of the ASI building and within the Car Park area. Air And Space Institute Newark (ASI) Great North Road Newark On Trent NG24 1BY (newark-sherwooddc.gov.uk)		
Registered	04.01.2024	Target Date	19.02.2024
Recommendation	That Advertisement Consent is APPROVED subject to the Conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council has an interest in the land.

1.0 The Site

The site relates to the Air and Space Institute (ASI) further-education college currently under construction. It is located to the north-east of Great North Road (B6326), to the north west of Newark and Sherwood District Council (NSDC) offices and to the south east and south west of the lorry park. The site is located within the Newark Urban Area. The nearest residential dwellings are located on the other side of Great North Road to the south (Midland Terrace).

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south-east of the site. Within the CA are a number of Listed

Buildings which are visible from the application site including the Grade II Listed Former Station Masters House and Railway Station building to the south-east of the site and former Goods Warehouse to the east of the site. The spire of Grade I Listed St Mary Magdalene Church spire and Newark Castle which is also a Scheduled Ancient Monument are also visible in close proximity to the site.

The site is located within Flood Zone 2 with a 1 in 100 annual probability of river flooding (medium probability) as identified by the Environment Agency (EA) flood maps. A number of mature trees are located adjacent to Great North Road.

2.0 Relevant Planning History

23/00334/FUL Ramp to connect Air & Space (ASI) access road – Permitted 21.04.2023

23/00215/ADV Erection of two posters advertising the Towns Fund projects and the Air and Space Institute project – consent 17.03.2023

21/02484/FULM Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping – Permitted 16.02.2022

21/00247/DEM Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences – prior approval required and approved 03.06.2021.

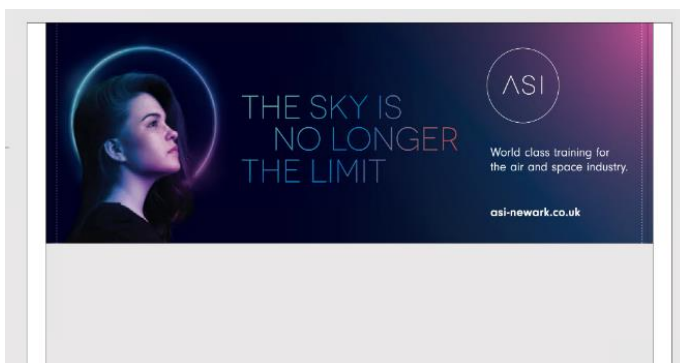
21/00246/DEM Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings - prior approval required and approved 03.06.2021.

01870379 Construction of livestock market car and lorry parks – Permitted 28.09.1987

3.0 The Proposal

The application seeks consent for the erection of multiple advertisements on and around the Air and Space Institute (ASI) building as follows:

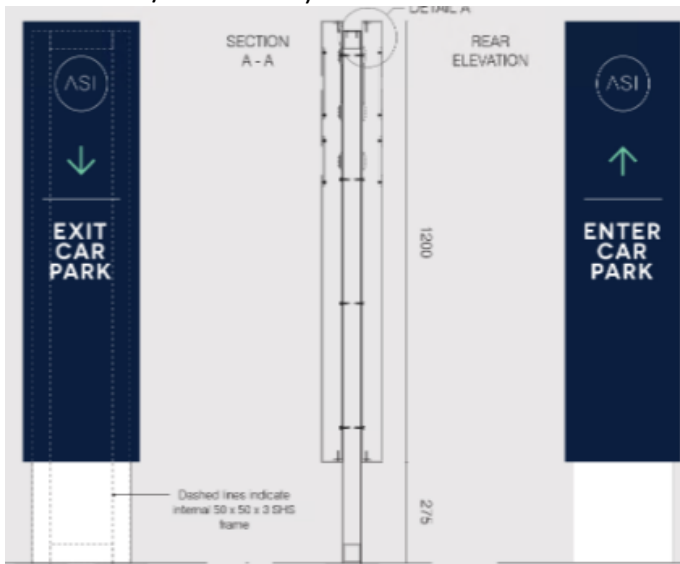
Sign A 2.85m x 1m panel (1.8m high) freestanding post sign on frontage of the site adjacent to the boundary with Great North Road (non-illuminated/aluminium):



Sign C 1.7m x 1.7m circular panel/feature sign on frontage of the site adjacent to the boundary with Great North Road (non-illuminated/aluminium colour white satin):



Sign D 2 x 1.475m by 0.33m totem signs adjacent to car park entrance/exit (internally illuminated/aluminium):



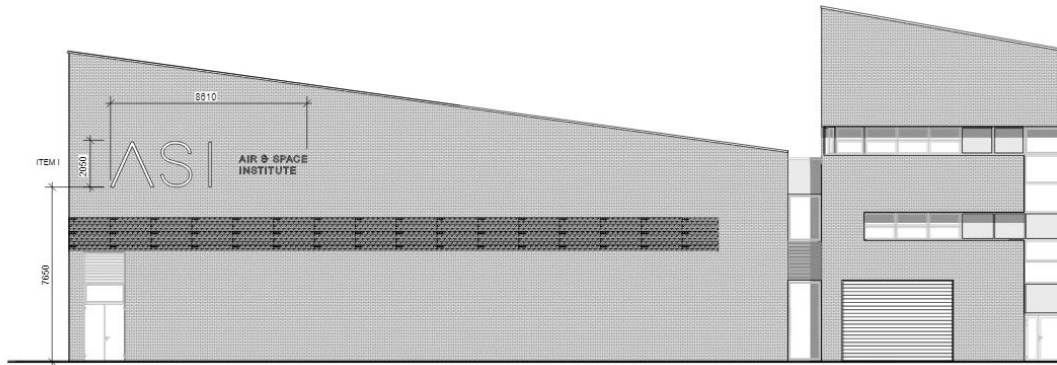
Sign E 2.2m x 0.7m freestanding pillar sign adjacent building entrance (internally illuminated/aluminium):



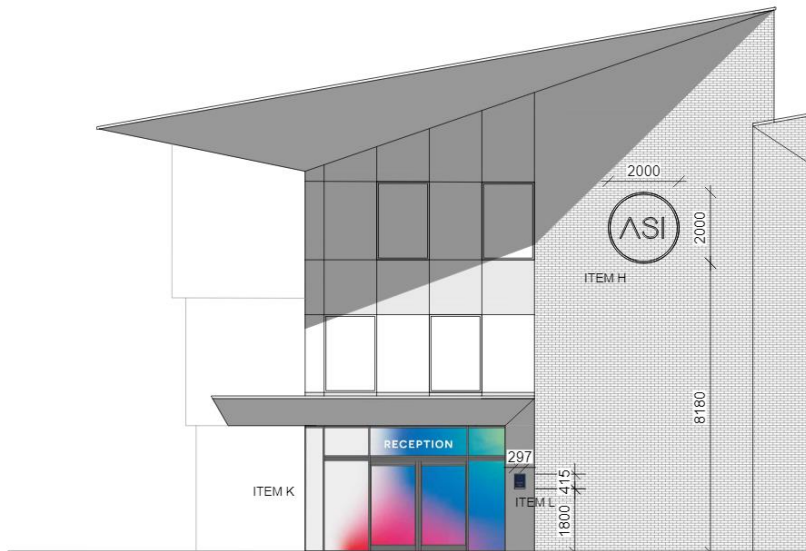
Sign G 3.652m x 3m high level wall sign on building frontage (internally illuminated white logo/grey aluminium panel):



Sign I High level lettering on side of hangar covering a total area of 8.81m x 2.05m (internally illuminated white letters):



Sign K Reception vinyl applied internally to glazing, *Sign L* 0.296m x 0.429m acrylic wall mounted panel and *Sign H* 2m x 2m high level circular wall sign (internally illuminated/white)



Information submitted with the application:

- Application Form Dated 18.12.2023
- 0400 Site Location Plan
- 4040 B Site Plan – Signage Locations

- 2040 Rev B Proposed Elevations – Signage
- Proposed Sign A 'Item A'
- Proposed Sign C 'Item C'
- Proposed Sign D 'Item D'
- Proposed Sign E 'Item E'
- Proposed Sign G 'Item G'
- Proposed Sign H 'Item H'
- Proposed Sign I 'Item I'
- Proposed Sign K 'Item K'
- Proposed Sign L 'Item L'

4.0 Departure/Public Advertisement Procedure

17 neighbours notified by letter.

Site Visit Date: 29.01.2024

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policy DM5: Design

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Newark and Sherwood Local Development Framework Shopfronts and Advertisement Design Guide SPD

6.0 Consultations

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

(a) Statutory Consultations

NCC Highways Authority – no objection subject to a condition stating the maximum luminance level.

(b) Town/Parish Council

Newark Town Council – No comments received.

(c) Representations/Non-Statutory Consultation

Newark Business Club – Support the application.

NSDC Conservation Officer – No objection.

NSDC Tree Officer – Request confirmation that proposed sign installation does not adversely impact upon existing or proposed trees.

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Background Information
2. Impact on Amenity
3. Impact on Public Safety

Background Information

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 141 of the NPPF (2023) the main issues in determining this application for advertisement consent are related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management DPD.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Impact upon Amenity

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD relate to visual amenity by seeking to ensure the character and appearance of the surrounding area is preserved. The justification text for Policy DM5 states that the impacts of

advertisements in terms of visual amenity will be assessed by reference to local distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

The application seeks consent for the signage required in connection of ASI and contain a mixture of identification and directional signs. The signs proposed on the building facades are appropriately sited and designed. The high-level signs are limited in quantum and would not give rise to visual clutter (Signs G, I and H). The smaller low-level signs (Signs K and L) serve a more functional purpose in terms of directing site users to the main entrance of the building and are also considered acceptable as proposed.

Five free standing signs are proposed between Great North Road and the frontage of the ASI building. Sign C would be a feature a circular sign that would complement the site's landscape scheme and would enhance entry into the site. Signs D (x 2) and E which measure 1.475m and 2.2m in height respectively, are illuminated and would provide direction for car park users and also for pedestrians accessing the site. Again, their siting and design is considered acceptable as proposed.

Sign A would be highly visible particularly by users of Great North Road travelling into Newark and has a more utilitarian appearance. This sign would not be illuminated which would reduce its overall prominence. A sign of this nature is not uncommon on college sites.

Consideration has been given to the potential for any impact on the historic environment, given the proximity of the site to the Conservation Area and nearby Listed Buildings. However, the proposal relates to the newly constructed ASI site, and the design of the proposed signs are considered to be in keeping with its contemporary design. Additionally, the proposed adverts are located away from designated heritage assets and it is not considered that the proposal would result in any adverse impact on their setting or significance.

Consideration has also been given to the potential for any impact on trees for those signs being installed within the ground. Any adverse impact upon trees which could result in their loss could result in an adverse amenity impact. As such, an updated Site Plan has been submitted to show that the proposed adverts alongside the approved landscape scheme for the site. This shows that the root protection areas of the existing and proposed trees can be avoided. However, the plan positions are not accurate and show a wide circular area within which these signs might be located. A more precise plan has been requested which has not been received at the time of Agenda print. As such the resolution to committee is subject to the receipt of this plan.

Subject to the receipt of this plan, it is considered that the scale and design of the advertisements proposed would be appropriate for the location and would not result in excessive visual clutter. The signage would be visible within the public realm to pedestrians walking and driving in the vicinity, however the signage would not result in any adverse visual amenity impact which is in accordance with DM5, CP9 and the provisions of the NPPF.

Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. The Highways Officer raises no objection to the application subject to a condition to control the levels of illumination. Subject to

this condition, it is considered that the proposed advertisements would not result in any unacceptable detriment to highway safety for pedestrians or other highway users. The advertisements are therefore considered acceptable in terms of public safety.

8.0 Implications

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

9.0 Conclusion

The proposed advertisements are considered appropriate and proportionate to the purpose which they would serve. There are no identified detrimental impacts in relation to public safety or visual amenity – as a result the proposal is therefore compliant with Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD and the provisions of the NPPF. Accordingly, there are therefore no material considerations why advertisement consent should be refused.

10.0 Recommendation

Approve, subject to the:

- a) the submission of a more detailed signage location plan to replace Drawing No '4040 B Site Plan – Signage Locations' referred to in Condition 02 below to ensure no conflict with proposed trees; and**
- b) The following conditions:**

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried out except in complete accordance with the site location plan and approved proposed plans reference:

- 0400 Site Location Plan
- 4040 B Site Plan – Signage Locations
- 2040 Rev B Proposed Elevations – Signage
- Proposed Sign A 'Item A'
- Proposed Sign C 'Item C'
- Proposed Sign D 'Item D'
- Proposed Sign E 'Item E'

- Proposed Sign G 'Item G'
- Proposed Sign H 'Item H'
- Proposed Sign I 'Item I'
- Proposed Sign K 'Item K'
- Proposed Sign L 'Item L'

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details and colour finishes detailed in the approved plans.

Reason: In the interests of visual amenity.

04

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

No advertisement shall be sited or displayed so as to:

- a) endanger persons using the highway.
- b) obscure, or hinder the ready interpretation of, any traffic sign; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

09

The maximum luminance of any sign shall not exceed 600 cd/m² and shall not be intermittent, pulsating or flashing.

Reason: In the interests of visual amenity and highway safety.

Informatives

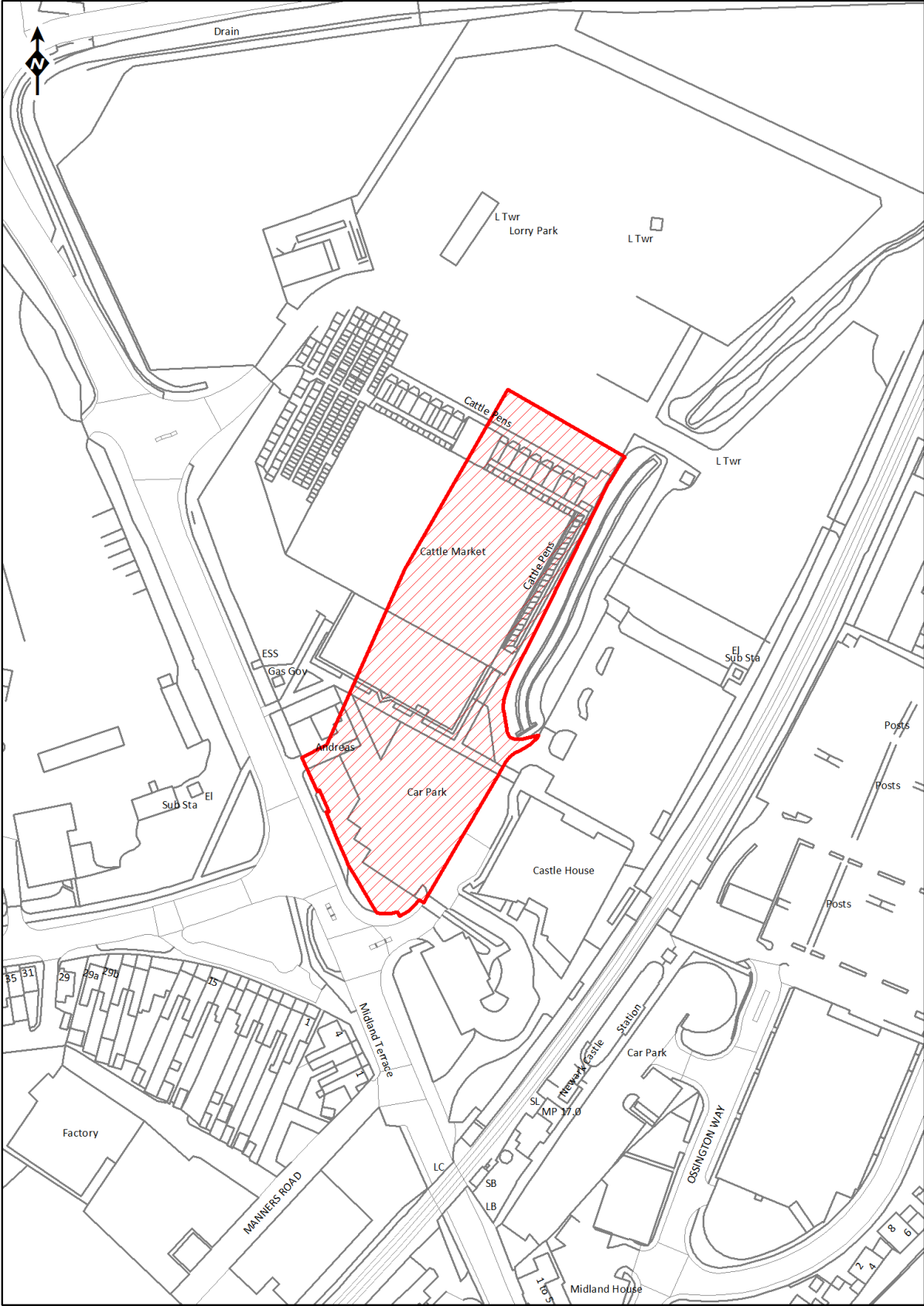
01

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/02240/ADV



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Report to Planning Committee 15 February 2024

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Planning Application Validation Checklist
Purpose of Report	To provide an update on the review of the adopted Planning Application Validation Checklist prior to undertaking consultation
Recommendations	<ul style="list-style-type: none"> a) that the contents of the accompanying validation checklist are noted: and b) the requirements as set out under ‘Biodiversity Net Gain’ and associated application types come into effect immediately; and c) that the draft updated Planning Application Validation Checklist (as set out at Appendix A) be approved for an 8-week public consultation with statutory consultees, District Councillors and Town/Parish Councils, applicants/developers and neighbours, along with any changes required to the Biodiversity Net Gain section.

1.0 Background

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

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

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

Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was first adopted in 2007 and last amended in 2023.

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

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

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

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

2.0 Proposal/Options Considered and Reasons for Recommendation

Legislation sets out that a local list is required to be published on a Council's website and reviewed every 2 years. Whilst the checklist was previously reviewed within the last 12-months, there has been some quite significant changes introduced, most notably biodiversity net gain on 12th February and therefore it is considered prudent to review the checklist at an earlier stage. This also allows other amendments that have come into effect, particularly with the introduction of new application types (mainly prior approval) to be included.

The checklist, attached at Appendix 1, is similar to the one adopted from April 2023. It has been updated under delegated authority, to provide clarification regarding preliminary bat roost assessments in December. There are also suggested change taken as part of this review in relation to flooding, biodiversity net gain and minor suggested amendments such as sections and finished floor levels.

It is proposed the amended checklist is consulted upon for a minimum of 8-weeks with Members, Parish and Town Councils and statutory consultees. Details will be provided on the Council's website enabling developers and interested stakeholders to respond, as well as applicants and their agents, residents through planning application receipt and notification letters. However, in relation to biodiversity net gain, it is proposed that these amendments are adopted by Planning Committee immediately with the consultation enabling a review of the requirements set out and presented to Members in due course, following the consultation. It is not anticipated there will be any challenge to this due to our requirements reflecting what is set out in legislation.

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

3.0 Implications

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

Background Papers and Published Documents

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

Planning Committee – 27 April 2021 – Planning Application Validation Checklist

Planning Committee – 20 April 2023– Planning Application Validation Checklist

Planning Application Local Validation Checklist

Adopted xxxx



Version Control	Amended
v.2 - 12 June 2023	Reference to Active Travel England under Statements and Reports – Transport Statement/Assessment and Travel Plan
v.3 – 27 th October 2023	Updated and Amended Ecological & Protected Species Statement section to include reference to guidance on Preliminary Bat Roost Assessments (inserted at Appendix A)
v.4 – 9 th November 2023	Amended date regarding Biodiversity Net Gain – Threshold/Trigger details
v.5 – xxxxx 2024	Amended following publication of Biodiversity Net Gain legislation

We are required, by Government, to review and consult on our Local Validation Checklist for Planning applications every two years. This will ensure our Checklist is up to date and reflect current planning policies in accordance with Local and National Guidance. Following public consultation between 19th December 2022 to 13th February 2023, the Checklist was adopted by Planning Committee on 20th April 2023.

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

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

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

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

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

After 7 days from date of the second letter/email, if either the required information has not been received or written confirmation of when the information will be submitted has not been received the application and any fees associated will be returned minus any administration fee – minimum of £25.00 or 10% of total fee whichever is higher.

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

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

If your application is found to be invalid, The Order allows you to send an "Article 12" notice which must:

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

Once we have received your application we will notify you of the decision within 8 weeks, although for major this timescale is extended to 13 weeks. Should the dispute remain unresolved, there is a right to appeal under section 78 of the Town and Country Planning Act 1990 in relation to planning applications and section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 for listed building applications for non-determination after the statutory time for determination has expired.

Planning application documents are published on our website, however before publishing we are required by the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018 and related legislations and best practice to remove 'personal information'.

The following information is asked for on an application form:

- telephone number
- email address
- signatures

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

There are occasions when other personal information is submitted within supporting documents, **please refer to our privacy notice for further information:** ~~this personal information can include:~~

- ~~Privacy notice - <https://www.newark-sherwooddc.gov.uk/privacynotice/>~~
- ~~Planning privacy notice - <https://www.newark-sherwooddc.gov.uk/planningprivacynotice/>~~

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

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

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

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

If you require any assistance in this regard, please email planning@newark-sherwooddc.gov.uk

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

Applications from Council Members or Staff

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

This document is set out in five parts:

Part 1 - National Requirements

Part 2 - Local Requirement Validation Checklist ~~2023~~ 2024

Part 3 - Statements and Reports

Part 4 - Application Types

Part 5 - Development Types

Procedure for Reviewing Local Validation List

With regard to the review and adoption of a local validation list, Communities and Local Government (CLG) guidance formally withdrawn in 2014, recommends a consultation period of not less than 8 weeks. This has now been replaced by guidance in the National Planning Policy Guidance (NPPG).

