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Tuesday, 30 April 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, 9 May 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

	<u>Page Nos.</u>
1. Notification to those present that the meeting will be recorded and streamed online	
2. Apologies for Absence	
3. Declarations of Interest by Members and Officers	
4. Minutes of the meeting held on 4 April 2024	4 - 7
Part 1 - Items for Decision	
5. Wild Briars, Goverton, Bleasby NG14 7FN - 23/01960/FUL Site visit: 10.20am – 10.30am	8 - 27
6. Goverton Heights, Goverton, Bleasby NG14 7FN - 23/02058/FUL Site Visit: 10.20am – 10.30am	28 - 48
7. E-Centre, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9GW - 23/01857/OUTM	49 - 70
8. Land Off Church Circle, Briar Road, Ollerton - 24/00281/FUL Site Visit: 11.00am – 11.10am	71 - 92
9. Heathcotes Enright View, 1 - 4 Enright Close, Newark On Trent, NG24 4EB - 24/00064/FUL Site Visit: 11.40am – 11.50am	93 - 104
10. Oak House, Grassthorpe Road, Sutton On Trent, NG23 6QX - 24/00150/HOUSE	105 - 116
11. Newark Castle, Castle Gate, Newark on Trent - 24/00403/LDO	117 - 127
12. Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent - 24/00404/LDO	128 - 140
Part 2 - Items for Information	
There are none.	
13. Appeals Lodged	141 - 147
14. Appeals Determined	148 - 149
Part 3 - Statistical and Performance Review Items	
15. Development Management Performance Report	150 - 160
16. Quarterly planning enforcement activity update report	161 - 173

17. Planning Committee Annual Report 2023-2024

174 - 179

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, 4 April 2024 at 4.00 pm.

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

Councillor C Brooks, Councillor L Dales, Councillor J Lee, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft, Councillor M Spoons, Councillor L Tift and Councillor T Wildgust

ALSO IN ATTENDANCE: Councillor R Cozens and Councillor N Allen

APOLOGIES FOR ABSENCE: Councillor A Amer, Councillor K Melton and Councillor S Saddington

133 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.

134 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor J Lee declared an other registerable interest as appointed representative on the Nottingham Fire Authority and Member for Nottinghamshire County Council.

135 MINUTES OF THE MEETING HELD ON 14 MARCH 2024

AGREED that the minutes of the meeting held on 14 March 2024 were approved as a correct record and signed by the Chair.

136 LITTLE RUDSEY FARM, HIGH CROSS, GOVERTON, NG14 7FR - 24/00046/FUL

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

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

Some Members raised concern regarding the precedent that could be set if the application were to be approved. It was queried whether or not it would be necessary to remove permitted development rights by condition, but Officers confirmed that because the land was forward of the principle elevation, any additional structures would require planning permission in any case.

Members considered the application acceptable.

AGREED (with 10 votes For and 1 Abstention) that Planning Permission be approved subject to the conditions contained within the report.

137 39 KINGS COURT, SOUTHWELL, NG25 0EL - 24/00208/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought to convert the existing first floor flat into two 1-bedroom flats.

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 Southwell Civic Society.

Concern was raised in respect to parking issues in the area but this was acknowledged to be related to the enforcement of parking permits rather than due to the application itself. It was queried whether or not there was still an intention to plant a tree. Officers confirmed that this was understood to be the intentions of the applicant but that it would not be necessary to make the development acceptable and therefore had not been recommended to be secured by condition.

Members considered the application and welcomed the addition of two, one bedroomed flats in Southwell.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report.

138 124 MANSFIELD ROAD, CLIPSTONE, NG21 9AL - 24/00329/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought to demolish the existing garage and erect an outbuilding to use as a Hairdressing salon, this application was a resubmission.

Members considered the presentation from the Business Manager - Planning Development, 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. The information contained supporting information for the application including background to the business, detail regarding current parking provision and need as a result of the proposed development.

Members considered the application and whilst some Members raised concern regarding the car parking provision as there would already be two cars parked on the driveway due to it being a residential property, other Members commented that there was ample roadside car parking within Clipstone and also car parking at the

Miners Welfare and the shops opposite the property. It was also commented that the brick slip finish to the proposal would be more in keeping with the residential properties on the street rather than the current garage. Members also welcomed the new business within the district.

A Member suggested a deferral in order for an answer to be sought from the Highways Authority regarding the car parking provision. The Council's legal Officer advised the Committee that there was a potential risk for non-determination due to the time scale for the application if this was undertaken.

A vote for deferral was taken and lost with 2 votes For, 8 votes Against and 1 Abstention.

AGREED (with 10 votes For and 1 Abstention) that Planning Permission be approved subject to the conditions contained within the report.

139 ACCELERATED PLANNING SYSTEM: CONSULTATION

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

On 6 March 2024, the Department for Levelling Up, Housing and Communities (DLUHC) commenced a consultation on 'An Accelerated Planning Service'. The consultation would run for 8 weeks from the 6 March to 1 May 2024. There were 35 consultation questions – attached at appendix A to the Report, together with the suggested response of the Council.