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

Step 1: Reviewing the existing local list

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

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

Step 2: Consulting on proposed changes

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

Step 3: Finalising and publishing the revised local list

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

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Part 1 – National Requirements

Statutory National Validation Requirements

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

- Application form
- Certificates
- Location plan
- Detailed drawings (where applicable)
- Design and access statement (where applicable)
- Application fee (where applicable)
- **Biodiversity Net Gain Assessment**

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

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

Application Forms

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

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

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

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

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

Ownership Certificates

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

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

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

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

Types of Ownership Certificate

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

Part 1 Notice

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

Agricultural Land Declaration

Applications are required to be accompanied by an Agricultural Holdings Certificate. This certificate needs to be completed to indicate whether the site forms part of an agricultural holding. The certificate is required whether the site includes an agricultural holding. It is incorporated into the standard application form and must be signed in order for the application to be valid.

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

No agricultural land declaration is required for applications for:

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

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

Plans and Drawings

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

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

Location Plan

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

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

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

Where possible, the location plan should include the following:

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

Design and Access Statement

Design and Access Statements are required for:

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

The National Design Guide (Planning practice guidance for beautiful, enduring, and successful places) (Ministry of Housing, Communities & Local Government (MHCLG), 2019) provides useful information in relation to how to

consider design as part of a planning proposal. In addition, whilst CABE no longer exists, its [Design and Access Statements: How to write, read and use them](#) is a useful document.

The Design and Access statement should:

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

Major Development comprises:

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

Design and Access Statements for Listed Buildings

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

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

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

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

Further details of what is required are set out in the [National Planning Policy Framework](#), paragraph 189.

Application Fee

An application fee is required for all applications except for:

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

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

Biodiversity Net Gain

The current national minimum requirements that need to be submitted to validate an application are those set out in [Article 7](#) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as modified and amended by [Part 4, Regulation 15](#) of the Biodiversity Gain (Town and Country Planning) (Modification and Amendments) (England) Regulations 2024. The following is required:

All planning applications.

1. A statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;

All development proposals that are not exempt from the general biodiversity condition ([Exempt Development](#))

2. The pre-development biodiversity value of the onsite habitat on the date of application (or an earlier date) including the completed metric calculation tool used showing the calculations, the publication date and version of the biodiversity metric used to calculate that value;
3. Where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for proposing that date;
4. A statement confirming whether the biodiversity value of the onsite habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation') in which case the value is to be taken as immediately before the carrying on of the activities, and if degradation has taken place supporting evidence of this;
5. A description of any irreplaceable habitat (as set out in column 1 of the [Schedule](#) to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
6. A plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application (or and earlier date), including any irreplaceable habitat.

Part 2 – Local Requirements Validation Checklist 2023

List of Local Requirements

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

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

Pre-application Service

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

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

Contacting the Local Planning Authority

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

Site Plan (or block plan)

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

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

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

- Identification of sufficient buildings and/or roads on land adjoining the site including access arrangements
- All public rights of way crossing or adjoining the site
- The extent and type of any hard surfacing
- Boundary treatments including walls or fencing where proposed.

Existing Floor Plans

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

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100, annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is there and the height of buildings above ground level
- c. clearly show the relationship between buildings, highlighting any structures to be demolished
- d. where existing buildings or walls are to be demolished these should be clearly shown
- e. for change of use applications (where internal alterations are proposed - must show layout of rooms)
- f. show existing floor plans in the same orientation and scale as proposed floor plans
- g. include individual drawing numbers, and where applicable revision numbers

Proposed Floor Plans

Required for all applications proposing new buildings and/or alterations/extensions. Plans shall (where applicable):

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly show the relationship between buildings
- d. for change of use applications (where internal alterations are proposed - must show proposed layout of rooms)
- e. show proposed floor plans in the same orientation and scale as existing floor plans
- f. include individual drawing numbers, and where applicable revision numbers

Existing Elevations

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

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is already there and the height of building(s) above ground level
- c. clearly indicate the existing building materials and the style, materials and finish of windows and doors
- d. show any blank elevations; if only to show that this is in fact the case
- e. show existing elevations in the same orientation and scale as proposed elevations
- f. include individual drawing numbers, and where applicable revision numbers
- g. If the application is for a change of use and no change is proposed to the external elevations, a statement must be included to state that no external changes are proposed

Proposed Elevations

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

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly indicate the proposed building materials and the style, materials and finish of windows and doors

- d. show any blank elevations; if only to show that this is in fact the case
- e. where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property
- f. show proposed elevations in the same orientation and scale as existing elevations
- g. include individual drawing numbers, and where applicable revision numbers

Existing Roof Plans

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

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is already there
- c. clearly indicate the existing roof materials
- d. include individual drawing numbers, and where applicable revision numbers

Proposed Roof Plans

Required for all applications proposing new buildings or external alterations. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there, if applicable
- c. clearly indicate the proposed roof materials
- d. include individual drawing numbers, and where applicable revision numbers

Sections / Finished Floor Levels

Required for all applications proposing engineering operations and/or on any development where there is a change in ground levels or where ground levels outside of the application site are noticeably different. Plans should

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 showing existing and proposed site levels and finished floor levels including cross sections where relevant (with levels related to a fixed datum point off site). Alternatively, be drawn with the appropriate scale bar shown
- b. show the proposal(s) in relation to adjoining buildings that may be affected by the development
- c. include section drawings to an appropriate metric scale for example, 1:50 or 1:100 identifying existing and proposed ground levels and be accompanied by a plan showing the points between which the cross sections have been taken. Alternatively, be drawn with the appropriate scale bar shown
- d. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and show existing and proposed buildings within and adjacent to the site and identify finished floor and ridge levels of existing and proposed buildings
- e. specify volume of material (e.g.: soil) to be removed, where applicable
- f. include details on where this (soil) would be re deposited, where applicable

Where householder development is being proposed, the levels may be evident from floor plans and elevations. On sloping sites, particularly where detached buildings are proposed, it will be necessary to show how a proposal relates to existing ground levels. Sections and levels, both existing and proposed to an appropriate scale for example, 1:50 or 1:100 may be required. Alternatively, be drawn with the appropriate scale bar shown.

Part 3 – Statements and Reports

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

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


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

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

Other Information

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

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



Planning Application for an Agricultural Worker’s Dwelling Supplementary Information

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

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

1) **Applicant's details**
 Name: _____
 Address: _____
 Postcode: _____ Daytime Tel: _____
 Email: _____

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

3) **Trading name of holding**

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

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

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

3. Agricultural Land Classification Study/Soil Testing

Threshold/Trigger

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

Details of what should be included

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

- Site description
- Soil resources within the site
- Map of survey observations including gradings
- Where applicable a soil management plan

Other Information:

National Planning Policy Framework, paragraph 174

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

4. Air Quality Assessment

Threshold/Trigger

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

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

Details of what should be included

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

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

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

5. Archaeological Assessment

Threshold/Trigger

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

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

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

Details of what should be included

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

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

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

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

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

Other Information:

Planning Practice Guidance.

6. Bin/Waste Management Information

Threshold/Trigger

- All new full residential and commercial developments requiring waste management (collection of bins)
- Proposals for hot food takeaway uses

Details of what should be included

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

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

Other information:

Planning Practice Guidance - [Healthy and safe communities](#), Paragraph: 013 Reference ID:53-013-20220807
Revision date: 07 08 2022

7. Biodiversity Net Gain Assessment

Threshold/Trigger

~~Details of developments that will be subject to biodiversity net gain requirements are expected to be published by Government shortly ready for implementation in January 2024. When published, this section will be updated.~~
All development that is not exempt from the general biodiversity condition ([Exempt development](#)).

Details of what should ~~should~~ **must be included**

~~To be completed once Regulations are published~~

A draft Biodiversity Net Gain Strategy that will inform the required Biodiversity Gain Plan (i.e., how you intend to achieve the mandatory, minimum 10% biodiversity net gain).

Elements of this Strategy are likely to be included in various documents forming part of the planning submission, in which case, similar to Government guidance for the [national minimum requirements](#) regarding the general biodiversity gain condition, applicants are encouraged to provide references within the BNG Strategy for where this information is located, rather than duplicate the information within the Strategy document.

The Biodiversity Net Gain Strategy should be prepared by a suitably competent professional ecologist and be in accordance with the British Standard BS8683 'Process for designing and implementing biodiversity net gain – specification'.

The Biodiversity Net Gain Strategy must include the following information:

1. How the Mitigation Hierarchy has been followed;
2. How the Biodiversity Gain Hierarchy ([BNG PPG Paragraph 007](#)) has been followed;
3. How the [Good Practice Requirements for delivering Biodiversity Net Gain](#) have been adhered to;
4. Completed draft post-intervention sheets on the submitted Statutory Biodiversity Metric;
5. Baseline habitat survey information (i.e., descriptions, species lists and photographs) and full details of the habitat condition assessments;
6. Confirmation that Newark and Sherwood District **Council's interim policy** [*insert hyperlink when document is on website*] regarding 'strategic significance' has been adhered to;
7. How you propose to secure the onsite BNG considering **Newark and Sherwood District Council's policy** [*insert hyperlink when document on website*] regarding significant enhancement; and
8. If applicable, how you proposed to source offsite biodiversity units.

The following are also required as GIS shape (.shp) files (preferred) or CAD .dwg files:

- a) The planning application red line boundary; and
- b) The baseline habitat parcels. The attributes table for this file must contain a field for parcel reference numbers, and these references must be used within the submitted Statutory Biodiversity Metric baseline sheets.

Other information

[The Environment Act 2021 \(Schedule 14\)](#)

[The Biodiversity Gain Site Register Regulations 2024 \(SI No. 45\)](#)

[The Biodiversity Gain Site Register \(Financial Penalties and Fees\) Regulations 2024 \(SI No. 46\)](#)

[The Biodiversity Gain Requirements \(Exemptions\) Regulation 2024 \(SI No. 47\)](#)

[The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024 \(SI No. 48\)](#)

[The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024 \(SI 2024 No. 49\)](#)

[The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(SI 2024 No. 50\)](#)

[The Levelling-up and Regeneration Act 2023 \(Commencement No.2 and Transitional Provisions\) Regulation 2024](#)

8. Broadband Statement

Threshold/Trigger

Residential developments of 10 units or more

Details of what should be included

Written confirmation that the site will provide superfast broadband.

Other information

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

www.gov.uk/government/publications/superfast-connectivity-in-new-homes

9. Coal Mining Risk Assessment

Threshold/Trigger

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

Details of what should be included

A Risk Assessment report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and

stable. Details of what should be provided are set out within [Coal Authority Guidance for Local Planning Authorities -England](#)

Other information

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

10. Climate Change Statement

Threshold/Trigger

Should be provided for all new buildings excluding householder developments

Details of what should be included

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

Other information

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

11. Community Infrastructure Levy (CIL) Forms

Threshold/Trigger

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

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

Details of the CIL Rates and Charging Zones are set out in the CIL Charging Schedule which can be viewed on the Council’s website at www.newark-sherwooddc.gov.uk/cil

Details of what should be included

To allow the Council to decide if your development is liable for CIL and if so how much, an information form entitled “[Form 1 - Community Infrastructure Levy \(CIL\) –Additional Information](#)” should be completed and submitted with your application. [CIL guidance note](#) is also available: This includes applications for householder development. This form should be completed even if you intend to apply for a CIL Self – Build Exemption later.

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

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

12. Construction Management Plan

Threshold/Trigger

All major developments that generate significant numbers of construction transport movements, large vehicles and/or large loads within rural areas or require access provision along rural roads should be supported by a draft Construction Management Plan. Such developments include solar farms.

Details of what should be included

The scope and level of detail in the draft Construction Management Plan will vary from site to site but the following should be included insofar as it is known at application stage:

- Number of vehicles and frequency of vehicles using roads each day / week (as appropriate)
- Size(s) of vehicles
- Route(s) of vehicles from A-classified roads

- Hours of delivery to site
- Days of delivery to site each week
- Any measures to be put in place to manage all of the above
- Construction access.

13. Contamination Survey

Threshold/Trigger

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

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

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

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

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

- Other industries and commercial uses not listed in Department for Environment, Food & Rural Affairs (DEFRA) profiles
- Engineering works

- Urban soils (which are comprised of made ground)
- Land with known fill
- Hospitals
- All works employing metal finishing processes - plating, paint spraying
- Vehicle repair garages (no oil storage)
- Works utilizing animal products, for example, tanneries
- Radioactive substances used in industrial activities e.g., gas mantle production, luminising works
- Agriculture – excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Dry cleaning premises
- Naturally occurring radioactivity, including radon
- Naturally occurring - metals and other substances
- CO2 & CH4 production & emissions in coal mining areas, wetlands, peat moors or former wetlands
- Spraying of herbicides and pesticides
- Unregulated tipping activities
- Domestic heating oil leaks
- Railway Land (other than described in high-risk category)
- Gas mantle production, luminising works, dial manufacturers
- Made ground
- Cottage industry
- Allotments

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

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

Details of what should be included

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

Phase I — Desktop Study

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

A Phase I - Desktop Study Report should include:

- Purpose of aims and study
- Site location and layout plans (appropriately scaled and annotated)
- Appraisal of site history
- Appraisal of site walkover study
- Assessment of environmental setting, to include:
 - Geology, Hydrogeology, Hydrology
 - Information on mining/quarrying activity
 - Information from EA on abstraction, pollution incidents, water quality and landfill sites.
- Assessment of current/proposed site use and surrounding land uses
- Review any previous site contamination studies (desk based/intrusive) remediation works
- Preliminary risk assessment, based on proposed development and to include:
 - Appraisal of potential/actual contaminant sources, pathways and receptors (Pollutant linkages)
 - Conceptual site model (diagrammatic and written)
- Recommendation for intrusive contamination investigation (if necessary) to include:

- Identification of target areas for more detailed investigation
- Rationale behind design of detailed investigation

Phase II — Detailed Investigation

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

A Phase II – Detailed Investigation should include:

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

Phase III — Remediation Strategy / Validation Report

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

Phase III – Remediation Statements should include: -

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

14. Daylight and Sunlight Assessment

Threshold/Trigger

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

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

Details of what should be included

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

The information should be sufficient to determine:

- The existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties
- The measures that will be taken to mitigate against the expected impact of the proposed development.

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

Threshold/Trigger

- All major applications
- Applications that could increase flood risk on site or elsewhere

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

Details of what should be included

Sustainable Drainage Systems (SuDS)

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

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

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

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

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

Surface Water

A surface water drainage scheme should include the following information:

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

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

Foul Drainage

For major development incorporating foul drainage into the public sewer details of the impact of the development on the public sewer infrastructure are required. Early discussions with Severn Trent Water or Anglian Water¹ are key in order to determine whether or not a load or flow assessment should be submitted with the planning application.

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

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

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

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

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

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

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

Proposals that are within close proximity to or will have impact upon any open watercourse or culvert should be submitted with a plan showing the location of the watercourse/culvert. Whilst surface water should be kept and dealt with on the application site, details of the impact of surface water discharge from sites into such watercourses, particularly with regard to impacts downstream should be provided.

16. Ecological and Protected Species Impact Assessment (EclA)

Threshold/Trigger

It is very difficult to define precise thresholds and triggers for development proposals that have the potential to affect designated sites, priority habitats and protected and priority species. Requests for supporting information need to be balanced to be proportionate to the scale and type of development whilst ensuring all relevant wildlife legislation and planning policies are given due consideration. Where there is uncertainty regarding the need for, or level of, Ecological Impact Assessment, applicants are encouraged to use the pre-application process to seek the views of NSDC.

All applications for development that is not exempt from the general biodiversity condition (Exempt development).

1. Except for the need for ecology surveys in relation to bats and buildings, most householder applications are unlikely to affect priority habitats or protected species other than bats and would not require an EclA. Guidance regarding interpretation of the need for ecology surveys in relation to bats and buildings, **including dwellings**, is provided in a separate Advisory Note which can be accessed at [Appendix A](#).
2. Applications relating to barns and other buildings/structures have the potential to affect protected species, primarily bats, but also protected and/or notable birds like barn owl and swift. [Appendix A](#) provides guidance in relation to bats, and preliminary assessments for roosting bats will usually include an assessment for potential impacts on birds.
3. All applications immediately adjacent to, or within (including partially) the boundary of, a site afforded a nature conservation designation. This includes statutory designated sites (Special Area of Conservation, Sites of Special Scientific Interest and Local Nature Reserves), and non-statutory designated Local Wildlife Sites.
4. All applications not falling within the above categories involving works within, or immediately adjacent to standing open water (i.e., ponds and lakes), or running water (i.e., dykes, streams, rivers).
5. Proposals involving works to trees known, or suspected, to house protected species.

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

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

^A Additional guidance regarding interpretation of the need for ecology surveys in relation to bats and buildings, **including dwellings**, is provided in a separate Advisory Note which can be accessed at [Appendix A](#).

What should be included

Surveys EclAs must be carried out by a suitably qualified **competent** ecologists (a member of the Chartered Institute of Ecology and Environmental Management or similar) **with surveys undertaken** at the correct time of year, using relevant best practice guidance ~~methods that are appropriate for the species and the area~~. Surveys and reports should be valid in accordance with best practice guidance regarding the **lifespan of ecological reports and surveys**. ~~should be up to date and ideally from the most recent survey season.~~

The content of the EclA should be prepared in accordance with current best practice guidelines for Ecological Impact Assessment in the UK. These guidelines consider the need for EclAs to be proportionate to the scale of

development and complexity of potential impacts. This approach would normally involve an initial Preliminary Ecological Appraisal (PEA) which should be prepared following best practice [guidelines](#). The purpose of the PEA is identify ecological constraints and opportunities at the early stages of a development proposal and to assess the need or otherwise for additional ecological survey work, the results of which would be needed to enable the EclA to be completed. Preliminary Ecological Appraisal Reports should not normally be submitted to support a planning application, but be used to inform the EclA report.

Within Newark and Sherwood District, the EclA process should be aware of the possible, potential Special Protection Area, and follow Natural England's [advice note](#) regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

All surveys must include the author's name, professional details and date of report.

Surveys should include:-

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

Other Information

- [Guidance](#) about how to avoid harming protected areas and species during development work
- Information about the natural environment presented as an interactive map that can be interrogated for information like statutory designated sites etc. [MAGIC \(defra.gov.uk\)](#)
- [Nottingham City Council - Insight Mapping GIS Mapping](#) Information about non-statutory designated local wildlife sites and other important information.
- Nottinghamshire Biological and Geological Record Centre (NBGRC) nbgrcg@nottinghamcity.gov.uk
- Further information regarding where protected species is likely to be present can be found in [Natural England's Guidance](#) "How to Review Planning Applications" available to view online. [Guidance for finding an ecologist.](#)

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

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

17. Economic Statement
Threshold/Trigger Required for major developments, excluding householders which are major development by virtue of site area.
What should be included Applications may need to be accompanied by a support statement of any regeneration benefits from the proposed development, including: <ul style="list-style-type: none"> • details of any new jobs that might be created or supported • the relative floorspace totals for each proposed use (where known) • any community benefits • reference to any regeneration strategies that might be behind or be supported by the proposal.

18. Environmental Impact Assessments (EIA)/Environmental Statement
Policy Background <ul style="list-style-type: none"> • The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – further information available on the following website: The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (legislation.gov.uk)
Threshold/Trigger The Regulations (see website above) apply to two separate lists of projects: <ol style="list-style-type: none"> 1. Proposals listed in Schedule 1 of the Regulations ‘Schedule 1 projects’ require an EIA in every case 2. Proposals listed in Schedule 2 of the Regulations ‘Schedule 2 projects’ require an EIA only if the project in question is judged likely to give rise to significant environmental effects. Schedule 3 provides further guidance for when assessing whether Schedule 2 projects require and EIA.
Screening Opinion If you are unsure whether your proposal requires an Environmental Impact Assessment (EIA) you can submit a request to the Local Planning Authority (LPA) for a Screening Opinion. The Local Planning Authority will then screen the proposal against the Regulations and confirm in writing whether or not a full Environmental Impact Assessment is required. The request for a Screening Opinion should include the following: <ol style="list-style-type: none"> a. a plan sufficient to identify the land b. a description of the development, including in particular: <ol style="list-style-type: none"> (i) a description of the physical characteristics of the development and, where relevant, of demolition works (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected c. a description of the aspects of the environment likely to be significantly affected by the development d. to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from: <ol style="list-style-type: none"> (i) the expected residues and emissions and the production of waste, where relevant; and (ii) the use of natural resources, in particular soil, land, water, and biodiversity e. such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. <p>On receipt of the application for a screening opinion the Local Planning Authority (LPA) will consult relevant organisations and respond to the request within 3 weeks beginning from the date of receipt of a request made or such longer period, not exceeding 90 days from the date of receipt as may be agreed in writing with the person making the request. Where there are exceptional circumstances and it is not practicable for the LPA to adopt a screening opinion within this time period, the LPA may extend the period by notice in writing given to the person who made the request for a screening opinion.</p> <p>If the LPA considers that the proposal could have significant effects on the environment, then they will require an EIA to be submitted with the planning application. You will be informed, in writing, of the outcome of the screening opinion.</p>

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

The Nottinghamshire Rapid Health Impact Assessment Matrix incorporated within the Nottinghamshire Planning and Health Framework should be used to assess the health impacts of developments as part of the planning proposal.

Scoping Opinion

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

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

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

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

Details of what should be included

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

To ensure the completeness and quality of the environmental statement:

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

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

Other Information

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

19. External Lighting Details

Threshold /Trigger

All proposals involving floodlighting

Details of what should be included

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

- Details of the survey of the surrounding night environment
- Identification of critical viewpoints
- Establishment and calculation of existing lighting conditions
- Summary of baseline measurements and/or calculations

- Analysis of task lighting level recommendations
- Establishment of environmental light control limits
- Statement of new lighting design quality objectives
- Calculated measurement of task working areas
- Calculated measurement of overspill areas
- Obtrusive light calculation of property intrusion
- Viewed source intensities including nominal glare assessment
- Direct upward light ratio
- Comparison of design achievement with baseline values
- Designer's critique of final design constraints
- Viewpoint visualisation
- Virtual walkthrough of illuminated site
- Schedule of model reflection factors
- Schedule of luminaire mounting heights and aiming angles
- Layout plan with beam orientation indication.

20. Flood Risk Assessment

Threshold/Trigger

When a Flood Risk Assessment is required:

You need to do a flood risk assessment for most developments within one of the flood zones. Full guidance is provided within the [National Planning Practice Guidance](#) but a summary is provided below.

This includes developments:

- in flood zones 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1
- less than 1 ha in flood zone 1, including a change of use in development to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and sea (for example surface water drainages, reservoirs)

To find out which flood zone a site is in please see www.gov.uk/check-flooding

When a Flood Risk Assessment is not required:

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

When to follow standing advice

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

- a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3 (extensions such as dormer windows, first floor (only) extensions and similar developments are unlikely to require a Flood Risk Assessment. You are advised to check with us if you require clarification)
- 'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)
- 'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)
- 'water compatible' in flood zone 2
- You also need to follow standing advice for developments involving a change of use into one of these vulnerable categories or into the water compatible category.

Please see '[Flood Risk Vulnerability Classifications](#)' (definitions for the above categories)

Details of what should be included:

Flood risk assessment

The Environment Agency offers products and packages of [information](#) to help you complete your flood risk assessment. Some assessments may need to be completed by a suitability qualified professional who can advise on flood risk management and mitigation measures, for example major developments.

Detailed information as to what to include in a flood risk assessment depending on which flood zone the site lies in is available on the [Environment Agency website](#). Additionally, if your application is for householder or other minor extensions and the development falls within a flood zone, please refer to this page on the [Environment Agency website](#). Please note that different packages of information (products) are available from the Environment Agency to assist with preparing a flood risk assessment, contact information below. Sufficient time should be given to enable the Environment Agency to respond.

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

Flood risk assessment: standing advice

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

- your site address
- a description of your development
- an assessment of the flood risk from all sources of flooding for your development, plus an allowance for climate change
- the estimated flood level for your development, taking into account the impacts of climate change over its lifetime (river flood with a 1 in 100 annual probability plus an [allowance for climate change*](#))
- details of the finished floor levels
- details of your flood resistance and resilience plans
- any supporting plans and drawings
- any other information the relevant standing advice tells you to include.

*If flood defences are present, the estimated flood level should account for the residual flood risk if they breached or overtopped. You may need a flood risk specialist to calculate this for you.

The Environment Agency's [standing advice](#) confirms exactly what you need to provide a satisfactory Flood Risk Assessment.

- development site address
- a description of your development
- evidence / information to support the sequential test (if required)
- how the site is likely to be affected by climate change
- site specific flood risk information, for example:
 - an assessment of the flood risk for your development (consider all sources of flooding not just rivers and the sea e.g., surface water, some groundwater) and include an allowance for climate change
 - the estimated flood level for your development, i.e., the 1 in 100 year river flood level or the 1 in 200 year tidal flood level
- arrangements for surface water management
- details of likely occupants and/or users of the development including numbers and future pattern of occupancy
- evidence to inform the Exception test (if required)
- details of any residual risk that remains after flood risk management and mitigation measures are implemented
- any supporting plans and drawings
- who has undertaken the assessment and when it was undertaken
- any information the relevant standing advice tells you to include

Other Information

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

It may be necessary for you to carry out the sequential test as part of your flood risk assessment. To find out if you need to carry out the sequential test as part of your flood risk assessment and how to complete one please visit: <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>. If your sequential test shows that it isn't possible to use an alternative site, you may need to do another test called the exception test. Guidance on how to do the exception test is included within the sequential test advice for applicants.

The level 2 Strategic Flood Risk Assessment is available on our website at www.newark-sherwooddc.gov.uk/sfral2/2/

To find out if you need a flood risk assessment as part of your planning application please visit: <https://flood-map-for-planning.service.gov.uk/>. You can also use this service to download a printable flood map for planning (PDF) showing your flood zone and request flood risk assessment data.

Further information can be found at www.gov.uk and [National Planning Practice Guidance](#)

Environment Agency - enquiries@environment-agency.gov.uk

Advice may also be found from the Lead Local Flood Authority at Nottinghamshire County Council for major development schemes at flood.team@nottsc.gov.uk or Customer Services Centre on 0300 500 8080

The Environment Agency now charges for advice requested outside of their statutory duty to respond to planning applications and strategic documents. Therefore, if an applicant would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at planning.trentside@environment-agency.gov.uk. The Environment Agency will be able to offer details on what they offer, and the costs associated with this.

21. Green Belt Impact Assessment

Threshold/Trigger

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

What should be included

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

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

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

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

22. Heritage Impact Assessments (including desk based Archaeological reports)

Threshold/Trigger

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

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

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

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

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

What should be included:

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

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

- how the significance of heritage assets, including their setting will be affected by the proposed development
- what contribution does the site make to the significance of any heritage assets including their setting
- how can the development protect the significance of a heritage asset
- if harm is likely to occur what avoidance - mitigation measures are possible
- what enhancement opportunities are there to better reveal their significance
- is the relationship of heritage assets within a wider setting affected by the proposed development such as relationship between a listed building and associated registered park and garden? - including the need for a views analysis or photomontages
- are there cumulative impacts to consider of a quantum of development in a location and how will this additional development affect the significance of heritage asset(s).

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

For small scale development the Heritage Impact Assessment should be written by anyone that is competent to do so. This may be the heritage asset owner (for example for a householder application) but for a complex

heritage asset with high levels of significance a heritage professional is required (i.e. conservation architect, architectural historian, building archaeologist).

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

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

If the proposed development has the potential to disturb buried archaeology or sites of archaeological interest, the Heritage Impact Assessment will need to address any archaeological impacts. Please see [Section 5 'Archaeological Assessment'](#) for further details and advice.

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

Stage 1: Gathering information

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

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

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

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

Stage 2: Written Description

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

- A description of the building/structure/site and its setting (this may include important views towards and away from the heritage asset. The description should include information on architectural style, date(s) of construction, materials and notable characteristics generally and specifically in the location of the proposals. Where proposals affect the setting of a heritage asset you may wish to make reference, if appropriate, to other buildings in the grounds/garden, details of landscaping and views towards and away from the application site.
- Summary of the building/structure/site's architectural, archaeological, or historical significance. Significance is what people value about the heritage asset. This will often be the architectural interest, but can also be social, community, economic or environmental value. Unusual or rare features will usually have a higher level of significance. Significance will often be derived from the age of the fabric of a building. For example,

late 20th century extensions to an 18th-century farmhouse will not usually be considered to be as significant as the earlier original fabric. Where a heritage asset has numerous phases of development, or differing levels of significance, plans can be used to show this effectively.

- Where a heritage asset forms part of a group, consider the group value or cumulative significance i.e., the significance it has by virtue of being in the presence of other assets.

Stage 3: Proposals and Justification

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

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

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

Useful information:

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

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

23. Highway Information for all new residential development

Threshold/Trigger

All new residential development

Details of what should be included

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

- Driveway Width (for all new driveways – both shared private driveways and individual driveways)
- Driveway Visibility (for all new driveways – both shared private driveways and individual driveways) and where new boundary treatment is proposed that could affect highway visibility
- Driveway Length (for all new driveways – both shared private driveways and individual driveways)
- Turning areas (for shared driveways)
- Driveway Gradient (for all new driveways – both shared private driveways and individual driveways)
- Bin storage / collection point
- Parking areas
- Location of electric car charging point provision
- For major developments only – parking provision per plot, detailing required and sizes, layout (tandem/rear/front etc.) along with bedroom numbers for each dwelling. This should be provided on an appropriate plan (e.g. layout plan) to enable assessment

Other Information

For detailed information regarding general principles and minimum standards for the layout and dimensions of roads and paved areas in residential and industrial developments, please see 'Nottinghamshire Highways Design Guide' available to view at www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

24. Landscape and Visual Assessments

Threshold/Trigger

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

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

- Proposals for wind turbines or solar farms
- Large scale developments
- Certain developments in the Open Countryside

Details of what should be included

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

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

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

- Topography: Explanation of how the topography of the site has affected the design of the proposed scheme.
- Current land uses: Explanation of any change of use of land and how it will affect the appearance of the landscape or adjoining land uses
- Existing trees, hedges, woodland blocks, and belt
- Water bodies and ditches: Explanation of the effect of the proposed development on reservoirs, watercourses, ponds etc. that are important for site drainage and wildlife habitat.
- Man-made features: Consideration should be given to any existing visually intrusive man-made features
- Views: Identify key views from the surrounding area to the development site. Explain how the proposed development will be likely to be visible from and/or alter these views. This should include any changes to boundary treatments, access, or vegetation. Consideration should be given as to whether the proposed development is likely to be visible from surrounding areas where there currently are no views. Photos of the site from key views should be provided. These should include existing views and views with the proposed development super-imposed.
- Landscape Character: Where the proposal is located within open countryside or a small settlement, describe the landscape character of the application site and adjacent surroundings. Provide an analysis of the key landscape features and special qualities of the area. Include details of any historic pattern of field boundaries, woodlands and/or settlements in the surrounding area.
- Settlement Character: Where the proposal is located within or adjacent to an existing settlement, describe the character of the settlement. This should include the type of settlement (town, village or hamlet), the predominant type of building (terraced, detached, single or two storey, architectural style, age and typical building materials). Provide an explanation of the effect of the proposal on key views to the wider landscape from the settlement together with the effect of the proposal on local landmarks or any approach roads, gateways, and footways to the settlement.
- Habitat Character: Where the proposal is located on land or is adjacent to land that could provide priority habitats for wildlife (this may include unimproved upland, moorland, coastal wetland, or limestone pavement), describe the effect the proposal may have upon the habitat character, together with any mitigation.
- Heritage Assets: Where the development is located within or adjacent to a heritage asset (listed buildings, scheduled monuments, conservation areas and registered parks and gardens), describe the effect the proposal may have upon any heritage assets.
- Historic Landscapes: This will relate to landscapes such as gardens, parks, parklands, and cemeteries with the statement providing an understanding as to whether the principle of development is appropriate in that location, what mitigation and adaptation measures are possible to protect landscape character and what opportunities there are to enhance landscape character and connectivity.

- Non-designated heritage assets: These may include above and below ground archaeology. Buildings, land or features with a historic, architectural community or archaeological interest can be considered as heritage assets, even if they are not nationally designated. Archaeological interest may apply to heritage assets, whether designated or not, when the development and history of a building may only be revealed through archaeological investigation, when modern features and additions are removed.

25. Landscaping Scheme (Hard and Soft Landscaping)

Threshold/Trigger

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

Details of what should be included

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

Other Information

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

26. Noise Impact Assessment

Threshold/Trigger

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

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

Details of what should be included

A noise impact assessment should include the following information:

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

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

Other Information

For the installation of external air conditioning and ventilation / exhaust system / flue units a separate ventilation and extraction report is required. Please see details regarding '[Ventilation and Extraction Report](#)'.

Please see the relevant prevailing British Standards and Good Practise Guidance.

27. Odour Impact Assessment

Threshold/Trigger

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

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

Details of what should be included

An odour impact assessment should include the following information:

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

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

Other Information

Guidance on the assessment of Odour for planning. Institute of Air Quality Management, May 2014:

<http://iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

IPPC SRG 6.02 (Farming) Odour Management at Intensive Livestock Installations, Environment Agency 2005:

https://www.sepa.org.uk/media/60931/ippc_srg6_02_odour-management-at-intensive-livestock-installations-may-2005.pdf

IPPC H4 Odour Management Guidance: Environment Agency:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geh_o0411btqm-e-e.pdf

Advice can also be sought from the relevant sewerage company – [Anglian Water](#) or [Severn Trent](#).

28. Open Space Statement		
Threshold/Trigger		
An Open Space Statement is required for all developments that will result in the loss of open space		
Details of what should be included		
<p>Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a Local Planning Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Applications involving the loss of playing fields.</p> <p>The following information is required:</p>		
Document	Presenting details on....	
Required for all applications		
Consultation notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015. 3. Location and nature of existing buildings. 4. Location and nature of existing facilities for sport (including the layout of summer and winter playing pitches). 5. Significant features (e.g., trees, slopes, paths, fences, sewers) ¹ . 6. Existing levels across the site ¹ .	
Proposed site plan	7. Location and nature of the proposed development. 8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works, e.g., landscaping). 9. Location and nature of all existing facilities for sport (clearly showing any revised locations from the existing plan). 10. Any changes to existing features and levels ¹ .	
Supporting statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above). 12. Reason for the chosen location and alternatives considered. 13. Any proposed changes in the provision of indoor and outdoor facilities for sport on the site (including ancillary facilities).	
Document	Present details on...	
Required in relation to specific playing fields policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced facilities for sport (including relevant ancillary facilities) ¹ .	2, 4 and 5
Supporting statements	15. Current and recent users of the playing field and the nature and extent of their use.	1, 4 and 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} .	1, 4 and 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 and 5
	18. The specification of any ancillary facilities e.g., sports lighting ¹ .	2, 4 and 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 and 5
		4

	<p>20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).</p> <p>21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including³:</p> <p>a. An assessment of the performance of the existing area</p> <p>b. The programme of works (including pitch construction) for the creation of the proposed replacement area</p> <p>c. A management and monitoring plan for the replacement area.</p>	4
<ol style="list-style-type: none"> 1. Level of detail proportionate to the nature of the development and its impact on the playing field. 2. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface. 3. Details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and National Governing Bodies of sport design guidance, and have regard to Sport England’s ‘Equivalent Quality Assessment of Natural Turf Playing Fields’ briefing note. 		
<p>Open space required as part of new development for other purposes</p>		
<p>Where an application for new development (usually, but not exclusively, for residential purposes) generates a requirement for open space provision in accordance with the planning policy prevailing at the time, details of the provision must be included in the application. The details must include:</p>		
<ul style="list-style-type: none"> • The precise location of the open space land in relation to the layout of the overall scheme (normally, the open space should be shown on the site layout plan(s)) • Details of the layout of the open space including all fixed equipment, fencing, access arrangements and planting • A timescale for the open space to be completed and made available, preferably in relation to the timescale for the overall development • Proposals for the future maintenance of the open space. If this involves transferring the site into Council ownership, draft heads of terms of the necessary s106 agreement • If provision is to be met by a financial arrangement rather than on site, draft heads of terms of the necessary s106 agreement. 		
<p>Other Information</p>		
<p>Further information can be found on the Sports England website https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport</p>		

29. Planning Obligations Pro Forma Statement

Threshold/Trigger

A Section 106 Agreement is required to secure the following:

Affordable Housing

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

Community Facilities

- Residential developments of 10 or more dwellings

Education

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

Health

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

Libraries

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

Open Space

New housing developments as set out below:

- Provision for children and young people; 10 or more dwellings in Settlements Central to delivering the Spatial Strategy¹ or 5 or more dwellings in all other areas of the district
- Amenity green spaces – 30 or more dwellings
- Outdoor sports facilities – 100 or more dwellings
- Allotments and community gardens – 400 or more dwellings
- Natural and Semi-Natural Green Space – 10 or more dwellings

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

Open Space - Suitable Alternative Natural Green Space (SANGS)

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

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

Transport

Type of Development	Unit size triggering 30 two-way peak hour vehicle trips
Food retail	Per 250m ² gross floor area(gfa)
Non-food retail	Per 800m ² gfa
Residential*	Per 50 Units or 1.2hectares
B1(a)** Office	Per 1,500m ² gfa
B1** Non-office / B2 General Industry	Per 2,500m ² gfa
B8 Storage & Distribution	Per 3,000 m ² gfa
Other Uses - Transport Statement thresholds	Please see section on Transport Statement/Assessment below

* It would be reasonable to expect a contribution towards a residential development containing solely flats/apartments to be in the region of 50% of that expected for Dwelling houses.

** The Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.

Details of what should be included

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

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

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

Other Information:

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

The detailed requirements can be found in the District Council's Supplementary Planning Document on Developer Contributions www.newark-sherwooddc.gov.uk/spds/

30. Planning Statement

Threshold/Trigger

Required for

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

Details of what should be included

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

- An assessment of the site and its context
- A description of the proposed development
- An assessment of the relevant planning policy and an appraisal of how the proposal accords with that policy context

- The need for the development and any benefits that would arise from the proposed development (such as economic benefits from new employment, provision of community facilities, affordable housing, environmental improvements, regeneration etc.)

31. Rights of Way

Threshold/Trigger

Required for:

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

Details of what should be included

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

Other information:

Early engagement with Rights of Way Team is encouraged: Email: countryside.access@nottsc.gov.uk
Phone: 0300 500 8080 Website: www.nottinghamshire.gov.uk.

32. Statement of Community Involvement

Threshold/Trigger

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

Details of what should be included

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

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

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

33. Street Scene Plans

Threshold/Trigger

As requested by the Local Planning Authority

Details of what should be included

Scaled drawings - In some circumstances the LPA will require drawings showing elevations in the context of the street scene. This is to assess the design of the scheme in general and to assess how the proposal will integrate into the existing neighbourhood. For larger developments, internal street scenes will also be required to assess the design of the scheme.

34. Structural Survey

Threshold/Trigger

- Proposals involving the demolition of heritage assets
- Proposals involving the conversion of heritage assets involving significant re-building works (i.e., which involve replacing/rebuilding some or part of a roof or a wall)
- Proposals involving the conversion of rural buildings (both planning applications and change of use applications)

Details of what should be included

This survey must be carried out by a suitably qualified person (such as a chartered member of the Institution of Structural Engineers or equivalent). Each survey must contain the author's name and qualifications.

For proposals involving the demolition of a heritage asset, a full external and internal structural survey is required to explore the structural condition of the building and demonstrate that the building is not structurally capable of repair and/or conversion.

For proposals involving the conversion of a heritage asset or a rural building, a full external and internal structural survey is required to demonstrate that the building is capable of conversion without the need for substantial re-building works. This should be accompanied by annotated plans to show the extent of any repair or re-build works as appropriate.

35. Telecoms Supporting Information

Details of what should be included

Confirmation that development is by or on behalf of a telecommunications code system for operation for the purpose of the operator's telecoms systems (Class A of Part 16 of the General Permitted Development Order).

Evidence that the use of an existing mast, building or structure has been considered.

Statement that the proposed mobile phone base station operations will meet ICNIRP guidelines.

Confirmation of the frequency and modulation characteristics and details of power output in relation to antenna.

36. Tourism Need Statement

Threshold/Trigger

Application for new tourist accommodation outside of defined built-up areas (within the Open Countryside).

Details of what should be included:

This Report would need to provide evidence to demonstrate that there is an identified need in this area for visitor accommodation and should quote information from the [Local Authority's Visitor Economy Strategy 2020-23](#) and other sources, as appropriate.

Other Information

Policy DM8 of the Allocations and Development Management DPD, Core Policy 7 of the Core Strategy, D2N2 Visitor Accommodation Strategy 2017.

37. Town Centre Uses Assessment

Threshold/Trigger

Main town centre uses (see definition below) will require a 'Town Centre Use Assessment' in the following circumstances:

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

- Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace of less than 2,500 sqm. (gross) where specifically requested by the Local Planning Authority.

Definition: Main town centre uses comprise:

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

Details of what should be included:

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

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

An Impact Assessment should include assessment of: -

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

Other Information

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

38. Transport Statement/Assessment

Threshold/Trigger

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

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

Details of what should be included

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

- information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport)
- information about neighbouring uses, amenity and character, existing functional classification of the nearby road network
- data about existing public transport provision, including provision/ frequency of services and proposed public transport changes
- a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site
- an assessment of trips from all directly relevant committed development in the area (i.e., development that there is a reasonable degree of certainty will proceed within the next 3 years)

- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network
- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas)
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms
- a description of parking facilities in the area and the parking strategy of the development
- ways of encouraging environmental sustainability by reducing the need to travel; and
- measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.
- an assessment against the criteria set out by Active Travel England in their planning application toolkit when the following thresholds are met or exceeded; 150 dwellings, 7,500m² of floorspace or a site area of 5 hectares.

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

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

Other Information

The Highways Authority is based at Nottinghamshire County Council. Contact: Area Office, Nottinghamshire County Council. Tel 0300 500 8080 Website: www.nottinghamshire.gov.uk

Planning Practice Guidance

National Planning Policy Framework

Active Travel England: Planning application assessment toolkit -

<https://www.gov.uk/government/publications/active-travel-england-planning-application-assessment-toolkit>

39. Travel Plan

Details of what should be included:

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

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

They should evaluate and consider:

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

- provision of improved public transport services.
- an assessment against the criteria set out by Active Travel England in their planning application toolkit when the following thresholds are met or exceeded; 150 dwellings, 7,500m² of floorspace or a site area of 5 hectares.

They may also include:

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

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

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

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

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

Other Information

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

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

Active Travel England: planning application assessment toolkit -

<https://www.gov.uk/government/publications/active-travel-england-planning-application-assessment-toolkit>

40. Tree Surveys

Threshold/Trigger

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

Details of what should be included

A tree survey as per the specification of BS 5837:2012. The survey should be proportionate to the both the amount of development proposed and the number and importance of trees affected by the development.