The consultation followed on from recent interventions the government had undertaken including the increase in planning fees, range of funding streams, for example Skills Funding that Newark and Sherwood District Council was successful in being awarded and streamlining of the development management process a sum for skills for the Planning Enforcement team. The consultation proposed new measures for an accelerated planning system.

The plans were to have a service that would allow local planning authorities (LPAs) to recover the full costs of major business applications in return for being required to meet guaranteed accelerated timescales. If an LPA failed to meet the timescales, fees would be refunded automatically with the applications being processed free of charge, in other words a prompt service or your money back.

For major planning applications, the statutory timescale for deciding major planning applications was 13 weeks or 16 weeks when the application was subject to an Environmental Impact Assessment (EIA). For non-majors, the timescale was 8 weeks. The current performance in relation to meeting performance deadlines without extension of time agreements was shown in the table contained within the report. This displayed performance figures over a 12-month period and included performance within statutory time limits, excluding extension of time agreements.

Members commented that the proposals appeared to be removing elected Member involvement in the planning process and felt that the current Democratic process provided good decisions for the district. Concerns were also raised regarding flooding the system with large applications in an attempt by applicants/developers to beat the

system. It was further commented that the current system was not broken and therefore should not be changed. It was suggested that “Don’t Know” should not be used and an unequivocal answer should be provided.

The Chair suggested with the permission of the Planning Committee that he work with the Business Manager – Planning Development and the Planning Committee Vice-Chair to remove the “Don’t Know” answers from the consultation and finalise the response.

AGREED (unanimously) that:

- (a) the contents of the report and the proposal for an accelerated planning system be noted; and
- (b) the Planning Committee Chair and Vice-Chair work with the Business Manager – Planning Development to finalise the draft Council response and on completion endorse the Council response.

140 APPEALS LODGED

AGREED that the report be noted.

141 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 4.48 pm.

Chair



Report to Planning Committee 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jennifer Wallis, Planner, ext. 5370

Report Summary			
Application Number	23/01960/FUL		
Proposal	Erection of 2 no. dwellings, with detached double garages, new private access road to private drive.		
Location	Wild Briars, Goverton, Bleasby NG14 7FN		
Applicant	Mr Paul Simcock	Agent	
Registered	14 October 2023	Target Date	9 January 2024
		Extension of Time	17 May 2024
Web Link	23/01960/FUL Erection of 2 no. dwellings, with detached double garages, new private access road to private drive Wild Briars Goverton Bleasby NG14 7FN (newark-sherwooddc.gov.uk)		
Recommendation	That planning permission be APPROVED, subject to the conditions set out in Section 10.0 of this report.		

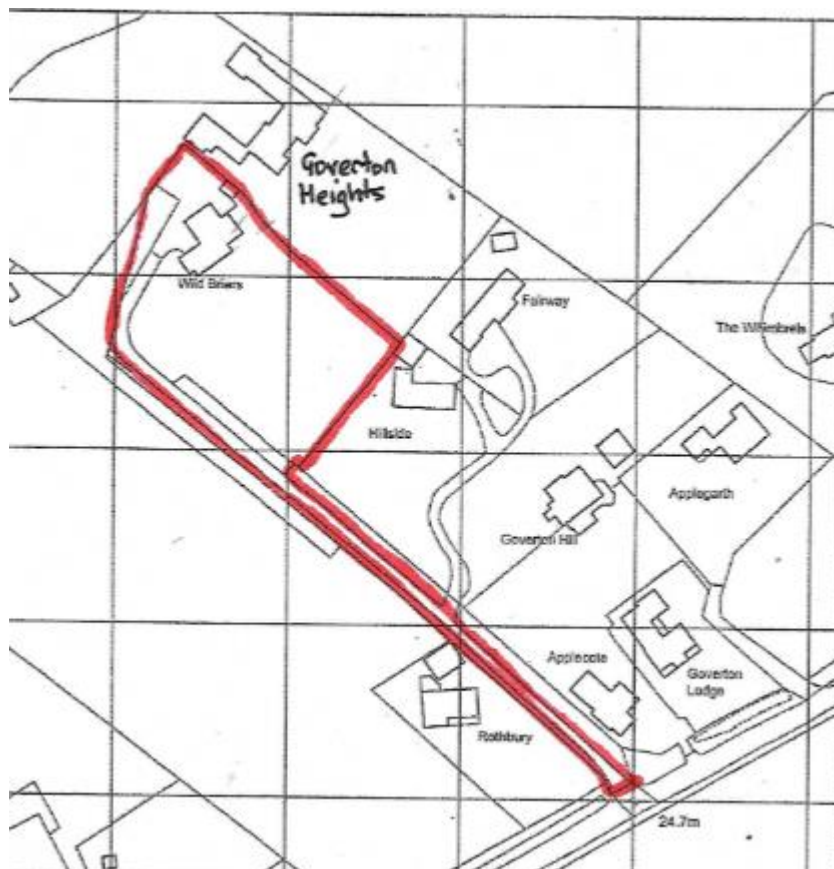
This application is presented to Planning Committee as it has been referred by Councillor Melton, the Ward Member, and the Officer recommendation differs from that of Bleasby Parish Council. Councillor Melton is concerned that the construction of these houses would have a detrimental effect on pluvial flooding across the rest of the village of Bleasby.