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

If you are unsure whether the development may affect trees you should, as a minimum, submit a site plan to a scale of 1:200 or 1:500 indicating the proposed development and location of tree trunks and the crown spread of all trees within falling distance of the boundary of the application site. Based on this site plan a tree survey may or may not be requested following a desktop review of aerial photographs and other spatial data.

Tree surveys shall include all the information required as per the specification of BS 5837:2012, or by any subsequent updates to this standard.

This includes:

- Location of all existing trees (reference number to be recorded on the tree survey plan) over 75mm in diameter measured at 1.5m above ground level which are:
 - Within the site
 - Overhanging the site
 - Anticipating reasonable future dimensions of the retained/proposed tree growth including any necessary infrastructure adaptations and shading and detritus (fallen leaves, insects, fruits etc)
 - Within a distance of the boundary of the site which is less than half the height of the tree or
 - Located on land adjacent to the development site that might influence the site or might be important as part of the local landscape character.
- Trees which are less than 75mm diameter at 1.5m above ground need not be accurately surveyed but should be indicated
- Existing buildings/structures
- Hard surfaces
- Water courses
- Overhead cables
- Underground services including their routes and depths
- Ground levels throughout the site
- Location of all existing hedges, a list of the woody species that they contain and details of any features within the hedge, e.g., banks or supporting walls
- Soil type(s)
- Wildlife features (e.g., birds, nests, bat roosts - see Wildlife and Countryside Act 1981)
- Historical features
- Any other hard features.

A Tree Survey shall include a Tree Constraints Plan, a Tree Protection Plan, and an Arboricultural Impact Assessment. The tree survey must also include the following information about the trees (that have a diameter greater than 75mm) which are indicated on the plan:

- Species (common and scientific name, where possible)
- Height
- Diameter of the stem measured at 1.5m above ground level
- Root Protection Area (RPA)
- Canopy spread of each tree for all four compass points
- Age Class (e.g., young, semi-mature, mature, over-mature, etc.)
- Assessment of the condition including trunk, crown, roots
- Life expectancy (e.g., very long, long, medium, short, very short)
- A full schedule of tree works including those to be removed and those remaining that require remedial works to ensure acceptable levels of risk and management in the context of the proposed development. The method of disposal of all arisings should also be included along with the precautions to be taken to avoid damage to Root Protection Areas and trees to be retained
- Amenity value- both existing amenity value and proposed amenity value
- British Standard status - colour coded system identifying suitability for retention
- A schedule to the survey should list all the trees or groups of trees.

In assessing the amenity value of trees, regard should be given to three criteria:

- Visibility: The extent to which the trees or woodlands can be seen from a public viewpoint (e.g., a footpath or road)
- Size and Form: Considering factors such as the rarity of trees, their potential growth, and their value as a screen
- Wider Impact: The significance of the trees in their local surroundings considering how suitable they are to their particular setting, as well as the presence of other trees in the vicinity

- All trees that are surveyed must be clearly tagged on site to enable their identification when considering the tree survey.

Further information on trees, as well as a description of common tree work operations can be found on [The Arboricultural Association website](#).

In the case of Ancient Woodlands and/or veteran trees, wholly exceptional reasons and suitable compensation strategy must be provided as part of the application. The assessment shall include:

- A statement demonstrating whether the ancient woodland is the only place for the proposal
- The size of ancient woodland to be affected
- Whether any area of woodland will be lost
- How well connected the woodland is
- Whether there will be damage to root protection areas of the woodland or individual trees
- A survey for protected species (see section 12: [Ecological and Protected Species Assessment](#))
- Whether the development has the potential to affect the woodland through changes to air quality or to ground water (pollutants or changes in hydrology). If yes, an assessment and mitigation is required
- Whether access to the woodland will increase
- The current function and planned function, of the land to be lost to development
- Whether any proposed landscaping includes native or exotic species
- Conclusions – of the likely impacts and any mitigation required.

Further information can be found on the [Ancient Woodlands website](#).

Other Information

For further information please see:

British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations

National Planning Policy Framework

[The Trees and Design Action Group \(TDAG\)](#)

41. Ventilation and Extraction Report

Threshold/Trigger

Ventilation or extraction is used to make sure that no nuisance, disturbance, or loss of amenity is caused by odour, fumes, food droplets or noise to nearby properties. It is required in the following circumstances:

- Any developments which include the installation of ventilation systems or air-conditioning units. This includes premises that comprise the sale of food and drink for consumption on the premises or of hot food for consumption off the premises. It covers most restaurants, cafes, pubs, and premises providing hot food take-away. It also includes other businesses where the installation of externally mounted air-conditioning units is proposed
- Should details of the equipment not be known at the time of submission of the application, a condition is likely to be imposed to any grant of permission requiring information detailed below (as appropriate) to be submitted.

Details of what should be included

A suitably qualified and experienced person with specialist knowledge of ventilation schemes should undertake the design and installation of a ventilation system. In circumstances where the end user of the premises is unknown, or where the specific type of food to be cooked is unknown, the installation should be designed to achieve the highest level of odour control to cater for a worst-case scenario.

1. Information on premises

The following information should be supplied:

- the number of meals to be served per day
- the method(s) of preparation and cooking
- the types of meal served, e.g., fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc.
- proposed hours of operation of the business and any ventilation plant.

2. Plans and drawings

Provide a scaled plan showing the internal arrangement of the premises and the dimensions/location of the ventilation system. The plan must contain external elevations of the buildings showing:

- dimensions
- route
- exhaust characteristics (i.e., appearance) of the ductwork in relation to the building.

The location of all filters and the fan must be clearly marked. Where the location of a filter is shown the type must be clearly identified and cross-referenced to the detailed product specification.

3. Pre-filters

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name
- filter name and product code
- dimensions of the pre-filter
- nature of the filter media
- manufacturer's recommendations on the frequency and type of maintenance of the pre-filter having regard to the conditions that it will be used under.

4. Electrostatic precipitators (ESP) (where proposed)

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name
- ESP name and product code
- dimensions of the ESP
- flow rate rating.

Manufacturer's recommendation on the frequency and type of maintenance of the ESP having regard to the conditions that it will be used under.

5. Carbon Filters (where proposed)

The details and type of carbon filter units should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name
- filter name and product code
- dimensions of the filter panel
- the total number of filter panels in the filter bed.

The following information should also be included:

- the nature of the carbon (including product type)
- the frequency of replacement of the carbon units having regard to the conditions that it will be used under. The assumptions to this calculation must be clearly stated, including the frequency and duration of use. The manufacturer should provide recommendations on the frequency and type of maintenance required
- total volume of carbon expressed in cubic metres
- total mass of carbon expressed in kilograms
- total surface area of the panels exposed to the exhausted air
- dwell time of the gases in the filter compartment and the control setting at which this is achieved. The assumptions to this calculation must be clearly stated and should include the air change rate for the setting quoted.

6. Odour counteractant or neutralising system (where proposed)

The details and type of counteractant or neutralising system should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name
- name of delivery system and product code

- counteractant or neutralising chemical to be used
- COSHH data sheets for chemical to be used
- anticipated counteractant or neutralising delivery rate.

7. Cooker hood

The following information on the characteristics of the cooker hood should be supplied that clearly shows the:

- length that the cooker hood overhangs the appliances
- face velocity at the cooker hood, expressed in metres per second
- dimensions of the opening of the cooker hood.

8. System Operation

In addition to the specification of the components the following must be provided about the system:

- extract rate (expressed as m³/s) at the proposed rate of extract
- dwell time of the gases in the carbon filtration zone
- volume of the kitchen
- efflux velocity

Note: The system performance is dependent upon the extract rate of the air. Where the rate can be adjusted by the use of dampers or a variable speed fan, then the conditions under which the extract rate can be achieved must be described.

9. Flue Design

The height and velocity of the final discharge are the two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. The discharge of air should be at a minimum height of 1m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution.

Where this is not possible (e.g., because of ownership or structural constraints), additional techniques will be required to reduce odours, such as an increase in efflux velocity and additional filters, etc.

The final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

10. Noise

Data on the noise produced by the system should be provided including:

- sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated)
- an octave band analysis of the noise produced by the system should also be provided, where possible and
- hours of operation of the ventilation system (where this differs from the hours of opening).

11. Maintenance

A schedule of maintenance must be provided including details for:

- cleaning of washable grease filters
- frequency of inspection and replacement of all filters (grease filters, pre-filters, and carbon filters where proposed)
- inspection and servicing of fans
- if schedule is not based on manufacturer's instructions include the reasons why.

12. Additional notes for guidance

The air inlets must not permit pests to enter the kitchen. Fly screens are an example of how this can be achieved.

Sufficient air must be permitted into the premises to replace air extracted. The method for supplying this make-up air should be detailed.

The route of the air into the kitchen must not result in its contamination, for example passage through a toilet. Separate provision must be made for ventilation of a toilet.

There must be sufficient access points to permit adequate cleaning of all the ductwork.

Other information

For further information please contact the Council's Public Protection team on 01636 650000 or email customerservices@newark-sherwooddc.gov.uk

42. Viability and Marketing Statements

Threshold/Trigger

Where applicants do not consider that development schemes would be viable in relation to the policy requirements and/or planning obligations made of them, a viability assessment justifying the reasons for this must accompany the planning application.

Where applicants consider that a building cannot retain its employment or community use and an alternative use is the only viable option.

Where the application proposes the removal of a rural worker occupancy condition.

Details of what should be included

All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.

Where the developer considers that it is not financially viable to enter into an agreement, or that they can make reduced payments, then a clear and robust financial viability assessment must be submitted. This should include the following information:

- Schedule of both gross and net internal floor areas
- Land purchase price (with proof), and the estimated market value of the site
- Date of land purchase
- Schedule of development costs (normals)
- Schedule of development costs (abnormals)
- Proof of development costs (abnormals)
- Reasons why full costs (including abnormals) were not reflected in the purchase price
- Expected sale price of dwellings/buildings (including at what date/s)
- Intended profit level/s (including profit type).

In relation to affordable housing the assessment should include all the above and details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision.

Known costs such as site clearance, preparation, retaining walls, piling, infrastructure provision and or diversion, highways work, servicing, flood mitigation measures, archaeology, decontamination/remediation will not be considered as abnormals. Where abnormal costs can clearly be demonstrated, a reduction in the contribution may be agreed on a site-by-site basis.

For proposals involving the loss of employment or community use and for the removal of a rural worker occupancy condition, applications should be accompanied by appropriate marketing of the building/site. This should include:

- a. copy of the sales particulars prepared
- b. details of the original price and the new guide price
- c. schedule of the advertising carried out with copies of the advertisements and details of where the advertisements were placed and when, along with an estimate of the expenditure incurred from advertising

- d. the confirmed number of sales particulars which have been distributed, along with a breakdown of where the enquiries resulted from, for example, from the "for sale" or "to let" board, advertisements etc.
- e. details of the number of viewings carried out
- f. resulting offers and why they were dismissed
- g. confirmation of whether a "for sale" or "to let" board was erected and the dates displayed, or if not, the reasons behind the decision
- h. timetable of events from the initial appointment of the agent to current date.

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

Other Information

Any viability assessment should be prepared on the basis that it will be made publicly available in accordance with national guidance. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

Should an exemption from publication be sought, the Local Planning Authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.

An executive summary prepared in accordance with data standards published by government and in line with the template will present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

Other information

www.gov.uk/government/publications/department-for-communities-and-local-government-appraisal-guide and www.rics.org
www.gov.uk/guidance/viability

Part 4 - Application Types

The following list provides a list of the most common application types and information required to be submitted. The links will provide access to the relevant descriptions and information within this checklist.

Advert Consent

For proposals to display an advertisement or sign which requires advert consent the following information will be required.

Always required

- Application form
- Fee
- A scaled plan identifying the location of the site by reference to at least two named roads, and proposed position of advertisement

Sometimes required*

- Existing and proposed elevations to a scale of 1:50 or 1:100
- Photo montages -to show the sign in its proposed location
- Scaled details of the sign at 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used. This includes the font size, colour and appearance
- height above ground of the advert
- extent of projection by scaled section and details of method and colours of illumination (if applicable)
- Site block plan - if the sign is not located on an existing building
- where plans are submitted, these shall include individual drawing numbers with revision numbers where applicable
- include a scale bar

*Please note that the information listed above is often required in order to assess the impact upon highway safety and public amenity. Whilst not required in order to submit a valid application, this information will often be required in order to assess the proposal. It is advised this is submitted as part of the initial application to minimise the risk of the application being refused due to insufficient information being provided.

[The Planning Portal provides a useful Guidance Note 12](#)

Householder

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished or alterations to be undertaken that affect the floor area
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.

Sometimes required:

- Agricultural Justification - an application for an extension to an existing rural worker's dwelling.
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- **Preliminary Bat Roost Assessment (See Appendix A for guidance)**
- ~~Ecological and Protected Species Assessment – Where protected species are present on or near the site. This can include:–~~
 - ~~Applications relating to barns and other buildings capable of supporting protected species~~
 - ~~Where development is within or adjacent to a wildlife corridor or area of natural open space~~
 - ~~Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)~~
 - ~~Works involving trees known to house protected species~~
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- **Finished floor levels.**
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Tree Survey - applications where trees may be affected

[The Planning Portal provides a useful Guidance Note 01](#)

Full Planning Permission

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan

Usually required

- **Biodiversity Net Gain Assessment**
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.
- Existing Roof Plans – where an extension to an existing building is proposed
- Proposed Roof Plans – where a new building or extension is proposed

Sometimes required:

- Affordable Housing Statement
- Agricultural Justification - an application for a new agricultural rural worker's dwelling.
- Air Quality Assessment
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Bin /Waste Management Information
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination Survey
- Daylight and Sunlight Assessment
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- **Ecological Impact Assessment (EclA)**
- ~~Ecological and Protected Species Assessment – Where protected species are present on or near the site. This can include:-~~
 - ~~Applications relating to barns and other buildings capable of supporting protected species~~
 - ~~Where development is within or adjacent to a wildlife corridor or area of natural open space~~
 - ~~Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)~~
 - ~~Works involving trees known to house protected species~~
- Economic Statement
- Environment Impact Assessment (EIA) / Environmental Statement
- External Lighting Details
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.

- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications which involve a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscape and Visual Impact Assessment
- Landscaping Scheme – applications which are proposing new landscaping or removal of existing
- Noise Impact Assessment
- Open Space Assessment
- Parking Plan – for all development which result in a change in parking requirements or loss of parking provision including location of electric car charging point provision
- Planning Obligations Pro Forma Statement /Draft Head(s) of Terms
- Planning Statement and Additional Supporting Information
- Rights of Way
- Schedule of Works
- **Site Sections / Finished Floor Levels**
- Statement of Community Involvement
- Street Scene Plans
- Structural Survey
- Telecoms Supporting information
- Town Centre Uses Assessment
- Transport Statements / Assessments
- Travel Plan
- Tree Survey - applications where trees may be affected
- Ventilation and Extraction Report
- Viability and Marketing Statement

[The Planning Portal provides a useful Guidance Note 04](#)

Hedgerow Removal Notice

Always required

- Site location plan identifying the hedgerow(s) to be removed
- Application form (preferably) or a written notification in the form as set out in Schedule 4 to the Hedgerow Regulations
- Statement of reasons for the works, confirming whether the applicant is the owner, tenant or manager of the hedgerow, or the relevant utility company eligible to remove it
- Evidence that the hedge is less than 30 years old or is not of archaeological or ecological importance.

[The Planning Portal provided a useful guidance note for Hedgerow Removal Notice](#)

Listed Building Consent

Always required:

- Application Form
- Ownership Certificate
- Heritage Impact Assessment

- Listed Building Design and Access Statement
- Location Plan
- Site Plan
- Plans, elevations, and sections of the building, as existing relevant to the proposed alteration
- Plans, elevations, and sections of the building to show the alterations proposed (as relevant to the proposal)

Sometimes required:

- Schedule of Works
- Photographs of all elevations of the building (to convey its general character) and detailed photographs (internal and/or external) of those parts where alterations or extensions are proposed. If available, old photographs may be particularly valuable
- In the case of Grades, I and II* and, exceptionally, some Grade II listed buildings, specific internal details at a scale of 1:10, 1:5 or 1:1 may be requested.

The following additional information will be needed where the structural condition of the building requires it or where the building is to be converted to a new use:

- A building surveyor's or structural engineer's report and methodology statement, indicating on measured drawings of the building, as existing, any structural problems and a clear methodology for their rectification or alteration, including a proposed sequence of works and details of temporary works and propping.
- Joinery details - details of, for example, doors and windows should be shown to a larger scale of 1:10, 1:5, or 1:1 as appropriate.

[The Planning Portal provides a useful Guidance Note 11](#)

Non-material Amendment

Always required:

- Application form
- Fee

Sometimes required (Information required will be dependent upon the non-material amendment being sought):

- Existing and proposed elevations
- Existing and proposed floor plans
- Site block plan

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with all Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- **Ecological Impact Assessment (EclA)**
- **Biodiversity Net Gain Assessment**

- ~~Ecological and Protected Species Assessment – Where protected species are present on or near the site. This can include:–~~
 - ~~Applications relating to barns and other buildings capable of supporting protected species~~
 - ~~Where development is within or adjacent to a wildlife corridor or area of natural open space~~
 - ~~Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)~~
 - ~~Works involving trees known to house protected species~~
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with some Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required (dependent on matters that have not been reserved):

- Proposed Floor Plans
- Proposed Elevation Plans
- Affordable Housing
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- **Ecological Impact Assessment (EclA)**
- **Biodiversity Net Gain assessment (for all proposals that are not exempt from the general biodiversity condition ([Exempt development](#)))**

- ~~Ecological and Protected Species Assessment – Where protected species are present on or near the site. This can include:–~~
 - ~~Applications relating to barns and other buildings capable of supporting protected species~~
 - ~~Where development is within or adjacent to a wildlife corridor or area of natural open space~~
 - ~~Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)~~
 - ~~Works involving trees known to house protected species~~
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- **Site Sections / Finished Floor Levels**
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 05](#)

Planning Permission for Relevant Demolition in Conservation Area

Always required

- Application Form
- Site Location Plan
- Block Plan
- Heritage Impact Assessment
- Existing Floor Plans
- Existing Elevations Plans

Sometimes required

- Photographs

[The Planning Portal provides a useful Guidance Note for planning permission for relevant demolition in a conservation area](#)

- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance)**

Reserved Matters

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required depending on the Reserved Matters being sought:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Updated ecological surveys and updated EclA
- ~~Ecological and Protected Species Assessment – Where protected species are present on or near the site. This can include:–~~
 - ~~Applications relating to barns and other buildings capable of supporting protected species~~
 - ~~Where development is within or adjacent to a wildlife corridor or area of natural open space~~
 - ~~Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Site of Important Nature Conservation (SINC), Local Wildlife Site (LWS)~~
 - ~~Works involving trees known to house protected species~~
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 23](#)

Approval of Details Reserved by Condition (Discharge of a Condition(s) on a Planning Permission)

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 27](#)

Removal or Variation of Conditions

Always required:

- Application Form
- Fee

- Details required by the condition

[The Planning Portal provides a useful Guidance Note 25](#)

Lawful Development Certificate for Existing Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Supporting evidence e.g., affidavits, historic photos, utility bills/official documents.

[The Planning Portal provides a useful Guidance Note 14](#)

Lawful Development Certificate for Proposed Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Site block plan
- Existing and proposed elevations
- Existing and proposed floor plans

[The Planning Portal provides a useful Guidance Note 15](#)

Lawful Development Certificate for Listed Buildings

Applications for Certificates of Lawfulness of Proposed Works should include the following information:

Always required:

- Application Form including:
 - detailed description of the proposed works (including existing and proposed materials and finishes) together with details of those part(s) of the building likely to be affected
 - the reasons the applicant thinks they are entitled to a Certificate of Lawfulness of Proposed Works (i.e., why they think the proposed works do not affect the special architectural or historic interest of the listed building)
 - A statement as to the applicant's interest (ownership, tenancy etc) in the listed building(s) and any interest of any other person
 - details of listed building grading – if not known, this information can be found in the National Heritage List for England, which is available on Historic England's website at: <https://www.historicengland.org.uk/listing/the-list>
- Location Plan (identifying the listed building(s) to which the application refers)
- Existing and proposed elevations, where applicable
- Existing and proposed floor plans, where applicable

Sometimes required:

- Any other relevant information

What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works is a legal document stating the lawfulness of proposed works to a listed building and, are therefore, not liable to enforcement under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Works would be lawful if they do not affect the character of the listed building as a building of special architectural or historic interest. Sections 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013) established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether proposed works to a listed building are lawful, and if so, be granted a Certificate to that effect. A Certificate granted for proposed works will specify the listed building (by reference to a plan or drawing) included in the Certificate and describe the precise nature of the works which are considered lawful. The Certificate will give the reasons for determining the works to be lawful and specify the date of issue of the Certificate. Once issued, Certificates of Lawfulness of Proposed Works are valid for 10 years from the date of issue of the Certificate i.e., the works certified must be carried out within 10 years from the date the Certificate is issued. The responsibility is on the applicant to provide evidence to support the application.