1.0 The Site

1.1 The application site forms part of the residential garden of the dwelling known as Wild Briars; a detached dwelling in a large plot in a small cluster of dwellings to the north west of Bleasby Road, within the hamlet of Goverton. The site is set well back from the road in a very elevated position and is accessed off Bleasby Road via a steep, single-width, tarmac private road which also serves a number of other properties. Wild Briars has a separate access to the north of the site.

1.2 The site is currently a grassed garden which has a steep gradient within the site itself which

falls in a south easterly direction towards the road. There are two rows of existing conifers which form the south-eastern boundary of the site with the neighbouring property lower down the slope known as 'Hillside'. The application site forms part of the garden to Wild Briars and is currently overgrown grass lawn.



- 1.3 Goverton is a small settlement mainly focused along Bleasby Road with the village of Bleasby close by to the east. The village of Thurgarton (and its associated Conservation Area) is also relatively close to the south west. Goverton House on the opposite side of Bleasby Road is Grade II listed.
- 1.4 The site lies in Flood Zones 1 on the Environment Agency's Flood Zone Maps and is in an area with no risk of surface water flooding.
- 1.5 Planning permission has previously been granted to the north east of the site for two dwellings which has now lapsed. There is a current application on the same site, 23/02058/FUL which is pending consideration.
- 1.6 Following a visit to the site, it is confirmed that there have been no material changes in site circumstances since the previous application was permitted.

2.0 Relevant Planning History

Application Site

- 2.1 19/02090/FUL - Erection of two 4 bed houses within the garden of Wild Briars and creation of a new separate access – Permitted 17.01.2020.

- 2.2 20/02363/FUL – Erection of 2no. new dwellings (re-submission of 19/02090/FUL) – Permitted 27.01.2021.
- 2.3 22/00649/DISCON – Request for confirmation to discharge conditions 3 (external materials), 4 (Landscaping/parking) and 6 (drainage) attached to planning permission 20/02363/FUL Erection of 2no. new dwellings (re-submission of 19/02090/FUL) – Discharged 20.09.22.

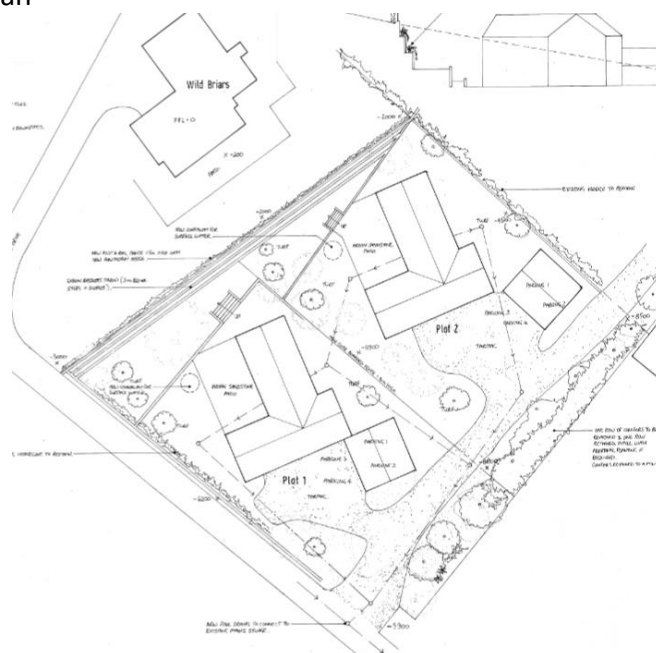
Adjacent Site to immediate north east

- 2.4 20/02367/FUL – Erection of 2 five bedroom houses – Permitted 27.01.2021.
- 2.5 23/02058/FUL – Erection of 2no. dwellings with detached garages – Pending consideration.

3.0 The Proposal

3.1 Permission is sought for the erection of 2 no., two-storey, 4 bedroom dwellings. The properties would be identical in size, design and external finishes and would both have double garages. They would have a ‘T’ shaped footprint and be positioned with their principal elevations facing south-east and be of a traditional design with gabled roofs and single chimney stack. The garages are on the eastern side of the properties sitting forward of the principal elevation.

Proposed site plan



3.2 The dwellings would be c. 14 m wide for 6.3 m back with a 10.5 m projection at the rear that is c. 6.3 m wide. In terms of height, they would be 5.3 m to the eaves and 8 m to the ridge. The double garages each measure c. 6.7 m x 7.2 m, 2.5 m to the eaves and 5.3 m to the ridge.

Ground floor: Lounge, hall, dining room, study, utility, w/c and an open plan kitchen/day room. First floor: four bedrooms, two en-suite bathrooms a dressing room and a family bathroom.

Proposed Elevations



3.3 With regards to the proposed external materials, there are some discrepancies between those shown on the submitted elevation plans (buff brick with areas of dark uPVC timber style cladding and grey slate roof tiles or slate effect concrete tiles, windows and doors dark grey uPVC) and those stated on the application form. The agent has confirmed that the materials are the ones stated on the submitted elevation plans.