Permission in Principle

These applications are an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposed development from the technical detail of the development. Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

Always required

- Application Form
- Fee
- Location Plan
- Site block plan

Technical Details Consent (in relation to Permission in Principle)

Following the granting of Permission in Principle (PIP) an application for Technical Details Consent can be made, validation requirements are the same as for a planning application - so please refer to the relevant development type. Please note you must make reference to the PIP application number in your submission. Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

Prior Approval / Notification

The following procedures apply to the applications set out below for prior approval or change of use. The Class referred to below refers to the respective Part and Class within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Prior Approval	
Agricultural buildings to dwellinghouses (Class Q of Part 3)	Launderette, betting office, pay day loan shop, hot food takeaway or mixed use of a dwelling with any of these uses to a dwellinghouse (Class of Part 3M)
Agricultural buildings to state-funded school (Class S of Part 3)	Moveable structures for historic visitor attractions and listed pubs, restaurants etc. (Class BB of Part 4)
Agricultural buildings to a flexible commercial use (Class R of Part 3)	Offices to dwellinghouses (Class O of Part 3)
Agricultural and forestry development on units of 5 hectares or more (Class A of Part 6)	Premises in light industrial use to dwellinghouse (Class PA of Part 3)
Agricultural development on units of less than 5 hectares (Class B of Part 6)	Universities extensions alterations or erection (Class M of Part 7)
Amusement arcade or centre or casino to dwellinghouse (Class N of Part 3)	Solar (other than microgeneration solar thermal or solar PV) on the roof of a building (Class J(c) of Part 14)
Click and collect facilities (Class C of Part 7)	Solar in a conservation area on a flat roof (Class A of Part 14)
Commercial, business and service or betting office or pay day loan shop to mixed use (Class G)	Solar in a conservation area Stand-alone nearer to highway than dwellinghouse or block of flats (Class B of Part 14) or non-domestic premises (Class K of Part 14)
Commercial, business and service uses (Class E of Schedule 2) to dwellinghouses (Class MA of Part 3)	Solar canopy on non-domestic off street parking (Class OA of Part 14)
Communications (Class A of Part 16)	Storage or distribution centre to dwellinghouses use (Class P of Part 3)
Demolition of building(s) (Class B of Part 11)	Temporary state-funded school on previously vacant commercial land (Class CA of Part 4)
Demolition of buildings and construction of new dwellinghouses in their place (Class ZA of Part 20)	Temporary use of buildings or land for film making purposes (Class E of Part 4)
Dwellings on detached buildings in commercial/mixed use (Class AA of Part 20)	Temporary recreational campsites (Class BC of Part 4) ²
Dwellings on detached dwellings (Class AD of Part 20)	Toll road facilities (Class D of Part 9)
Dwellings on detached block of flats (Class A of Part 20)	
Dwellings on terraced buildings in commercial/mixed use (Class AB of Part 20)	
Dwellings on terraced dwelling (Class AC of Part 20)	
Enlargement, improvement or other alteration of a dwellinghouse (Class A of Part 1)	
Forestry development (Class E of Part 6)	

² Please note that this Class has either a prior approval or notification process. Where a site is within Flood Zone 2 or 3, prior approval is required, otherwise it falls as a notification.

Hotel, residential institutions, secure residential institutions or commercial, business or service (Class E of Schedule 2) to state funded school (Class T)	
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Agricultural buildings to dwellinghouses

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a statement specifying (i) the number of smaller dwellings proposed; (ii) the number of larger dwellings proposed; (iii) whether previous development has taken place under Class Q within the established agricultural unit, and if so the number of smaller and larger dwellinghouses development under Class Q
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)**
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural buildings to state-funded school

Agricultural buildings to a flexible commercial use

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)**
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural development on units of 5 hectares or more

Agricultural development on units of less than 5 hectares

Forestry development

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site
- the materials to be used
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note 16](#)

Solar (other than microgeneration solar thermal or solar PV) on the roof of a building

Solar on a flat roof

Stand-alone solar nearer to highway than dwellinghouse or block of flats or non-domestic premises

Solar canopy on non-domestic off street parking

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Click and collect facilities

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building operations proposed
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Moveable structures for historic visitor attractions and listed pubs, restaurants etc,

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the site and showing the proposed development
- a statement setting out the proposed methods of –
 - (i) installing the moveable structure; and
 - (ii) reinstating the land to its original condition once the structure is removed
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Offices to dwellinghouses

Premises in light industrial use to dwellinghouses

Launderette, betting office, pay day loan shop, hot food takeaway or mixed use of a dwelling with any of these uses to a dwellinghouse –

Commercial, business and service uses (Class E) to dwellinghouses

Amusement arcade or centre or casino to dwellinghouse

Hotel, residential institutions, secure residential institutions or commercial, business or service (Class E) to state funded school

These applications must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls and the elevations of the dwellinghouses
- statement specifying the net increase in dwellinghouses proposed by the development
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Temporary use of buildings or land for film making purposes

These applications must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a a site-specific flood risk assessment
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Storage or distribution centre to dwellinghouses

Temporary state-funded school on previously vacant commercial land

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Communications

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the proposed location
- any fee required to be paid
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- a notice of development³
- a notification of the proposal⁴
- where the development is within 3km of the perimeter of an aerodrome, evidence must be provided of notification with the Civil Aviation Authority, the Secretary of Defence, or the aerodrome operator as appropriate

[The Planning Portal provides a useful Guidance Note 20](#)

New dwellinghouses on detached blocks of flats

New dwellinghouses on detached buildings in commercial or mixed use

New dwellinghouses on terrace buildings in commercial or mixed use

New dwellinghouses on terrace buildings in use as dwellinghouses

New dwellinghouses on detached buildings in use as dwellinghouses

These applications must be accompanied by:

- a written description of the proposed development, which must include details of any dwellinghouse, and other works proposed comprising:
 - i. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
 - ii. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses
 - iii. works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases
 - iv. works for the construction of storage, waste, or other ancillary facilities reasonably necessary to support the new dwellinghouses
- a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development
- floor plans which are drawn to an identified scale and show the direction of North indicating the **total floor space of each dwellinghouse and the** dimensions and proposed use of each room, the position and dimensions of windows, doors, walls and the existing and proposed elevations of the building **in square metres**
- a written statement specifying the number of new dwellinghouses proposed by the development (i.e. additional to any dwellinghouses in the existing building)

³ The developer must give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application.

⁴ Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence, or the aerodrome operator, as appropriate, before making the application.

- a list of all addresses of the flats within the existing block of flats any flats and any other premises in the existing building
- the developer's contact address
- the developer's email address if the developer is, content to receive communications electronically
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 **when more than 18 metres in height**
- any fee required to be paid.

Demolition of buildings and construction of new dwellinghouses in their place

The application must be accompanied by:

- the address or location of the development
- a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed. [These operations are provided below](#)
- a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development
- drawings prepared to an identified scale and showing external dimensions and elevations of:
 - the building proposed for demolition,
 - the building scheduled as replacement, and, in the direction of North, the positioning of each, together with:
 - where the building proposed as replacement is a block of flats—
 - the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it,
 - the dimensions and use of all habitable and other rooms in each dwellinghouse in it
 - where the building proposed as replacement is a single dwellinghouse—
 - the position and dimensions of the windows, doors and walls in it and
 - the dimensions and use of all habitable and other rooms in it.
- a written statement specifying
 - the number of dwellinghouses in the building proposed for demolition and
 - the number of new dwellinghouses proposed in the building proposed as replacement
- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)**
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- a written statement in respect of heritage and archaeological considerations of the development
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 **when more than 18 metres in height**
- the developer's contact address
- the developer's email address, if content to receive communications electronically
- any fee required to be paid.

The operations in question are:

- a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building
- b) works for the removal of plant servicing the old building
- c) works for the disconnection of services from the old building
- d) works for the removal of any means of access to and egress from the old building
- e) works for the removal of storage and waste from the old building
- f) works for the installation of plant to service the new building
- g) works for the installation of services to be connected to the new building
- h) works to enable access to and egress from the new building, including means of escape from fire
- i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building
- j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period:
 - i. starting with their installation no earlier than one month before the beginning of those operations

Enlargement, improvement, or other alteration of a dwellinghouse

The application must be accompanied by:

- a written description of the proposed development or application form including-
 - how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse
 - the maximum height of the enlarged part of the dwellinghouse; and
 - the height of the eaves of the enlarged part of the dwellinghouse
- location plan showing proposed site
- plans showing the proposed development
- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)**
- the addresses of any adjoining premises
- the developer's contact details
- appropriate fee

[The Planning Portal provides a useful Guidance Note](#)

Demolition of building(s)

The application must be accompanied by:

- a written description of the proposed development or application form
- a statement that a notice has been posted⁵
- any fee required to be paid
- **Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)**

[The Planning Portal provides a useful Guidance Note](#)

Toll road facilities

The application must be accompanied by:

- written description of the development
- plans and elevations of the proposed development
- any fee required to be paid

⁵ The application requires the applicant or agent to erect a site notice for no less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority. Following this, a statement will need to be submitted to the Local Planning Authority with a description of where the site notice was put and date it was displayed.

Prior Notification	
<p>Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Schedule 2) to commercial, business and service (Class E of Schedule 2), display of art, museum, public library or public reading room or public hall or exhibition hall (Class D of Part 4)</p> <p>Casino, betting office, pay day loan shop or hot food take away to commercial, business and service (Class A of Part 3)</p> <p>Open prison – erection, extension, or alteration (Class M of Part 7)</p>	<p>Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food (Class DA of Part 4)</p> <p>Temporary recreational campsites (Class BC of Part 4)⁶</p> <p>Temporary provision of buildings on school land where the school has a RAAC-affected building (Class CB of Part 4)</p>

Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Part 2, Schedule 2) to commercial, business and service, display of art, museum, public library or public reading room or public hall or exhibition hall

The notification must be accompanied by:

- Date the site will begin to be used for one of the flexible use (Any change in use to any one of the flexible uses to another flexible use is subject to further notification)
- What that use will be

Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Schedule 2) to commercial, business and service (Class E of Schedule 2), display of art, museum, public library or public reading room or public hall or exhibition hall (Class D of Part 4)

The notification must be accompanied by:

- Written notification of the date on which the use of the building will change

**Solar (other than microgeneration solar thermal or solar PV) on the roof of a building
Solar on a flat roof**

Stand-alone solar nearer to highway than dwellinghouse or block of flats or non-domestic premises

Solar canopy on non-domestic off street parking

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Open prison – erection, extension or alteration

The application must be accompanied by:

- Written description of the proposed development
- Plan indicating the site and showing the proposed development
- a drawing, prepared to an identified scale, showing
 - (i) in the case of a building to be erected, the proposed external dimensions and elevations of that building
 - (ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration
- the proposed commencement date

⁶ Please note that this Class has either a prior approval or notification process. Where a site is within Flood Zone 2 or 3, prior approval is required, otherwise it falls as a notification.

- written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically

Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food

The developer must notify if the building and any land within its curtilage

- is being used or will be used for the provision of takeaway food

Universities extensions alterations or erection of building

The application must be accompanied by:

- written description of the proposed development
- plan indicating the site and showing the proposed development
- drawings prepared to an identified scale and showing:
 - i. for a building being erected, the proposed external dimensions and elevations of the building; and
 - ii. for a building being extended or altered, the external dimensions and elevations of that building before and after the proposed extension or alteration
- written statement in respect to the heritage and archaeological considerations of the development
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically.
- any fee to be paid

Temporary recreational campsites (notifications) Applicable when the site is not within either Flood Zone 2 or 3

The application must be accompanied by:

- Copy of site plan, which must include the particulars of –
 - (i) toilet and waste disposal facilities
 - (ii) the dates on which the site will be in use

Temporary recreational campsites (prior approvals) Applicable when the site is within either Flood Zone 2 or 3

The application must be accompanied by:

- Copy of site plan, which must include the particulars of –
 - (i) toilet and waste disposal facilities
 - (ii) the dates on which the site will be in use
- A site-specific flood risk assessment, including provision for warning and evacuation
- Any fee to be paid

Works to Trees in Conservation Area

Always required

- Application Form – whilst not legally required we recommend the form available on the [Planning Portal](#). If you chose not to use the application form, the following minimum information will be required:
 - Your contact details
 - Owners' details
 - Site address (location of tree/s)
 - Information on the works proposed - **must clearly describe the work proposed including metric measurements and sufficient particulars to identify the tree or trees (including species). Where a number of trees or operations are involved, the information shall make clear what work is proposed to which tree, including species (e.g.: felling of 2 Silver Birch trees (T1 and T2) or crown reduction by 1 metre, crown lift to 2.4 metres from ground level)**
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree(s) relative to surrounding buildings/roads.

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements (**metric**) and not percentages (**e.g. 25% reduction**), and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on [The Arboricultural Associations website](#).

Sometimes required:

- Photographs – **it is helpful to** provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings
- Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety. **This should be prepared by a relevant engineer, building/drainage surveyor or other appropriate expert. In cases of alleged subsidence, we would expect the following:**
 - Soil sampling
 - Root identification
 - Levels monitoring (monitoring the foundation movement in a structure)
 - Drains survey
 - Water ingress point survey
- Evidence of the immediate risk, including details of risk/damage/condition. The [ISA Tree Risk Assessment form](#) provides a guide for collecting and recording tree risk assessment information
- Works in general should comply with BS3998-2010
- Replanting information, where applicable.

Works to Trees Subject to a Tree Preservation Order (TPO)

Always required

- Application Form
- Site Location Plan - does not have to be ordnance survey but must clearly show the location of the tree(s)
- **Proposed works - must clearly describe the work proposed and include sufficient particulars to identify the tree or trees (including species). Where a number of trees or operations are involved, the description should make clear what work is proposed to which tree (e.g.: felling of 2 Silver Birch trees (T1 and T2)). Details can also be found within BS 3998-2010.**
- **Where proposed works are to fell a tree(s), applications must be accompanied by appropriate evidence describing any structural damage to property or in relation to tree health or safety (to be provided by a relevant engineer, building/drainage surveyor, or other appropriate expert).**
- **In cases of alleged subsidence, we would expect the following:**

- Soil sampling
- Root identification
- Levels monitoring (monitoring the foundation movement in a structure)
- Drainage survey
- Water ingress point survey

Note: It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements (**metric**) and not percentages (**e.g., 30% reduction**) and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2 metres and lateral spread by 1 metre, all round, to finished crown dimensions of 18m. in height by 11m. in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on [The Arboricultural Associations website](#).

Sometimes required:

- Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings
- Appropriate evidence describing any structural damage to property or in relation to tree health or safety
- Evidence of the immediate risk, including details of risk/damage/condition. The [ISA Tree Risk Assessment form](#) provides a guide for collecting and recording tree risk assessment information
- Replanting information, where applicable.
- **Preliminary Bat Roost Assessment**

Urgent works to Protected Trees (presents an immediate risk of serious harm)

Where a tree presents an immediate risk of serious harm (for example injury to a passing pedestrian due to the tree falling) and work is urgently needed to remove that risk, tree owners or their agents must give written notice to the local authority as soon as practicable after that work becomes necessary. **Work shall only be carried out to the extent that it is necessary to remove the risk.**

The applicant/owner is still required to notify the local authority of the works and must provide the following:

- Contact details of person reporting the risk
- Owner details
- Site address of location of tree(s)
- Species of tree
- TPO reference (e.g., TPO N123)
- Evidence of the immediate risk, including details of risk/damage/condition. The ISA Tree Risk Assessment form provides a guide for collecting and recording tree risk assessment information – [ISA Tree Risk Assessment Form Instructions](#) form
- Supporting information/justification from a suitably qualified professional – including photographs ~~to be provided~~ showing damage.

You may be required to plant a replacement tree to ensure the ongoing presence of trees at the site.

If the danger is not immediate the tree does not come within the meaning of the exception, 5 working days prior written notice must be given to the local authority before cutting down or carrying out other work on a dead tree. **Evidence and supporting information as detailed above must be provided at the time of submitting a written notice.** The authority’s consent for such work is not required.

The exceptions also allow removal of dead branches from a living tree without prior notice or consent **from the Local Planning Authority.**

Part 5 – Development Types

Residential New Build	Residential Conversions
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Biodiversity Net Gain Assessment • Coal mining assessment • Community Infrastructure Levy Form • Contamination risk assessment • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological Impact Assessment (EclA) • Ecological and protected species assessment • Environmental impact assessment • External lighting details • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Highway information • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision • Planning obligations pro-forma statement • Planning statement • Rights of Way • Statement of community involvement • Transport statement/assessment • Travel plan • Tree survey 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage information • Ecological and protected species assessment • Environmental impact assessment • External lighting details • Flood Risk Assessment • Heritage impact assessment • Highway information • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision (see planning obligations pro forma statement) • Planning obligations pro-forma statement • Planning statement • Preliminary Bat Roost Assessment (See Appendix A for guidance) • Rights of Way • Statement of community involvement • Structural survey • Transport statement/assessment • Travel plan • Tree survey • Viability and marketing statement

Commercial, industrial, and non-residential	Change of Use
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Bin/waste management information • Biodiversity Net Gain Assessment • Coal mining assessment • Contamination risk assessment • Community Infrastructure Levy Form • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological Impact Assessment (EcIA) • Ecological and protected species assessment • Economic statement • External lighting details • Environmental impact assessment • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Parking information including electric car charging point provision • Planning statement • Retail assessment • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Tree survey • Ventilation and extraction report • Viability and marketing statement 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Fee • Location plan <p>Sometimes required</p> <ul style="list-style-type: none"> • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage statement • Ecological Impact Assessment (EcIA) • Ecological and protected species assessment • Economic Statement • Existing and proposed elevations • Existing and proposed floor plans • External lighting details • Flood Risk Assessment • Heritage impact assessment • Landscape scheme • Noise impact assessment • Open space provision • Parking information including electric car charging point provision • Planning statement • Preliminary Bat Roost Assessment (See Appendix A for guidance) • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Ventilation and extraction report • Viability and marketing statement
<p>Agricultural Development (e.g., new buildings, engineering works etc.)</p>	<p>Telecoms (requiring planning permission)</p>
<p>Always required</p>	<p>Always required</p>

<ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Design and access statement • Drainage information • Flood Risk Assessment • Landscape scheme • Noise impact assessment • Non-mains drainage (Foul drainage assessment form) • Parking information • Planning statement • Statement of community involvement • Tree survey 	<ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Telecommunications supporting information <p>Sometimes required</p> <ul style="list-style-type: none"> • Design and access statement • Drainage information • Flood Risk Assessment • Planning statement • Statement of community involvement • Tree survey
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1.0 Summary

- 1.1. All bats in the United Kingdom (UK) are European Protected Species (EPS) and are protected by legislation from injury and disturbance. Their roosts, and access to them, are also protected.
- 1.2. All UK bat species make use of various types of buildings, including dwellings, industrial buildings and other structures like bridges, and underground features like tunnels and mine shafts. Many species also roost in cavities in trees. Consequently, development proposals, including house extensions and alterations, have the potential to have an impact on roosting bats, and for that impact to represent a potential breach of the relevant legislation.
- 1.3. A licencing system, administered in England by Natural England, enables work, which would otherwise be unlawful because of the impacts on bats and their roosts, to be lawful.
- 1.4. Government guidance and important court judgements have set out the legal duty of a Local Planning Authority (LPA) when determining a planning application for a development that might have an impact on an EPS. To discharge this duty, the LPA needs to be in receipt of survey information that establishes the status of the EPS. Initially this needs survey information to establish the likely presence or otherwise of bats. If there is evidence of bats using, or having used, the building, structure, or tree, the LPA then needs further information to be able to consider three 'tests' that Natural England must address when assessing an EPS mitigation licence application.
- 1.5. Gaining this information is a two-stage process. First, a Preliminary Bat Roost Assessment (PBRA) is required in accordance with Item 16 of the NSDC [Planning Application Validation Checklist](#). A PBRA involves a suitably competent ecologist undertaking a daytime external and (where possible or applicable) internal assessment of the building, structure, feature, or tree. These can be undertaken at any time of the year. They are likely to be required for⁷:
 - House extensions and/or conversions involving works to and adjacent to roofs;
 - Demolition, renovation, and conversion of buildings;
 - Works affecting underground structures like cellars and bunkers; and
 - Proposals involving the felling of, or works to, trees.
- 1.6. Depending on the outcome of the PBRA, additional nocturnal surveys might be required. These are seasonally constrained. The legal duty of an LPA is such that it cannot determine an application until it is in receipt of the further survey report.
- 1.7. In some instances, it might be possible to use a Department for Environment, Food, and Rural Affairs (Defra) policy that applies to Natural England's EPS mitigation licences, to reduce the need for additional survey data and reduce delays, should the proposal be considered acceptable development on all other matters.

⁷ Please see Section 6 of Advisory Note for full details.

2.0 Background

- 2.1. All bats in the UK are European Protected Species (EPS) and are afforded full protection under the Conservation of Habitats and Species Regulations 2017 (as amended) [the Regulations] and the Wildlife and Countryside Act 1981 (as amended). In summary, deliberate or reckless injury or disturbance of all UK bat species; or reckless damage, destruction or obstruction of access to any structure or place used by bats for shelter or protection (i.e., roosts), represent potential breaches of this legislation.
- 2.2. All British bat species are known to make some use of buildings and other structures including (not exclusively) dwellings, places of worship, bridges, industrial buildings, and agricultural buildings (particularly those of brick or stone construction), old mine shafts and tunnels. Many species also roost in cavities in trees.
- 2.3. Many development proposals involving buildings and structures therefore have the potential to have an impact on roosting bats, and for that impact to represent a potential breach of the legislation.
- 2.4. Part IV A 99. of the Office of the Deputy Prime Minister Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (ODPM Circular 06/2005) states that:

“It is essential that the presence of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision.”