3.4 Private amenity space is proposed mainly to the NW of the proposed dwellings on two-tiered levels with a retaining wall. One row of conifers is proposed to be removed to the SE between the site and the neighbouring property 'Hillside' (with one row retained). Shared access would be taken in the southernmost corner of the site off the existing shared access road. Amended plans have been submitted following the undertaking of a tree survey which alters the internal access road to allow for the retention of the conifers on the boundary and a revised landscaping scheme.

3.5 The documents submitted in support of the application are as follows:-

Application Form received on 7 November 2023

Design and Access Statement received on 7 November 2023

Location Plan received on 7 November 2023

Proposed Site Plan and Section Drawing No. PS1960:1A

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS1960:2

Proposed First Floor Plan Plot 1 and 2 Drawing No. PS1960:3

Proposed Elevations Plot 1 and 2 Drawing No. PS1960:4A

Proposed Elevations Plot 1 and 2 Drawing No. PS1960:5

Double Garage Plan and Elevations Plot 1 Drawing No. PS1960:6

Double Garage Plan and Elevations Plot 2 Drawing No. PS1960:10

Proposed Drainage Strategy Drawing No. A2/001

Proposed Drainage and Landscaping Drawing No. PS1960:9 Rev A received 4 April 2024

Arboricultural Report by Utilitree Arb Ltd dated February 2024

3.6 This current proposal, for the erection of 2 dwellings, the dwellings are in the same location and are identical in size and design as the previously approved scheme for 2 dwellings on the site approved under 20/02363/FUL in January 2021. Amended plans have

been submitted following the undertaking of a tree survey which alters the internal access road to allow for the retention of the conifers and trees on the south eastern boundary and a revised landscaping scheme.

4.0 Departure/Public Advertisement Procedure

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

4.2 Site visit undertaken on 7th December 2023.

5.0 Planning Policy Framework

The Development Plan

5.1 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 3 – Housing mix, type and density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

5.2 Allocations and Development Management DPD (adopted 2013)

Policy DM5 – Design Policy

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

There have been no changes to the adopted Local Plan since the previous application on the site was permitted.

5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM5, DM7 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Landscape Character Assessment SPD 2013

The guidance contained within the National Planning Policy Framework has been updated since the previous application on the site was permitted, however there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.

6.0 Consultations

6.1 (Comments below are provided in summary. Full comments can be viewed on the Council's planning applications website via the web link included in the Report Summary).

Statutory Consultations

6.2. **NCC Highways Authority – No comments received.**

Previously raised no objections, subject to conditions relating to width and surface of private driveway and the provision of parking and turning areas.

Town/Parish Council

6.3 **Bleasby Parish Council – Object on the following grounds:-**

- Land stability
- Health and safety
- Surface water run-off and Flooding
- Inadequate SUDS
- Construction traffic would cause hazards and disturbance
- Over-burdened sewerage system
- Potential for Radon radiation

Representations/Non-Statutory Consultation

6.4 **NSDC Contaminated Land – No objections.**

Advice note: The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

6.5 **Trent Valley Internal Drainage Board – No comments received.**

Previously advised: "The site is outside of the TVIDB district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. The Board's consent is required for any works that increase the flow of volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates

to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA”.

6.6 **NSDC Environmental Health – No objections.**

Suggest a Construction Management Plan be submitted and approved prior to development commencing.

6.7 **NSDC Tree and Landscape Officer – comments.**

The drainage scheme appears to be in conflict with the retained trees and due to changes in levels it is unlikely that the retained trees can be retained. Insufficient room has been left to allow for reasonable mitigation to be planted.

6.8 **6 no. representations have been received from residents/interested third parties, which are objecting on the following grounds:-**

- the development would increase water run-off and add to the demands on the Severn Trent sewage facility, which are both beyond capacity. It would overburden the system.
- the development would; significantly increase the amount of traffic on a narrow lane, especially when considered in conjunction with 23/02058/FUL.
- the size of the properties would be out of keeping with the area and result in a loss of privacy.
- the site area stated is incorrect.
- existing trees provide a windbreak and absorb excess water.

6.9 A further letter of objection has been received expressing concern over the removal of the conifers on the boundary and the impact that this would have on privacy, land stability and water run off as well as nesting birds.

Since submission of this letter a revised landscaping plan has been submitted which retains a row of conifers on the shared boundary.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

1. Principle of Development
2. Impact on Amenity
3. Impact on Highways
4. Impact on Trees and Ecology
5. Other Matters

7.2 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

- 7.3 Planning permission has previously been granted planning permission for the erection of 2 dwellings, which was granted on 27th January 2021 (ref 20/02363/FUL). This permission has now lapsed.
- 7.4 The current proposal, for the erection of 2 dwellings, is the same as the previously approved with regards to the location, scale and design of the dwelling. Amendments have been made to the approved scheme which alters the internal access road to allow for the retention of the conifers on the south east boundary and a revised landscaping scheme.
- 7.5 The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-Regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 1 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.
- 7.6 The first assessment necessary is to determine whether the site can be considered in the village or falls outside of the village and therefore should be assessed as development in the open countryside. The Amended Core Strategy confirms that dwellings and their gardens should be incorporated when considering the extent of the village. The host dwelling is set within a small cluster of houses with residential properties to the south east and north east. It is therefore considered that the site sits within Goverton and 'in the village' rather than being in the Open Countryside and the proposal therefore falls to be assessed under SP3, irrespective of whether the two new dwellings previously approved under 20/02367/FUL, and currently being considered under 23/02058/FUL on the site to the north east are constructed or not.

Location

- 7.7 In addition to considering the site to lie within Goverton it also falls to assess the sustainability of Goverton as a whole in respect to available services. Goverton is more akin to a hamlet rather than a village and itself has no local services. However, Spatial Policy 3 states:

'Within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact, and character criteria of this policy.'

- 7.8 The above is relevant to the application at hand noting the site's proximity to Bleasby with its range of services. The north western edge of Bleasby features a tea shop which is within a reasonable walking distance of the site and the village itself provides the potential to meet day to day needs of the occupiers. Bleasby also has a school and a train station less than a kilometre walking distance from the site along a pavement partially served by street lights. On this basis, the site can reasonably be considered as an infill plot against the allowances of Spatial Policy 3 and therefore satisfies the location criteria of the policy.

Scale of Development

- 7.9 The scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. However, two additional dwellings are considered small scale in nature and appropriate for this settlement. To the north of the site a further two dwellings are proposed which, if approved, could lead to an additional four dwellings. The addition of four dwellings which are in keeping with the form and character of the surrounding properties would be appropriate in terms of scale.

Need

- 7.10 Policy SP3 requires new housing to demonstrate that it would "help to support community facilities and local services". Given the location of the site in close proximity to Bleasby, it is considered that the occupiers of the proposed dwellings would have sufficient opportunity to support and help sustain the longevity of the existing local services within Bleasby and would therefore comply with this criterion of SP3.

Impact

- 7.11 In some respects, the Impact criterion lends itself to discussion in the context of other material considerations such as the impact on the highways network and neighbouring amenity (discussed in further detail below). In respect of local infrastructure, the proposal is unlikely to significantly affect local infrastructure, such as drainage and sewerage systems. It is noted that comments have been submitted by local residents which set out their concerns relating to existing sewerage and drainage problems in the area and their view that these would be exacerbated by the proposed development.
- 7.12 In terms of main river flooding, the site lies within Flood Zone 1, as defined by the Environment Agency's Flood Mapping, which means it is at low risk of fluvial flooding.
- 7.13 The application site itself lies within an area at very low risk of surface water flooding which means that each year this area has a chance of flooding of less than 0.1%. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. As such the concerns raised by local residents in this regard are fully acknowledged, as given the proposed additional levels of hard surfacing on the application site and the topography of the land to the south-east there is the potential for surface water run off to impact properties downhill.
- 7.14 In terms of drainage, a foul and surface water drainage scheme has been submitted. These details are deemed to be acceptable and would not compromise the existing system and

would reduce greenfield run off. Furthermore, any approval development would need to obtain a S104 approval for drainage from Severn Trent Water.

- 7.15 Under the previously granted planning permission for the two dwellings, the drainage strategy for the site was controlled by a condition, requiring the submission of a foul and surface water drainage scheme. These details were subsequently submitted in June 2022 under 20/00649/DISCON which prevents surface water run-off with the use of an attenuation system to the southwest corner of the site. Following careful consideration, the details were deemed to be acceptable and the condition was discharged. The same drainage details have been submitted in support of this application, and a condition will be attached to any approval to ensure that the development is carried out in accordance with these previously approved details.
- 7.16 Whilst the concerns of the objectors are noted, it is not for the development at hand to fix existing drainage issues that already exist. The proposal need only mitigate its own impact on the existing infrastructure and it is considered that two dwellings could be accommodated at the site without unduly compromising the existing drainage network, and an acceptable drainage strategy for both foul and surface water disposal has been submitted as part of the application. It is considered that the development for two dwellings could be accommodated within existing infrastructure without causing a detrimental impact and therefore subject to the more detailed highways and neighbouring amenity appraisals below, the proposal satisfies this criterion of SP3.

Character

- 7.17 SP3 confirms that new development should not have a detrimental impact on the character of the location or its landscape setting.
- 7.18 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 13 requires any new development to protect and enhance the landscape.
- 7.19 The application site is located within the 'Trent Washlands' Landscape Character Area identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The Trent Washlands is principally formed from the broad valleys of the River Trent and can be subdivided into two distinct landscape types, Village Farmlands and River Meadowlands. Within this character area, the site is specifically located within Policy Zone TW PZ 52: Thurgarton River Meadowlands. The landscape condition is described as 'moderate' with a low landscape sensitivity.
- 7.20 The development would be accessed via a private road from Bleasby Road and would form backland development. Policy DM5 is generally unsupportive of backland development unless it can be concluded that it would not set a precedent for further forms of development which cumulatively would create character harm. The distinction for this site is that it already forms the garden of the host dwelling (a backland plot) and therefore the precedent has been set. The addition of two properties at this site would not result in a

harmful impact on the character of the area as it would generally be in keeping with the character and existing layout of the area.