- 2.5. In 2009 an important judgement was made in the High Court case of R (on the application of Simon Wooley) v Cheshire East Borough Council which set out the legal duty of a Local Planning Authority (LPA) when determining a planning application for a development that might have an impact on European Protected Species (EPS). Further clarification was then made in the Supreme Court in the case of R (Vivienne Morge) v Hampshire County Council in 2011. The Wooley case established that it is not sufficient for an LPA to just make reference to the existence of the Conservation of Habitats and Species Regulations (the Regulations) as an informative of a planning consent (i.e., an LPA cannot grant a planning permission and on the decision notice make the applicant aware of the Regulations), nor can an LPA discharge its duty by granting planning permission with a condition requiring the applicant to obtain a relevant European Protected Species Licence, as this does not constitute engaging with the European Habitats Directive (which is transposed into UK law by the Regulations). Similarly, conditioning a survey that determines the status of an EPS does not represent an LPA engaging with the Habitats Directive.
- 2.6. When Natural England consider a EPS licence application they must consider three ‘tests’, and the court judgements established that a LPA must as part of its planning considerations consider whether the Statutory Nature Conservation Organisation⁸ would be likely to grant a licence. Therefore, this applies to proposals requiring:
 - Planning permission under The Town and Country Planning Act 1990;
 - Planning permission or other consent under The Town and Country Planning (Development Management Procedure) (England) Order 2015;
 - Listed building consent under The Planning (Listed Buildings and Conservation Areas) Act 1990;
 - Prior approval under The Town and Country Planning (General Permitted Development) (England) Order 2015; and
 - Consent under The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.7. The ‘tests’ are:
 - i. A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - ii. There is no satisfactory alternative.

⁸ Natural England are the Statutory Nature Conservation Organisation for England.

- iii. The population of the species concerned will be maintained at a favourable conservation status in their natural range.
- 2.8. To make a judgement as to whether an EPS Mitigation Licence is likely to be granted, the LPA needs to also consider the three 'tests' and it cannot do this if it is not in receipt of survey information that establishes the status of the EPS. The information provided by the ecologist will often include data responding to these tests.

3.0 Planning Application Validation Requirements

- 3.1. For the reasons outlined in Section 2, to be able to discharge its statutory duties regarding protected species, Newark and Sherwood District Council (NSDC) needs to be in receipt of appropriate information regarding the likely presence of bats at the planning application validation stage. Consequently, this forms part of the validation procedure, in accordance with the NSDC [Planning Application Validation Checklist](#) Item 16 'Ecological and Protected Species Assessment' which states that "*An ecology survey is required if it is likely that protected species are,...present on or near the proposed site...*". For this issue a preliminary bat roost assessment (PBRA) is required.
- 3.2. Part IV A 99. of Government Circular 06/2005 also states that:

"However, bearing in mind the cost that might be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

As bats are known to use dwellings as roosts, predominantly in roof areas, it is considered there is a reasonable likelihood of bats being present in these locations. Therefore, NSDC have produced this advisory note to provide guidance as to when a Preliminary Bat Roost Assessment is required.

4.0 What Is a Preliminary Bat Roost Assessment?

- 4.1. Preliminary Bat Roost Assessments are a daytime external and (where access is possible) internal assessment of the building/structure/feature. In accordance with best practice guidelines⁹, this needs to be completed by a suitably competent ecologist who will search for signs of occupancy by bats. This can be undertaken any time of the year.

5.0 Additional Bat Surveys

- 5.1. Following the preliminary assessment, additional nocturnal emergence/re-entry surveys might be required, and these are seasonally constrained. If a PBRA determines that additional emergence/re-entry survey work is required, and the report for these surveys is not supplied as part of the planning submission, for the reasons outlined above, NSDC will be unable to determine the application until it has this information or may refuse the application due to insufficient information.
- 5.2. In some instances, the appointed ecologist might in their professional judgement consider it appropriate to seek Natural England approval to use Department for Environment, Food, and Rural Affairs (Defra) Policy 4 'Alternative sources of evidence to reduce standard survey requirements' that applies to Natural England's EPS mitigation licences. If use of Policy 4 is confirmed by Natural England as being acceptable, this could reduce the need for additional survey data and reduce delays, should the proposal be considered acceptable development on all other matters. In such situations NSDC would need to be in receipt of evidence of Natural England's approval of use of Policy 4, and all the information intended to be submitted as part of the EPS licence application.

6.0 Development Proposals Requiring a Preliminary Bat Roost Assessment

- 6.1. Proposed development involving the modification, conversion, demolition (partial or full) or removal of buildings and structures involving the following:
- A. Householder extensions and/or conversions involving any of the following:
- Works to roof spaces, e.g., replacing existing roofs, new connections into the existing roof including dormers and rooflights;

⁹ Collins, J. (ed.) (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. London: The Bat Conservation Trust.

- Extensions involving extension of the existing roof line along the gable end of the property being extended;
 - Extensions resulting in existing eaves being lost or obscured;
 - Extensions on gable ends where there are integrated bat boxes within the wall;
 - Works involving the removal or obscuring of weather boarding or hanging tiles; and
 - Internal works to the roof space.
- B. Demolition (partial or full) of any dwelling, garage, or other associated outbuilding, irrespective of age, structural condition¹⁰, or location.
- C. Demolition (partial or full), or renovations or alterations involving the roof of industrial buildings, particularly those of brick and tile/slate/sheet roof construction, including (not exclusively) offices, retail units and storage units¹¹.
- D. Demolition (partial or full), renovation, or conversion of any agricultural building, with particular emphasis on traditional brick or stone construction.
- E. Any works involving the removal or obscuring of weather boarding or hanging tiles in buildings that are not dwellings.
- F. Any proposal affecting a cellar, tunnel, mine, ice house, British hardened field defences of World War II (pillboxes), air raid shelter, underground military bunker or similar underground structure;
- G. Any proposal involving the felling of, or works to trees as part of a development proposal requiring planning consent;
- H. Any proposal involving the felling of a tree where a felling licence is not required, or works to a tree, where Local Planning Authority consent under a Tree Preservation Order (TPO) is required; and
- I. Any proposal affecting any building, structure, tree, or other feature where bats are known to be, or have been, present.
- 6.2. If you think your development might require a PBRA, but having read this list you are unsure, please contact us at planning@newark-sherwooddc.gov.uk and we will aim to respond to you within 10 working days.

7.0 How do I obtain a Preliminary Bat Roost Assessment and what is the likely cost?

- 7.1. NSDC is not able to recommend any ecologist or ecological consultancy. To find a suitable ecologist it is recommended that any, or all, of the following are undertaken:
- A search of the Chartered Institute of Ecology and Environmental Management (CIEEM) Registered Practice Directory¹² ;
 - Ask your planning agent for details of ecologists they have used on other development proposals; and
 - A general internet search using the terms ‘Preliminary Bat Roost Assessment’ and ‘Preliminary Roost Assessment.’”
- 7.2. A PBRA should cost somewhere in the region of £350-800. If the PBRA identifies the need for additional surveys and assessments, there will be additional costs associated with this. Costs will be dependent on the number of surveys required, how many surveyors will be needed and whether a protected species licence is required.

¹⁰ Some proposals within categories A and B may involve relatively new buildings that are likely to be structurally sound and with no gaps of sufficient size to provide access for bats. However, to be assured of this, NSDC needs confirmation via a PBRA undertaken by a suitably competent ecologist.

¹¹ Some industrial buildings, particularly modern types may be of a construction type unsuitable to support roosting bats. Please contact NSDC if you are unsure (see paragraph 6.2).

¹² <https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>



Report to Planning Committee 15 February 2024

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Biodiversity Net Gain, Ancient Woodlands and Levelling-up and Regeneration Act 2023
Purpose of Report	To brief Members on new statutory instruments and commencement of parts of the Levelling-up and Regeneration Act
Recommendations	To note the report and be aware of the contents of the documents when considering planning applications

1.0 Background

1.1 The Government, has issued on 17th January five statutory instruments with a further one on 18th January relating to Biodiversity Net Gain:

- [The Biodiversity Gain Site Register Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 45)
- [The Biodiversity Gain Site Register \(Financial Penalties and Fees\) Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 46)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 47)
- [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 48)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 49)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(legislation.gov.uk\)](#) (SI 2024 No. 50)

1.2 Additionally, a further statutory instrument was published on 25th January. This is [The Levelling-up and Regeneration Act 2023 \(Commencement No. 2 and Transitional Provisions\) Regulations 2024](#) as well as a Consultation Direction [The Town and Country Planning \(Consultation\) \(England\) Direction 2024](#).

2.0 Detail

Biodiversity Net Gain

- 2.1 There are a number of statutory instruments relating to biodiversity net gain. This is quite a complex area and therefore a highlighted summary is provided below. Members will be aware a report has been presented to Cabinet in January relating to biodiversity net gain.
- 2.2 From the 12th February, all applications submitted after this date falling within the major category and subject to not falling with any of the exceptions will need to provide a minimum of 10% biodiversity net gain. All other developments will require to deliver 10% net gain from 2nd April 2024, again this relates to those applications submitted after this date and not falling within any of the exceptions. The exceptions include householder development, self-build and custom build applications and developments that are considered 'de minimus' (subject to not being an onsite priority habitat) i.e:
“(a) less than 25 square metres of onsite habitat that has biodiversity value(b) greater than zero; and
(b) less than 5 metres in length of onsite linear habitat.”
- 2.3 SI 2024 No. 46 makes provision in relation to the requirement for a biodiversity net gain register which is maintained by Natural England. Landowners looking to register their land for biodiversity net gain on a commercial basis (i.e. to sell biodiversity units to developers) are required to provide information to Natural England which if they provide false or misleading information, can be subject to a financial penalty.
- 2.4 Statutory Instrument 2024 No. 49 provides clarification in relation to Section 73 of the Town and Country Planning Act 1990 relating to removal or variation of planning conditions on an earlier permission? When amendments would affect the previously approved onsite biodiversity net gain and a biodiversity plan has been approved, the earlier approved plan will no longer be regarded as approved.
- 2.5 SI 2024 No. 50 sets out the information that needs to be submitted with a planning application in order for it to be valid. This includes the requirement for the applicant to provide a statement as to whether the planning permission, if granted, would be subject to the biodiversity net gain condition or not. Applicants are required, if net gain will be a condition, to submit a completed biometric calculator of the biodiversity value of the site at the date of application or an earlier date (latter subject to criteria), description of any irreplaceable habitat and plan showing the location of the habitat. The Instrument sets out the condition(s) to be applied to applicable planning permissions.
- 2.6 This, as noted above, is a very highlighted summary with further information to be provided to Members over the coming months, as well as relevant information provided on our website.

The Town and Country Planning (Consultation) (England) Direction 2024

- 2.7 This 2024 Direction replaces the Direction issued in 2021 (The Town and Country Planning (Consultation) (England) Direction). The replacement now includes the requirement to consult with the Secretary of State before granting planning permission that affects ancient woodland.

- 2.8 The Direction includes a definition of ‘ancient woodland’ as meaning “*an area in England which has been continuously wooded since at least the end of the year 1600 A.D*”. Clarification is also provided regarding the definition of ‘affected’ as meaning “*development which would result in the loss or deterioration of ancient woodland, where the local planning authority considers the potential adverse impacts cannot be mitigated.*”
- 2.9 Additionally, definitions relating to ‘playing fields’ and ‘playing field developments’ have also been updated. Members will be aware in relation to this Direction that the Council has referred applications relating to Green Belt developments over recent years. All referrals have been determined as falling to the Council, as Local Planning Authority, to determine.

Levelling-up and Regeneration Act 2024 Commencement and Transition

- 2.10 Section 94 of the Act inserts a new section 38ZA into the Planning and Compulsory Purchase Act 2004 to provide a statutory basis for national development management (DM) policies. Members may be aware that the Government is looking to introduce national DM policies that will apply to the country, thereby mitigating the need for each local planning authority to adopt their own. These are expected to be aimed towards aspects that are applicable (predominantly) throughout the country e.g. heritage, climate change, green belt etc. Local matters such as site allocations will still be for the Council to identify.
- 2.11 A report was recently presented regarding the Government consultation on Street Development Orders. Regulation 2(d), 2(e) and 2(q) are brought into force for the limited purpose of enabling regulations and development orders to be made. Any outcome in relation to the consultation will be presented when it is published.
- 2.12 Many other areas of the Act are being brought into force which can be read via the link at the foot of this report. However, the changes identified are considered to be the principal ones that will likely affect the Council most.

3.0 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 where appropriate.

Background Papers and Published Documents

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

[The Biodiversity Gain Site Register Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Biodiversity Gain Site Register \(Financial Penalties and Fees\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024 \(legislation.gov.uk\)](#)

[The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024 \(legislation.gov.uk\)](#)

[The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(legislation.gov.uk\)](#)

[The Levelling-up and Regeneration Act 2023 \(Commencement No. 2 and Transitional Provisions\) Regulations 2024](#)

[The Town and Country Planning \(Consultation\) \(England\) Direction 2024.](#)

PLANNING COMMITTEE – 15 FEBRUARY 2024

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 01 January 2024 and 02 February 2024)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/23/3334316	23/00776/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Outdoor swimming pool, spa, raised platform area and retaining walls, balustrading and 2 pagodas (retrospective).	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/23/3334291	22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	Without planning permission, "development" consisting of the material change of use of land from agricultural use to residential use (as shown within photographs 1 and 2).	Hearing	Service of Enforcement Notice

APP/B3030/C/23/3332282	23/00217/ENFB	Far Barn Farm Priory Road Thurgarton NG14 7GT	Without planning permission, development consisting of the material change of use of part of the existing agricultural grain store yard area to a mixed use for agriculture and open air storage (Class B8) (as shown within photographs 1 and 2; and highlighted in red on Plan A and Plan B).	Written Representation	Service of Enforcement Notice
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APP/B3030/C/23/3333696	22/00428/ENFB	Elston Lodge Farm Lodge Lane Elston Newark On Trent NG23 5PG	Without planning permission, development consisting of the material change of use of land from agricultural use to residential use (as shown within photograph 1), including associated works consisting of the erection of a hardsurfaced access track (as shown within photograph 1) and gates (as shown within photograph 2).	Written Representation	Refusal of a planning application
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APP/B3030/W/23/3333868	23/00447/OUT	The Gate House Bathley Lane North Muskham Newark On Trent NG23 6HR	Outline application for a residential plot within the garden area with all matters reserved	Written Representation	Refusal of a planning application
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PLANNING COMMITTEE – 15 FEBRUARY 2024

Appendix B: Appeals Determined (between 01 January 2024 and 02 February 2024)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/00098/ENFB	The Dial House 58 Gainsborough Road Winthorpe Newark On Trent NG24 2NR	Without planning permission, operational development consisting of the erection of a timber outbuilding with pantile roof within the curtilage of a listed building, as shown edged in red on the attached Site Plan.	Delegated Officer	Not Applicable	Appeal Allowed	19th January 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTGO7FLB0BL00						
22/00118/ENFB	65 Westhorpe Southwell NG25 0NE	Without planning permission, operational development consisting of the erection of 2 sets of gates along the front the boundary of the Land, adjacent to the highway (Westhorpe), as labelled existing gate openings on the Block plan and as shown within photographs 1 and 2.	Delegated Officer	Not Applicable	Appeal Allowed	19th January 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RL2QF0LB0BL01						
23/00144/LDCP	Gable Oak Old Main Road Bulcote NG14 5GU	Certificate of Lawful Development Certificate for proposed garden room (resubmission of 22/01535/LDC)	Delegated Officer	Not Applicable	Appeal Dismissed	19th January 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RP2ZL0LBGX00						

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



Report to Planning Committee 15 February 2024

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the three-month period October to December 2023. In order for the latest quarter's performance to be understood in context, in some areas data going back to October 2021 is provided. The performance of the Planning Enforcement team is provided as a separate report.
Recommendations	For noting. The services it assists in the delivery of Community Plan Objectives: <ul style="list-style-type: none"> • Increase the Supply, Choice, and Standard of Housing • Protect and enhance the district's natural environment and green spaces • Reduce the impact of climate change

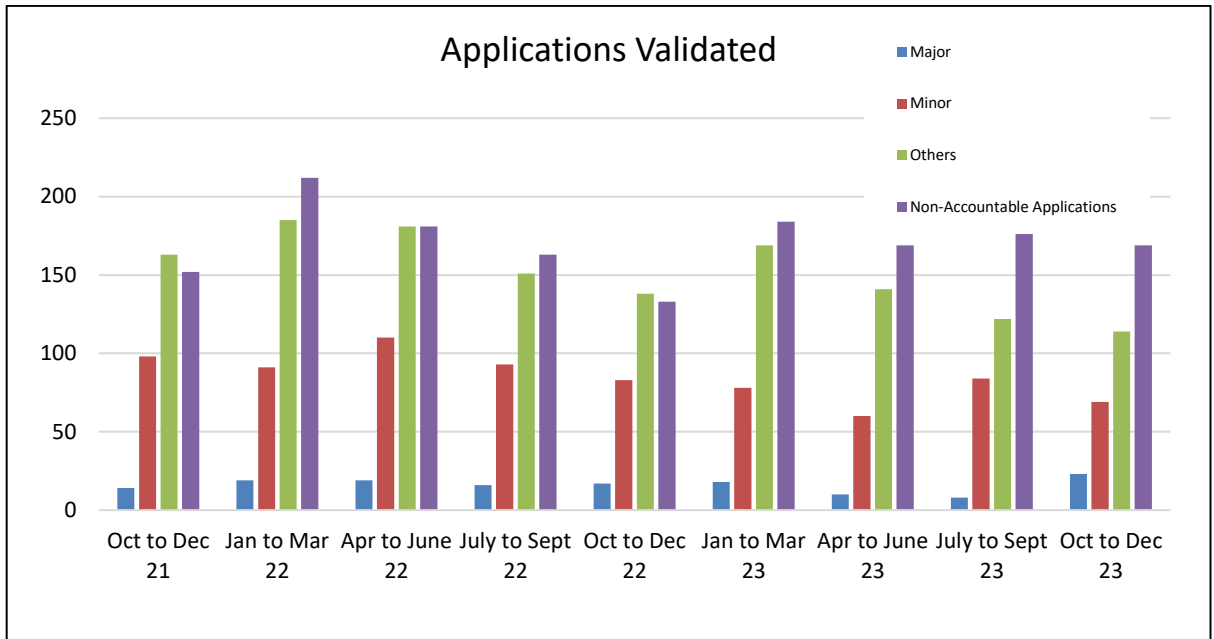
1.0 Background

1.1 The Planning Department undertakes a number of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, offering pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.

2.0 Application Numbers

2.1 The graph below shows the number of applications that have been received as valid each quarter from October 2021 up until September 2023. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the third quarter of 2023/24, a total of 563 valid applications were received. This, compared to the same quarter in 2022/23 shows a very marginal reduction from 566 applications. Compared to the previous quarter, all application types have decreased with the exception of majors which have significantly

increased from 8 to 23 and householders which have increased by 5 applications to 83. The number of major applications is higher than during any quarter since July to September 2021.



2.2 'Major' applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.

'Minor' applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

'Others' include (but are not limited to) householder, advertisements, and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.

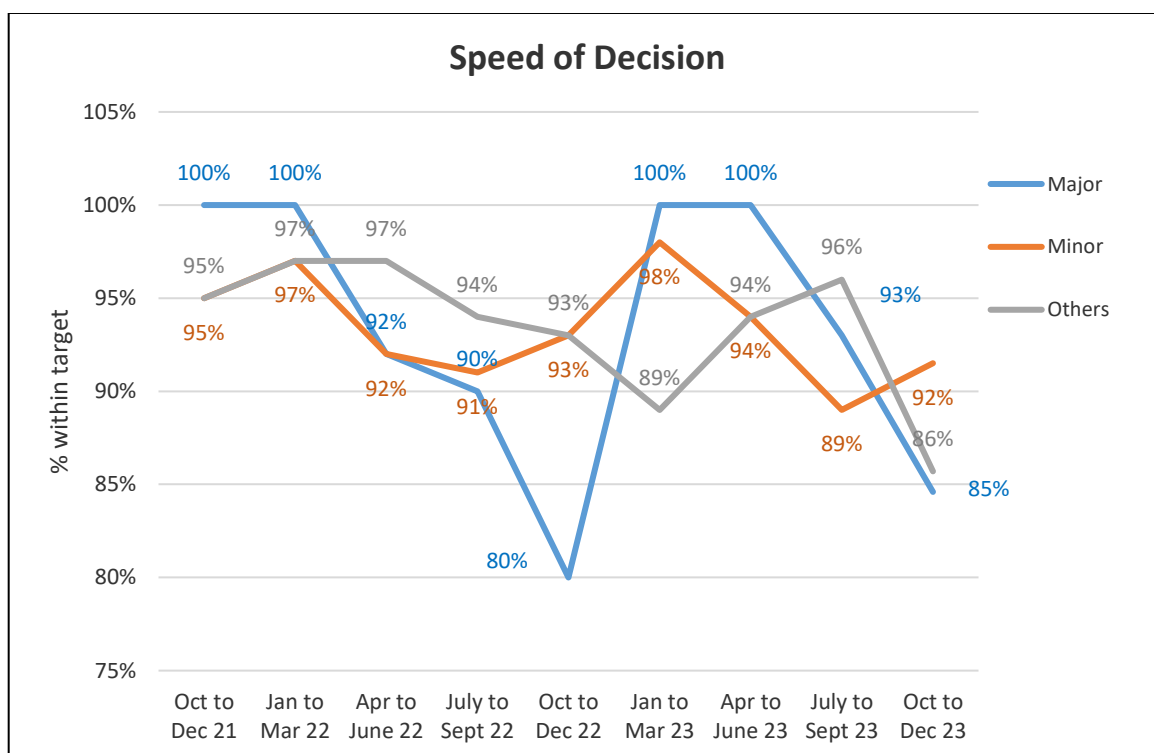
2.3 The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to prior approvals, discharge of conditions, etc.

2.4 Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

3.0 Performance

3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From October to December 2023, 85% of major applications have been determined within these timescales, which is a drop compared to the previous quarter. This is as a result of 2 of the 13 decisions made being outside agreed dates.

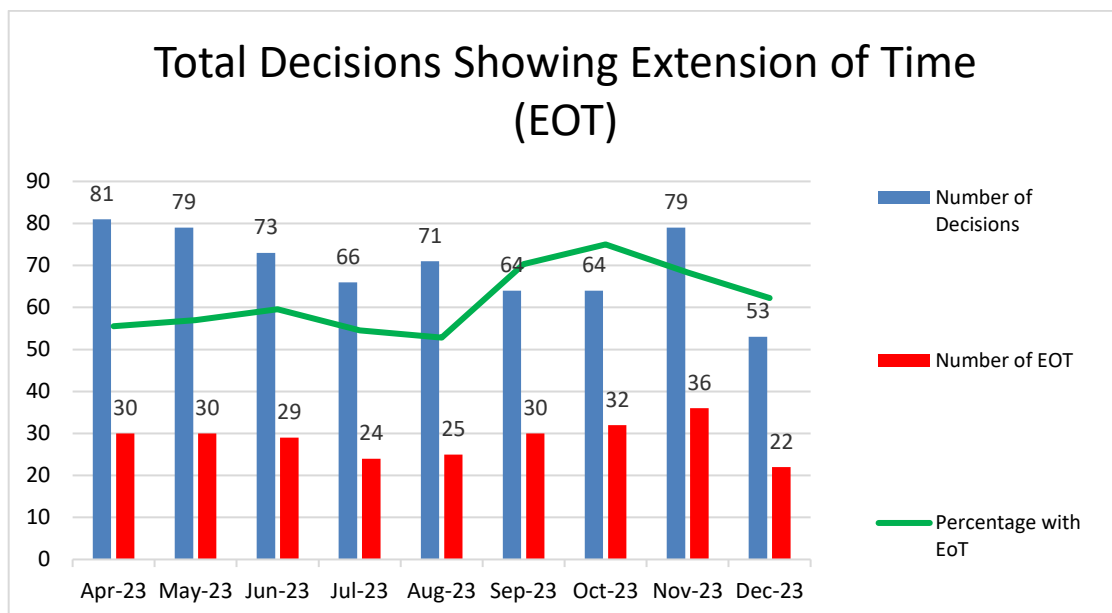
- 3.2 For non-majors, the target set nationally is 70% over a two-year period. 89% of non-major applications during Q3 have been determined in time. The graph below shows non-majors separated out between minor and others.
- 3.3 These targets are challenging when taking account, in accordance with the National Planning Policy Framework, working proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area i.e., trying to find solutions, when appropriate as opposed to refusing a planning application that might be amended.
- 3.4 For authorities who under-perform against the national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.
- 3.5 The following graph relates to the percentage of planning applications determined within set timescales.



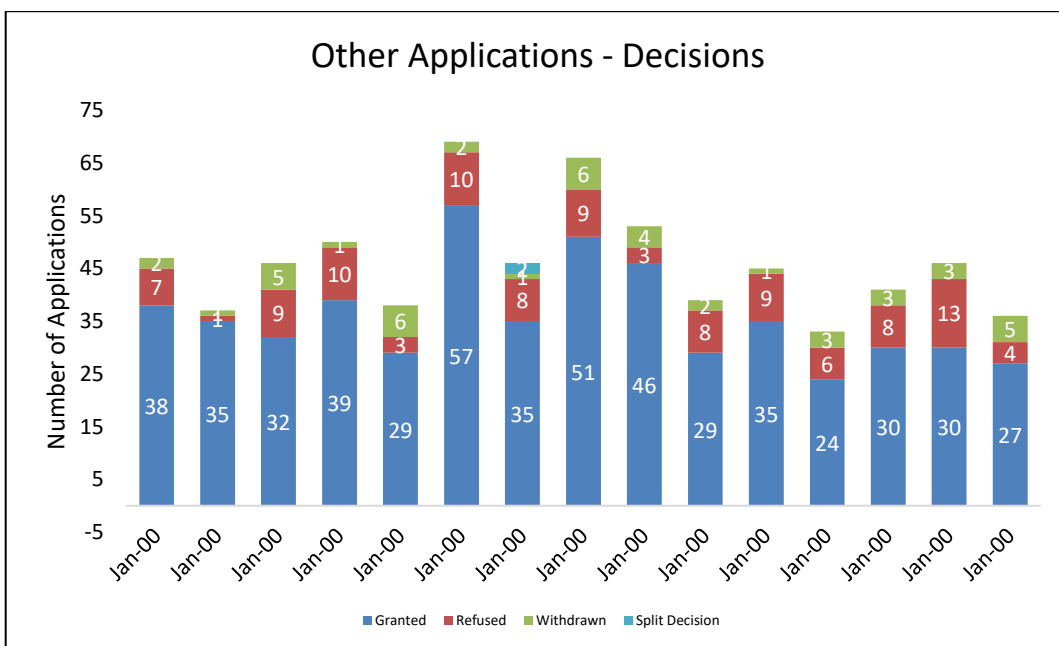
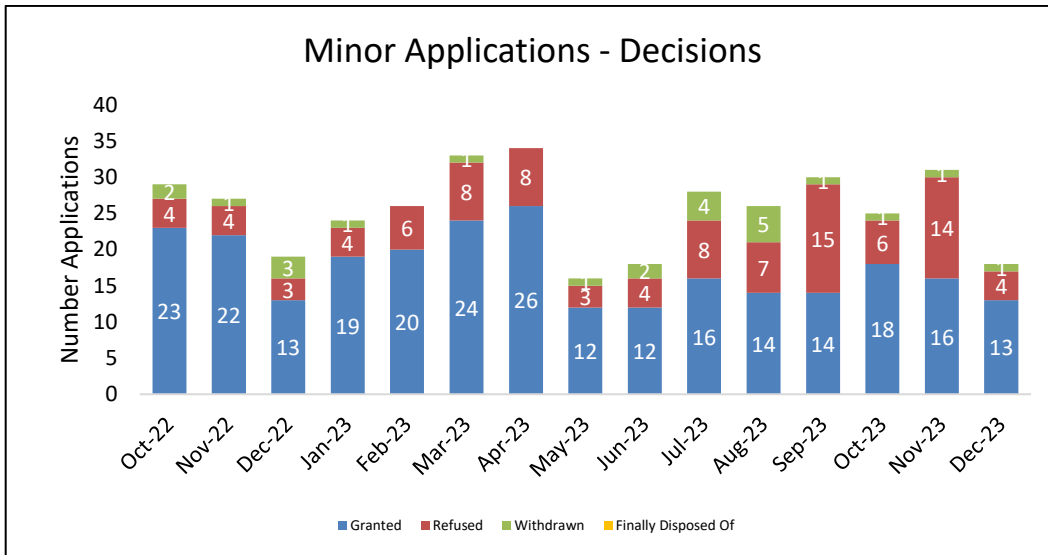
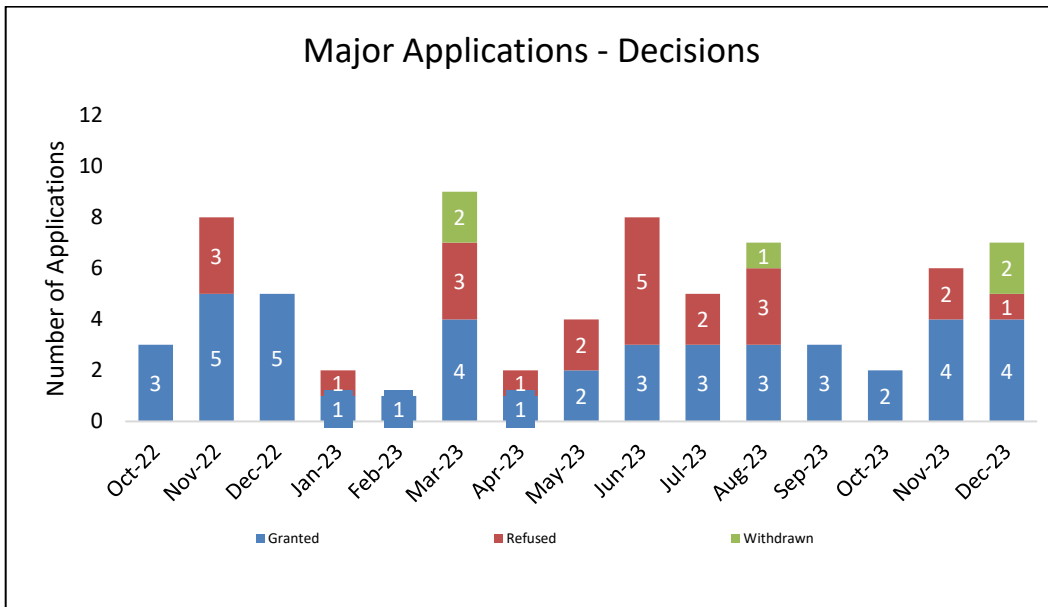
- 3.6 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Both parties have to agree in writing to the time extension. Time extensions do not currently go against the authority in terms of speed of decision making when reporting. However, as reported to Members at January's Planning Committee, the Government is looking to change the 'rules' in relation to when extension of time agreements can be sought as well as their frequency.

3.7 When any information is known, this will be reported, together with any changes to processes that might be required in order to ensure that performance is maintained. This will be undertaken alongside the outcome of a survey currently being undertaken by the Planning Department in relation to customer service delivery [for applicants] for both application processing as well as pre-application advice.

3.8 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. The percentage of applications with extension of times is provided in green. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. The number of applications with extensions of time fluctuate quarter on quarter. As is always the case, Officers continually strive to deal with applications in a timely manner whilst working proactively with applicants.



3.9 The number of decisions each quarter fluctuates, although it can be seen in the graph above that for October, November and December the numbers have fluctuated but overall is largely comparable with previous quarter. The graphs below show the number of decisions that were granted, refused, split (i.e., part granted, and part refused) and withdrawn across the major, minor, and other categories. The only types of applications where a local planning authority can issue a split decision are for advertisement and tree applications, unlike the Planning Inspectorate who is able to do this for all application types. In relation to the percentage of applications approved, compared to the number determined (including withdrawals), for majors 67%, minors 63.5% and others, 70%. Withdrawals (16 in the quarter) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a ‘free go’, whereby no fee is payable. However, the Fee Regulations detail that the exemption relating to free-go’s are removed for applications received as valid after 6th December 2023.



4.0 Tree Applications

4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas (TWCA) require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council's decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

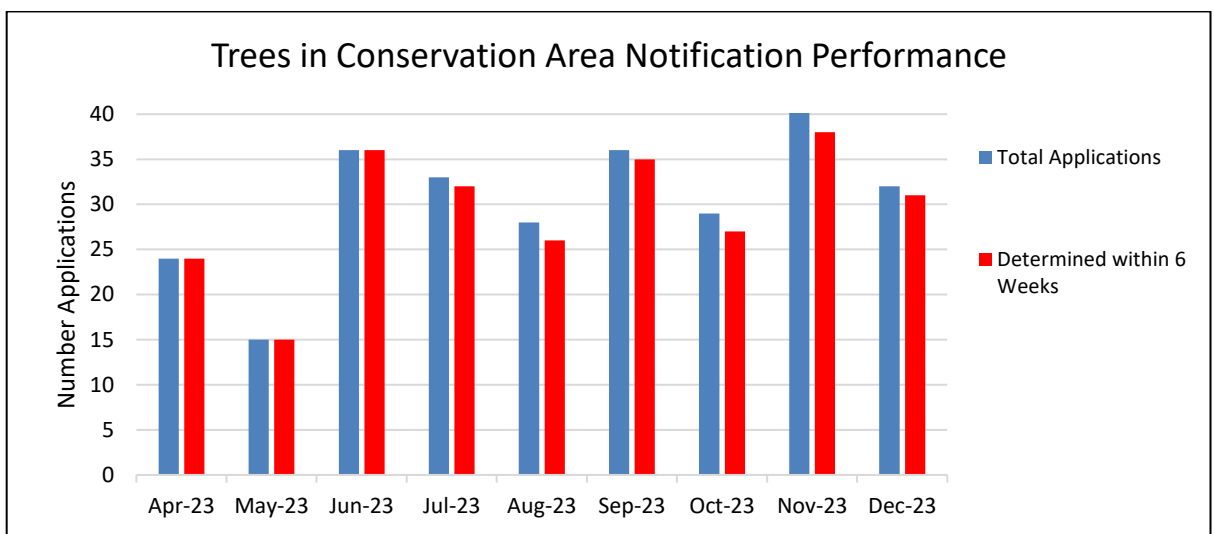
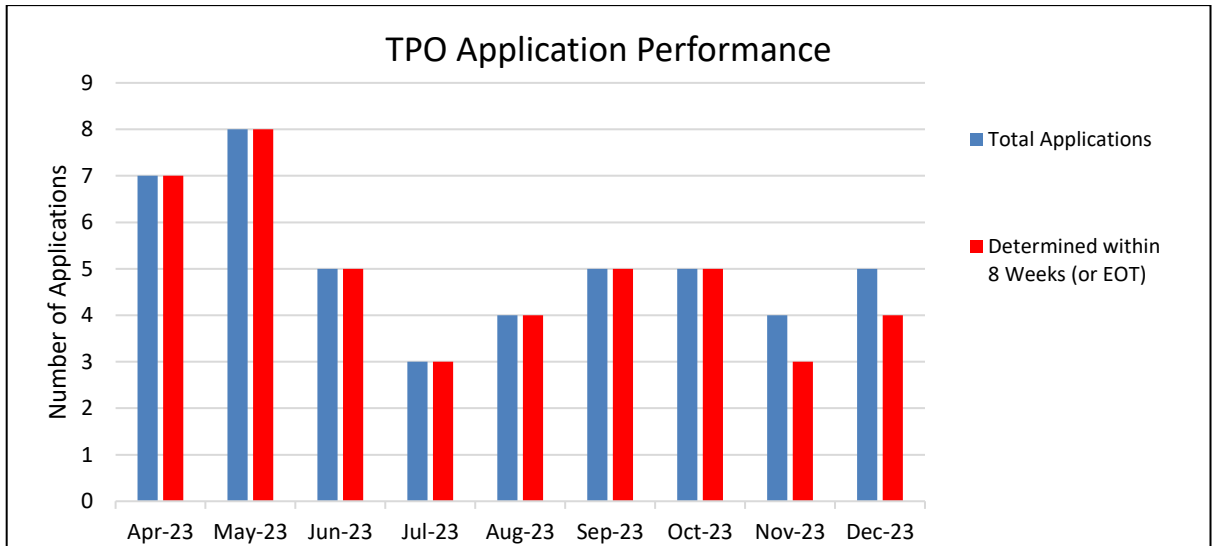
Where it meets these criteria, a TPO will be made. Applications for works to trees in a Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week (and the associated Order not issued), the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee.

4.2 The following graphs show the number of TPO and Trees within a Conservation Area (TWCA) applications determined each month and whether they were determined within the statutory timescales. The graphs indicate the lack of consistency in terms of the numbers of applications received each month, making resourcing more difficult. It should be noted, however, that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), time is taken to proactively engage, with negotiations between us and agent/applicants regarding amendments to proposed works to bring in line with BS3998.2010. This British Standard gives general recommendations for tree work as well as guidance on management options for established trees. This has consequentially seen delays regarding time taken to reply and the agent/applicant's availability to meet on site. This can, for a small number, result in a delay in issuing the Council's decision (over the statutory 42 days). In the last quarter, the service determined 103 TWCA notifications, 96 within the 6-weeks. Of the remaining 7, 3 were due to delays in receiving confirmation of works from applicant/agent (due to findings from case officer site visits) and 1 required further specialist 'climbing' works to provide evidence of cavities etc within the tree's canopies (due to subject trees high public amenity value). However, it is with regret to report, the remaining 3 are due to a delay in issuing the decision, albeit the quarter did see an increase in numbers issued compared to the previous 2 quarters for 2023/24.

As mentioned above, although a small number issued were delayed, this can be attributed to our proactive approach with agents/applicants to ensure accurate descriptions of work. Unlike planning applications, legislation does not allow for an extension of time and gratefully, agreement has been forthcoming to delay in issuing

rather than serving a TPO. Additionally, applicants/agents often need to liaise with a suitably qualified professional to confirm acceptance.

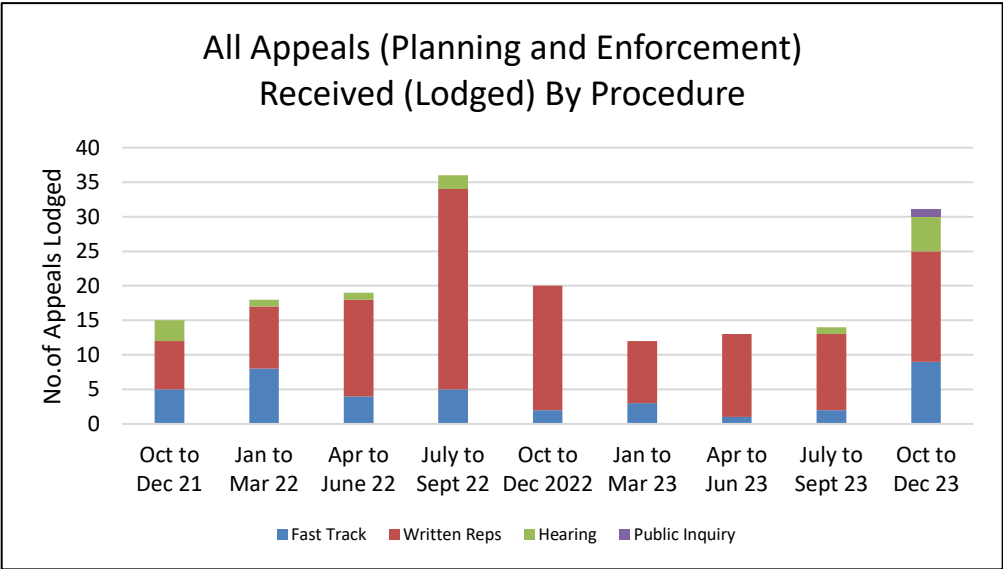
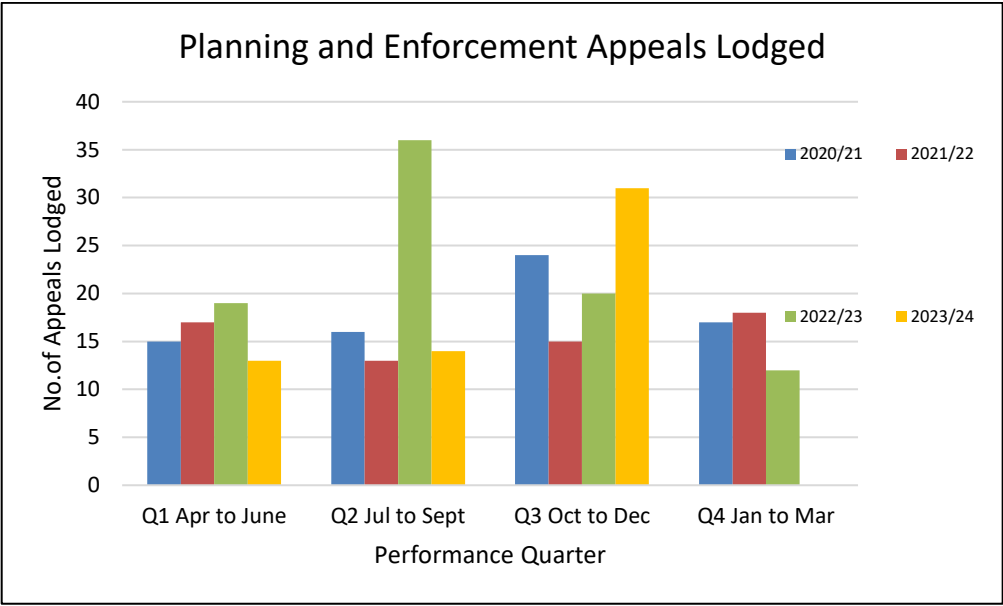
It is hoped, whilst there may be a small number outside of the 42 day target period, amended proposals will not be detrimental to the subject tree's ongoing health and longevity. This proactive approach will continue.



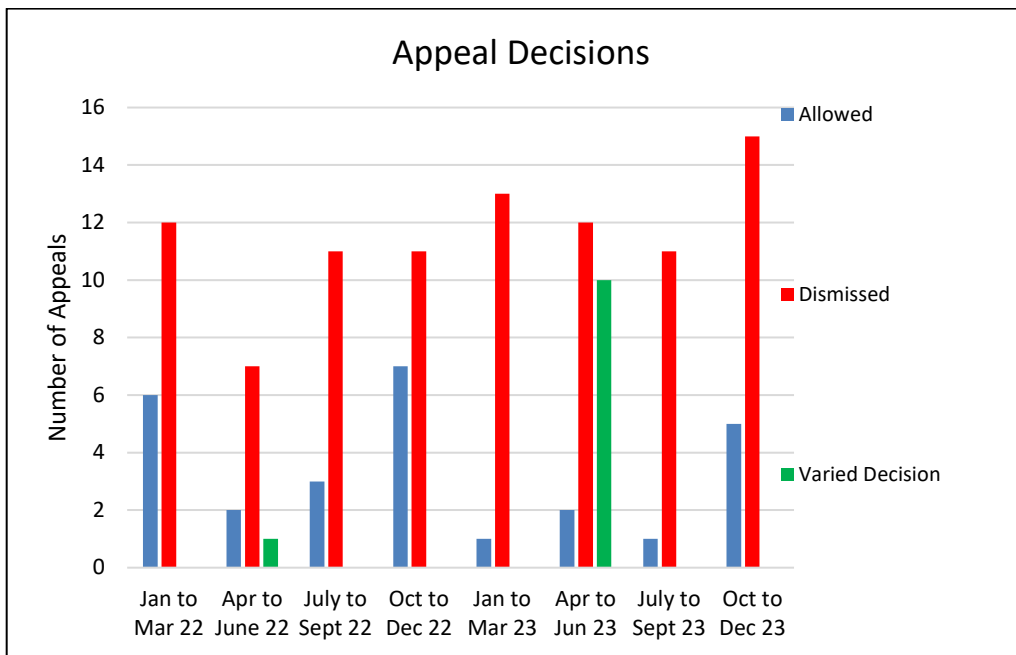
5.0 Appeals

5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, particularly with reference to Q2 2022/23 which makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal has impact upon workloads. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource required, from very high to low respectively. The majority of appeals, fortunately, are written representation appeals which have less resource implications due to being an exchange of statements. Members will be aware that for planning appeals, the Officer

Report (both for delegated and Committee decisions) is detailed and therefore little additional information is generally required.