- 7.21 Furthermore, there are limited sites in the vicinity which could be brought forward in a similar form (other than the adjacent site at Goverton Heights). However overall it is not considered that the proposal in addition to the existing (and that proposed at Goverton Heights) would cumulatively harm the established landscape character and appearance of the area to warrant refusal of permission.
- 7.22 The cluster of properties within which the site sits, have relatively spacious plot sizes. Clearly in dividing this single plot into three residential curtilages, the proposal would not follow this established character. However, the layout presented, although a repeated layout, rather than loose and bespoke, would still broadly conform with neighbouring dwellings to a degree such that the proposal is not considered to be harmful in principle in character terms. The properties would remain relatively well spaced and would be designed in keeping with the more modern host-dwelling to the north such that it is not considered that the concerns relating to the size of the new dwellings being out of keeping raised by a third party would not be realised. The new dwellings would not be visually intrusive or dominating to the detriment of neighbouring properties and the character of the area. The materials as shown on the elevation plans as buff brick and slate tiles would not be wholly in keeping with the surrounding properties, however the application form and the materials submitted under the DISCON application state red brick and red pantiles. With regards to the proposed brick type, the previously approved Forterra Hampton Rural Blend are preferable to the suggested Amelanchier Arborea Robin Hill, as they are more in keeping with the materials palette of the surrounding area and can be secured by condition.
- 7.23 In relation to the existing vegetation on and surrounding the application site, one of the two rows of conifer trees that form the SE boundary of the site with 'Hillside' has already been removed. The semi-rural nature character is detectable from within and outside the site and the high level of vegetation surrounding the site contributes to this. During the course of the application an Arboricultural Report has been submitted as well as a revised layout/landscaping scheme. The Arboricultural Report recommends the removal of 7 trees internally within the site and concludes that some of these trees do not provide any significant amenity value due to their size but some of the trees have aesthetical value. The report concludes that to compensate for the loss of these trees that they are replaced on a 1-2-1 basis with more a suitable species. A revised landscaping plan has been submitted showing the retention of 5 trees and the planting of 10 new trees, the number and type of which would help to assimilate the development into its semi-rural setting over time. The proposed trees and hedging would be within the site, the size and type of species can be controlled by a condition. The single row of conifers to the south east boundary with Hillside is to be retained with additional planting, with evergreen hedging.
- 7.24 Similarly, a condition requiring the existing conifer trees along the SE boundary of the site to be retained at a height of 6m could be attached to any approval. Comments from neighbouring residents which refer to the proposal resulting in harm to the character and appearance of the area have been duly taken on board, however it is considered that the density, scale and design of the properties would be appropriate for the site context and subject to the proposed materials, landscape planting and conifer tree retention being controlled by condition, it is considered that the development accords with the character criteria of SP3 in addition to the requirements of CP9 and DM5 of the Development Plan.

7.25 It is considered that the proposed development would accord with the character criterion of policy SP3 in addition to the requirements of CP9 and DM5 of the Development Plan.

Impact on Amenity

7.26 The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development and requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

7.27 Separation distances between Plot 1 and the host dwelling would be approximately 21m which is considered to be acceptable, particularly noting that the proposed dwellings would be set at a much lower level than this existing property. Given the site context the most sensitive neighbour is considered to be the dwelling to the south east known as Hillside. The distance between Plot 2 and Hillside would be c.23m, and the boundary between would be defined by retaining one row of conifers which, is shown on the submitted plan. Hillside sits on lower land than the application site, with the land level difference between the two at approximately 1.5/2m, the proposed two storey dwelling could have some overbearing on Hillside, however given the positioning of the new dwelling, the closest part of the proposal would be the double garage, would not exceed the height of the existing conifers and as such would not exacerbate any existing late afternoon/evening overshadowing experienced.

7.28 Due to the positioning of Hillside within its own plot, its private residential amenity space is sited to the front/south of this dwelling – the proposed alignment for plot two would mean the closest elevation would be the single storey double garage which would not have any windows proposed on this facing elevation. The principal elevation and its windows would be separated over a reasonable distance, approximately 20 metres, to this neighbour and again given the positioning of the properties it is not considered these new dwellings would unduly impact the occupiers of Hillside, in terms of privacy, outlook or residential amenities, such that would warrant the refusal of this application. Fairway lies further to the north east of the application site, which is separated by some 16 metres from the boundary of the site and orientated as such that there will be no impact on the privacy of this dwelling or loss of any residential amenity.

7.29 A reasonable amount of private amenity space would be provided for the new dwellings in addition to the amenity space being retained for Wild Briars which would be commensurate with the size of the property. The amenity spaces for the new dwellings would be split over two levels given the gradient of the site, however it is not considered that this is inappropriate and would not be dissimilar to the existing arrangement for Wild Briars.