5.2 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). This quarter has seen an increase in the number of decisions issued by the Inspectorate compared to previous quarters, from 12 to 20. The number dismissed continues to significantly exceed the number allowed and for the monitoring period between October to December 2023 the number allowed is 5 out of 20 decisions, representing 25%, in line with the Government’s previous target of having no more than 33% being allowed. For information, when a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.



5.3 As of 1 April 2018 DLUHC implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major and all non-major (i.e. minor and others) decisions made by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.

5.4 Data from government has not been updated since appeal performance was originally presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for both major and non-major applications, the Council is significantly within the thresholds.

6.0 Updates

6.1 Staffing – Kathryn Smith, Planning Technical Support Officer has left the department. We are undertaking a review of this area of the service prior to undertaking recruitment.

6.2 Reports have been presented to Planning Committee of changes to legislation following the amendment (increase) to planning fees and more permitted development rights relating to solar panels,

6.3 In addition, a report detailing that public speaking at Planning Committee is being explored was presented in November. Further updates regarding this are expected to be presented over the coming months.

6.4 A significant number of changes through the Levelling-up and Regeneration Act 2023 are due to come into force over coming months and years. Details will be provided as they either come into effect or are due to come into effect. Additionally, there will be challenges with the procurement of planning software. The latter will have significant impact upon the resources of the team.

6.5 Lastly, biodiversity net gain will be in effect for major developments from 12th February and for all other developments from April. There are a number of exceptions and training will be provided for Members as well as information provided for applicants and agents on our website in due course.

7.0 Implications

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

8.0 Conclusion

8.1 Performance continues to be met and exceeded. There are significant challenges for the team in view of the number and types of proposals being submitted and being engaged with as well as major projects, such as the software procurement.

8.2 However, the team, as always is keen and positive towards always improving and meeting the high standards it always aims to achieve.

Background Papers and Published Documents

None



Report to Planning Committee 15 February 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Richard Marshall, Senior Planner (Enforcement), Richard.marshall@newark-sherwooddc.gov.uk

Report Summary	
Report Title	Quarterly planning enforcement activity update report
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the third quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	1 st October – 31 st December 2023
Recommendation	That Planning Committee accept the contents of the report and note the ongoing work of the planning enforcement team.

1.0 Background

This report relates to the third quarter of 2023/24 from the 1st October to the 31st December and provides an update on enforcement activity during this period, including cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation, and where Notices that have been complied with.

Schedule A outlines the enforcement activity for Q3 in terms of numbers of cases received, response times and the reasons for cases being closed.

Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

Schedule C provides few examples of how officers have resolved breaches through dialogue and negotiation during the last quarter. Schedule D provides examples of Notices having been complied with. Schedule D gives some examples of Enforcement Appeal Decisions made by the Planning Inspectorate.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Chart 1 sets out the number of new enforcement cases that were received and closed during Q3. Both the number of cases received and closed were considerably higher in the 2023/24 year than the 2022/23 period (chart 2), continuing the trend of previous quarters this financial year.

Chart 3 sets out the reasons why cases have been resolved in Q3. Members will note the majority of cases have either been closed because they were not a breach of planning control or because the breach had been resolved by Officers (this could be by the breach ceasing, planning permission being granted retrospectively or a Notice being served and subsequently complied with), reflecting the considerable efforts of Officers to reach resolutions and solutions.

Chart 4 sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood Planning Enforcement Plan (PEP) - (amended September 2020). Despite the ongoing demands of the service, both in terms of the numbers and complexity of cases being investigated, steps were taken to address all but one of the 94 ENFA/ENFB/ENFC complaints that were received in this quarter.

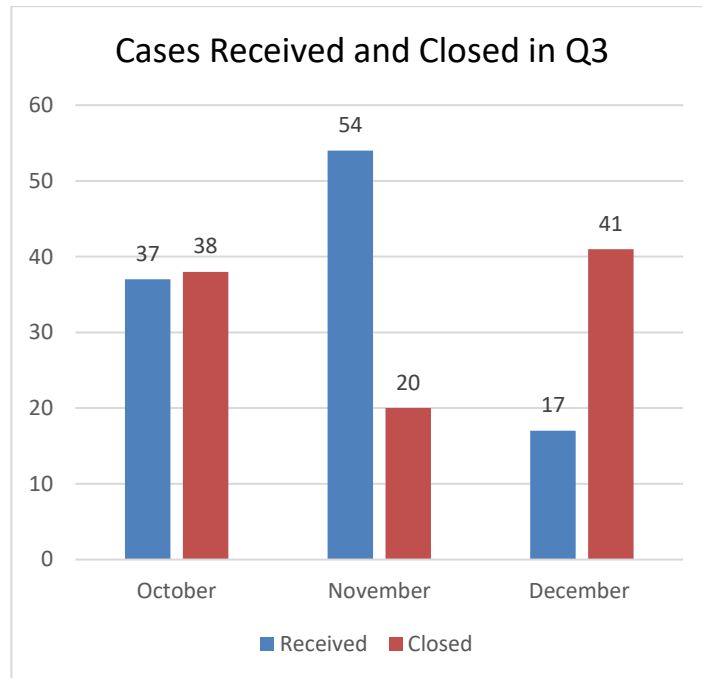


Chart 1

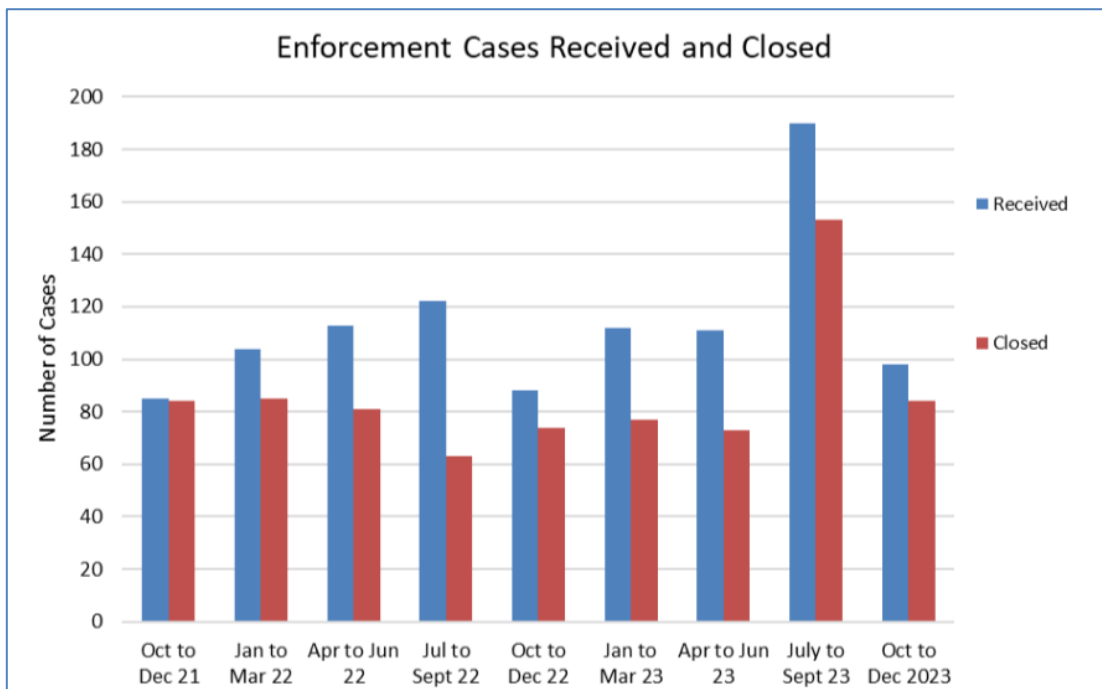


Chart 2

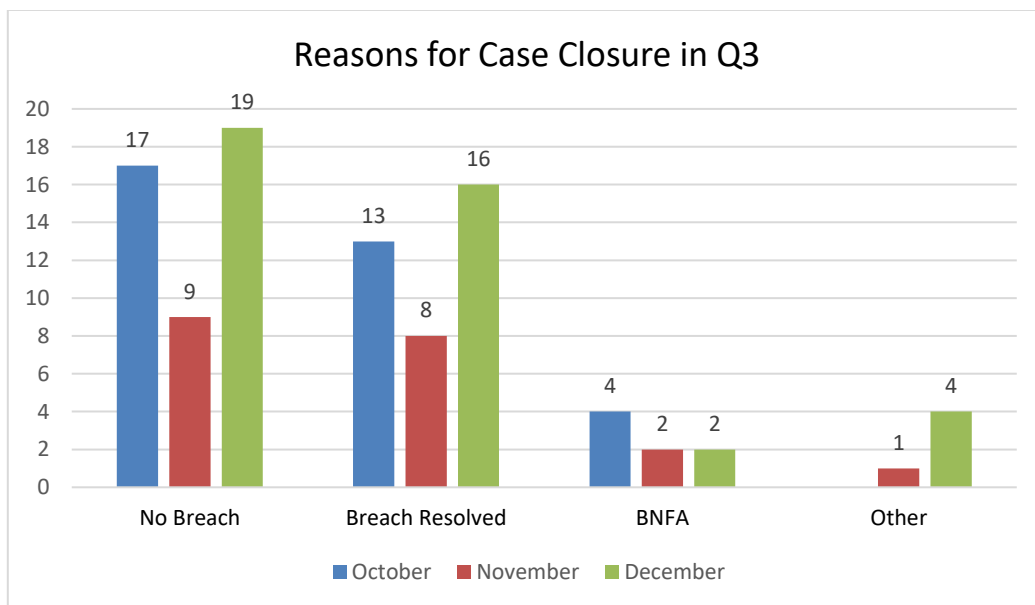


Chart 3

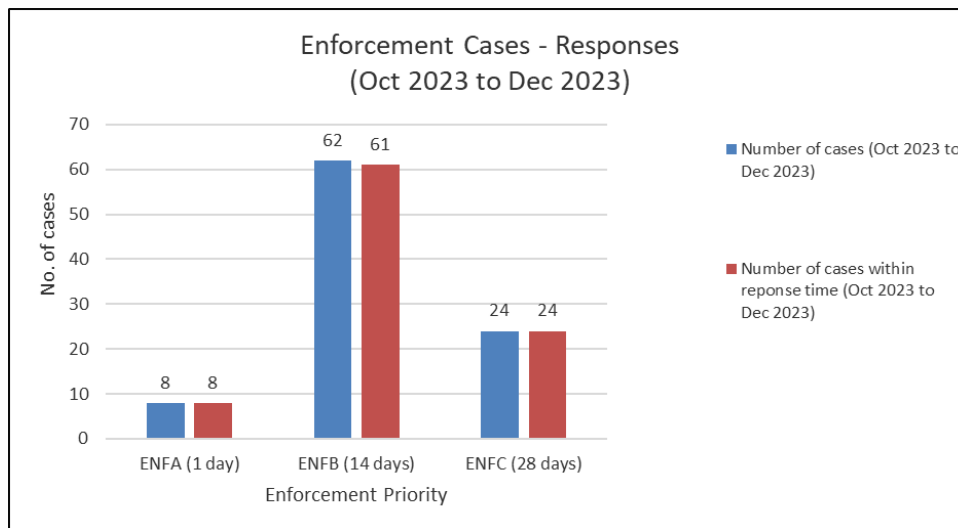


Chart 4 – PEP response times for Q3

Whilst officers make every effort to resolve breaches of planning control by negotiation and discussions with those that undertake development without first receiving consent, inevitably there are occasions where a resolution cannot be found and it is deemed expedient to issue a notice (the process and considerations for which are detailed within the PEP).

Members will note from Table 1 that a considerable number of Notices were issued during Q3. These notices range from planning enforcement notices requiring alleged breaches to be resolved, to 'lesser' notices such as a PCN or S330 notice which requires information to be provided to aid an investigation.

Notwithstanding the number of notices that have been issued, Members will also note from table 1. that a considerable number of notices have been complied with – which is particularly pleasing given the amount of time and work often entailed in securing a successful outcome. An example of the notices that have been resolved are set out later within this report.

Members will also note that the serving of a high number of Notices almost inevitably results in a high number of appeals being lodged with the Planning Inspectorate. Appeals often require a considerable Officer resource to address (both Planning Enforcement and Development Management officers).

Particularly gratifying is that during Q3, all 6 appeals that were determined were dismissed, meaning the Council's decision to issue Enforcement Notices, and the content thereof, were upheld by the Planning Inspectorate and demonstrates the robustness and professionalism of the enforcement work undertaken.

	October	November	December
Notices Issued	4	6	5
Notices Complied With	4	6	0
Appeals Lodged	4	0	6
Appeals Determined	5 <i>All dismissed</i>	0	1 <i>All dismissed</i>

Table 1 – Details of planning enforcement action (enforcement notices) and subsequent appeal results during Q3 of 2023/2024.

3.0 SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 23/00442/ENFB

Site Address: Market Place, Newark on Trent

Alleged Breach: Without Listed Building Consent, the boarding up of a vacant building

Action To Date: A Listed Building Enforcement Notice has been issued, requiring the removal of the boarding.

Background: Following the closure of the business, boarding was applied to the windows of the premises in order to prevent vandalism etc. However, this action caused a considerable number of complaints given the alleged visual harm caused to the property itself, which is Grade II, and the wider market place, given the prominent location of the building and the scale of the façade that has been boarded up. Efforts to have the boarding removed voluntarily were not agreed, with the property owner citing security and insurance reasons. However, given the detrimental impact upon works it was considered expedient to issue a Listed Building Enforcement Notice. The Notice requires the removal of the boarding. This Notice has been appealed to the Planning Inspectorate.



Enforcement Ref: 23/00190/ENFB

Site Address: Mill Farm, Hoveringham

Alleged Breach: Without planning permission, the change of use of an agricultural unit for the holding of weddings, alterations to buildings and erection of a building without planning permission.

Action To Date: 4x Enforcement Notices issued

Background: This investigation relates to three main alleged breaches of planning control/issues:

1. The use of the buildings and site for the holding of weddings.
2. Physical alterations to existing buildings.
3. The alleged building of an agricultural building principally for the holding of weddings and similar events (not for agriculture).
4. Creation of a driveway and expanded access track.

Planning permission was sought (retrospectively) twice for the change of use of the site for the holding of weddings (application refs 22/02440/FULM & 23/01159/FUL). The applications were refused consent (initially delegated to officers and latterly by this committee on 19.11.2023) due to the impact of the proposed works on the Green Belt. A planning enforcement notice has therefore been issued to require the unauthorised use of the site (including buildings and land) to cease.

In order to accommodate the change of use, numerous physical works were undertaken to the buildings (agricultural buildings), including the insertion of windows and doors. These works are deemed to be unacceptable as they are unsympathetic to the character and layout of the traditional agricultural buildings. The enforcement notice that has subsequently been issued requires the unauthorised works to be undone and the land and buildings returned to their former state.

Consent was formally given under 'prior approval' for the erection of a barn (22/00142/AGR). Under the prior notification legislation there is a condition that the development must be genuinely for agricultural purposes. However, the Council has considerable evidence that the barn is in fact being used as part of the wedding use of the wider site. Accordingly, the Council does not consider that the barn does benefit from consent under the previous prior approval and therefore is unauthorised. Given the location of the site within the Green Belt it was determined that the building was unacceptable for the current use and therefore the enforcement notice that has been issued requires its full demolition.

As part of the use of the site for the holding of weddings it has been noted that the existing access drive has been expanded (width) and extended. It is not considered that this development is acceptable and therefore an enforcement notice has been issued to require the works to be removed.



'Barn' (subject of 22/00142/AGR).

4.0 SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 23/00096/ENFB

Site Address: Bowbridge Road, Newark

Alleged Breach: Unauthorised Installation of a Flue

Background: An unauthorised flue was installed on a hot-food takeaway premises. The model is said to have resulted in visual, noise and odour issues from the premises. The planning enforcement notice was issued in collaboration with action from Environmental Health colleagues, who had issued an Abatement Notice. Following the action from the Council the flue has subsequently been dismantled and removed.



Before Notice was issued.



After Notice issued.

Enforcement Ref: 23/00316/ENFB

Site Address: 12 Goldcrest Avenue, Rainworth

Alleged Breach: Unauthorised Fencing

Background: A complaint was received regarding the erection of new fencing which enclosed a rear garden and was of a considerable height. Given that fencing is typically 1.8 metres in height (and permitted development up to 2 metres in this instance), this fencing

measuring some 3 metres in height was imposing and visible from a number of surrounding properties.

The owners were made aware and promptly acted to reposition the fencing so that it conformed to permitted development legislation; rectifying the breach whilst still improving their privacy and improving the visuals considerably.



Before



After

5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 21/00018/ENFB

Site Address: 6 Windsor Road, Newark on Trent

Alleged Breach: Unauthorised Dormer Window

Background: Planning permission was granted in 2020 for a large, unsympathetically clad dormer window, located on the rear roofslope on a residential property on the outskirts of Newark. The new dormer was akin to, but with notable divergences, from an approved scheme. It was considered that the bulk of the dormer would set an unsustainable precedent, and enforcement action considered appropriate. The errors in development occurred partly due to the original drawings providing inaccurate measurements of the existing roof.

The enforcement notice was appealed and dismissed, requiring the dormer to be removed and the original roof reinstated. Officers were conscious of the financial implications of doing this and have flexibly and positively worked with the owners of the property to revise the scheme and implement an alternative approval. Works to the property have now finished, rectifying the breach by a new scheme having been approved and implemented.



Before



After

Enforcement Ref: 20/00466/ENFB

Site Address: Strawberry Fields, Sutton on Trent

Action To Date: Breach of Condition Notice Issued

Background: Planning permission was granted in Sutton on Trent for the erection of 50 dwellings. That scheme required full compliance with the Flood Risk Assessment, which required a reduction in land levels in the public open space as part of the creation of a compensatory flood basin. The developer finished the site without having lowered the public open space to the requisite levels.

A revised application was submitted, off-setting the lack of sufficient compensation work by enlarging existing and other existing flood basins. The application was approved but again the required work was not implemented within the timescales required by a Condition of the latter consent.

A Breach of Condition Notice (BCN) was therefore issued requiring these works to be undertaken. The developer promptly acted following the serving of the Notice, and the flood compensation has now been fulfilled.



6.0 SCHEDULE E – APPEAL DECISIONS

Enforcement Ref: 22/00096/ENFB

Site Address: 'Chicken Shed', Kilvington

Alleged Breach: The Erection of an Unauthorised Building

Action To Date: Enforcement Notice Issued. Appeal Dismissed.

Background: Planning permission for the erection of a shed for free-ranging chickens was granted by the Local Planning Authority in 2009 (reference 09/00843/FUL). The owner of the building alleged that initial construction of the chicken shed started in late-2011. Aerial photographs indicate that the building was substantially completed around 2019.

A pre-application enquiry was submitted in 2021 which enquired about the conversion of the 'chicken shed' to a holiday let. Having begun to assess the PREAPP officers became concerned that the development as built did not benefit from planning permission under the 2009 consent for a poultry shed.

Whilst the building reflects the scale and form of the chicken shed approved under the previous consent, it did however include distinctively domestic features including substantial uPVC windows and sliding/French doors as opposed to roller shutters as shown on the approved plans. In addition, officers have also noted that the building is also fully insulated, with partially completed timber stud walls and plasterboard ceilings throughout, akin to a domestic building as opposed to one intended for agricultural purposes.

Consequently, officers considered that the building that had been erected did not benefit from planning permission as the building had not been erected as a shed for chickens.

Retrospective applications for planning permission were subsequently submitted for the retention of the building for holiday purposes (22/01168/FUL) (refused 01.09.2022) and for the use of the building (including physical alterations) for an agricultural use – mushrooms growing (22/01832/FUL) (not determined).

A planning enforcement notice (EN) was issued in January 2023. The Notice required the demolition of the building and the land to be returned to its previous condition.

Subsequently three appeals were submitted by the land owners:

- A. Appeal against a planning enforcement notice (which requires the building to be demolished).
- B. Appeal against the decision of the Council to not determine an application for planning permission (alterations to building to use for mushroom growing).
- C. Appeal against the Council to refuse planning permission for the change of use of a building.

The outcome of the appeals (December 2023) was thus:

- A. Appeal dismissed and Enforcement Notice upheld to require the building to be demolished within 6 months.
- B. Appeal allowed and 6 months given for the alteration of the building to use for mushroom growing (with a condition Requiring ongoing agric use)

C. Appeal dismissed.

Effectively this means that the requirements of the Enforcement Notice are in effect and will be required to be complied with unless the planning permission allowed by appeal B is enacted in full within 6 months (alterations to the building to make it at mushroom shed and its subsequent use for this purpose) and continues to be complied with.



Building as noted during enforcement investigation (complete with glazed windows and doors as opposed to roller shutters).

7.0 Implications

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

Background Papers

None