7.30 It is therefore concluded that the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal of planning permission. As such the proposed development is considered to be acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highways

- 7.31 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.
- 7.32 The Highway Authority at NCC, raised no objection to the previous scheme, subject to conditions in relation to widening the access with Bleasby Road by 0.6m using existing grass verges (in accordance with the annotation on the proposed site plan, and which the agent has previously confirmed is within the applicant's ownership) and retention of the proposed parking areas. There is adequate space for parking and turning within the site for both the proposed new dwellings to the frontage of the properties and for Wild Briars via a separate access driveway to the north west of the site. In the absence of any objection from the Highway Authority, subject to conditions, it is considered that the proposal would not result in any highway safety impact, and therefore accords with Spatial Policy 7 and Policy DM5.
- 7.33 Some comments received from local residents reference the capacity of the private access road, however it has already been concluded that the addition of 2 dwellings, plus the potential for a further two on the adjoining site, is relatively small scale) and is not considered to pose an unacceptable impact upon the highways network to warrant the refusal of the application provided the widening works are carried out.
- 7.34 Concerns have been raised regarding the removal of significant amounts of earth from the site given the site gradient and the level of excavation that would be required to construct the two new dwellings. Third party comments have attempted to quantify this volume of earth and the resultant trips that would be generated to remove this off-site during construction. It is not possible to ratify the figures that have been quoted, however given the construction period for these properties (and the removal of earth) is likely to be over in a relatively short period of time and it is not considered this level of disruption/construction traffic would be so significant to warrant the refusal of the application on amenity or highways impact grounds. NCC Highways previously offered no comment in this regard, and subject to a condition limiting the times of construction as recommended by Environmental Health colleagues, it is considered that amenities could be adequately protected for this relatively short timeframe. It is also likely that some of the excavated earth will be re-used on site to form the retaining structures. Overall, the scheme is not considered to result in an unacceptable highways safety impact and therefore subject to the requested conditions would be compliant with SP7.

Impact on Trees and Ecology

- 7.35 Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.36 The application site is currently overgrown lawn area with some trees and hedges predominately on the boundary. The revised proposed site plan clarifies that the majority of the vegetation/trees around the boundaries of the site will be retained and the plans

also show elements of additional landscaping proposed. The site, as a grassed lawn is considered to have relatively low ecological value.

- 7.37 I am conscious that the trees on site are not protected by tree preservation orders and are not afforded the restrictions they would have if they were within a conservation area. Nevertheless, it is important that developments do not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect surrounding trees. Given the trees on site are not protected and are of low amenity value, given the overgrown nature of the site, I have no concerns with the creation of the access along the south east boundary of the site. No access has been created on the site at present and the access track has been moved away from the trees on the boundary in the SE corner of the site so that there is no conflict with the access and existing trees to be retained. It is important that the boundaries are retained where possible (particularly along the SE boundary with neighbouring properties) and further landscaping plans will be required by condition.
- 7.38 Overall, subject to conditions I consider the proposal would still comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy.

Other Matters

- 7.39 Comments have been submitted from interest parties regarding the impact of the proposal on the stability of adjoining land and the potential for land slippage during construction. It is acknowledged that given the topography of the site, the land would be terraced to provide a flat surface to build on, however this is not an unusual construction approach and subject to the construction of appropriate retaining walls, and provided correct building regulation procedures are adhered to, it is not likely that this development would significantly compromise ground conditions so as to cause undue risk to surrounding properties.
- 7.40 To the south of the site, on the opposite side of Bleasby Road is a Grade II listed building, Goverton House and attached pump. The development would be over 140 metres from the listed building, with intervening properties between, and as such would not have any impact on the setting of this listed building.
- 7.41 The site is within a potentially Radon affected area, Environmental Services have advised that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. This can be included as an informative if permission is granted.

Community Infrastructure Levy

- 7.42 The site is located within Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. Gross Internal floor space of the new dwellings is proposed to be 358.24m². As such the total chargeable floor space is 716.48m². Changes to the CIL rates that came into effect from 1st January 2024 have resulted in an increase in the BCIS Permission Year Index to 381 which results in the total CIL Charge on the development to be: £83,479.78.

8.0 Implications

8.1 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

9.1 The application site had planning permission for the erection of 2 dwellings, which was granted on 27th January 2021 (ref 20/02363/FUL). The current proposal, for the erection of 2 dwellings, is the same as the previously approved scheme for 2 dwellings on the site, with only alterations to the internal access driveway and landscaping proposed. As such this application would effectively be renewing the previous, albeit lapsed, planning permission. Following a visit to the site, there have been no material changes in site circumstances since the previous application was permitted. In planning policy terms, there have been no changes to the adopted Local Plan since the previous application was permitted. The guidance contained within the National Planning Policy Framework has since been updated, but there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.

9.2 As set out within this report, overall, the proposal is considered to accord with the requirements of Spatial Policy 3 and 7 and Core Policies 9 and 13 of the Amended Core Strategy and DPD Policies DM5, DM7 and DM12. Subject to conditions, the proposal is not considered to result in any adverse impact on the character and appearance of the surrounding area, amenity of surrounding properties, nor would it result in any highways safety impacts or increase risks of flooding. All other material planning considerations have been considered above, and it is concluded that there are no material reasons why the application should not be granted planning permission, subject to the conditions set out below.

10.0 Conditions

01

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

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

02

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

Location Plan received on 7 November 2023
Proposed Site Plan and Section Drawing No. PS1960:1A

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS1960:2
Proposed First Floor Plan Plot 1 and 2 Drawing No. PS1960:3
Proposed Elevations Plot 1 and 2 Drawing No. PS1960:4A (with the exception of the proposed external wall and roofing materials)
Proposed Elevations Plot 1 and 2 Drawing No. PS1960:5 (with the exception of the proposed external wall and roofing materials)
Double Garage Plan and Elevations Plot 1 Drawing No. PS1960:6
Proposed Drainage and Landscaping Drawing No. PS1960:9 Rev 1 received 4 April 2024
Double Garage Plan and Elevations Plot 2 Drawing No. PS1960:10
Proposed Drainage Strategy Drawing No. A2/001

Reason: So as to define this permission.

03

Notwithstanding the materials as detailed on the submitted elevation plans referenced under Condition 2, the development shall be carried out in accordance with the following previously approved external materials;

- Bricks: Forterra Hampton Rural Blend
- Roofing Tiles: Redland Grovebury Rustic Red Roof Tiles
- Cladding: Cedral Dark Grey (Cis) Cladding
- Windows: Cream uPVC
- Rainwater Goods: Black half round uPVC gutters and down pipes.

Reason: In the interests of visual amenity.

04

The landscaping as shown on the Proposed Drainage and Landscaping Drawing No. PS1960:9 Rev 1 shall be completed during the first planting season following the commencement of the development. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

05

The development hereby approved shall be carried out in accordance with the foul drainage and surface water disposal details as shown on the Proposed Drainage Strategy Drawing No. A2/001.

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

06

No part of the development hereby permitted shall be brought into use until the private driveway has been widened and surfaced in a bound material to a standard that provides a minimum width of 5.3m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

07

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

08

Except for emergency works, no construction or excavation works on site and no deliveries to or removal of waste from the site shall take place outside:

08:00 am to 18:00 pm Monday – Friday
08:00 to 13:00 pm Saturdays
and not at all on Sundays/Bank or Public Holidays.

Reason: In the interests of residential amenity.

09

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

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;

- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

Informatives

01

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

02

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

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

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

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate in £	Index at date of permission	CIL Charge
Residential	716.48	-	716.48	100	381	£83,479.78
Totals						£83,479.78

03

Suitable measures must be taken to minimise dust and dirt during the construction and

operation of the site, including minimising any run-off or depositing of materials onto the public highway which should be maintained using best practice methods and wheel washing facilities.

04

This proposal makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

05

“The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.”

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 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jennifer Wallis, Planner, ext. 5370

Report Summary			
Application Number	23/02058/FUL		
Proposal	Erection of 2 dwellings with detached garages		
Location	Goverton Heights, Goverton, Bleasby NG14 7FN		
Applicant	Mr Alan Hardy	Agent	Mr Paul Simcock
Registered	22 November 2023	Target Date	17 January 2024
		Extension of time	17 May 2024
Web Link	23/02058/FUL Erection of 2 dwellings with detached garages Goverton Heights Goverton Bleasby NG14 7FN (newark-sherwooddc.gov.uk)		
Recommendation	That planning permission be APPROVED, subject to the conditions set out in Section 10.0 of this report.		

This application is presented to Planning Committee as it has been referred by Councillor Melton, the Ward Member and the Officer recommendation differs from that of Bleasby Parish Council. Councillor Melton is concerned that the construction of these houses would have a detrimental effect on pluvial flooding across the rest of the village of Bleasby.

1.0 The Site

1.1 The application site forms part of the residential garden of the dwelling known as Goverton Heights; a detached dwelling in a large plot in a small cluster of dwellings to the north west of Bleasby Road, within the hamlet of Goverton. The site is set well back from the road in a very elevated position and is accessed off Bleasby Road via a steep, single-width, tarmac private road which also serves a number of other properties. Goverton Heights is access via a private driveway to the north of Wild Briars.

1.2 There is a steep gradient within the site itself which falls in a south eastwards direction

towards the main road. The application site was previously overgrown but there has recently been some site clearance. There are a number of trees forming each boundary of the site. To the south east of the site is a residential property, Fairways, which is separated by a row of conifer trees along the boundary. The site directly to the SW has previously been granted permission for two dwellings with access off the private access track in the southernmost corner, and a replacement application for two dwellings on this neighbouring site is currently under consideration.



- 1.3 Goverton is a small settlement mainly focused along Bleasby Road with the village of Bleasby close by to the east. The village of Thurgarton (and its associated Conservation Area) is also relatively close to the south west. Goverton House on the opposite side of Bleasby Road is Grade II listed.
- 1.4 Following a visit to the site, it is confirmed that the site has now been cleared of scrub/vegetation internally, however, the planting around the external boundaries of the site remain.

2.0 Relevant Planning History

Application Site

- 2.1 20/02367/FUL – Erection of 2 five-bedroom houses – Permitted 03.02.2021.

Adjacent Site to immediate southwest

- 2.2 19/02090/FUL - Erection of two 4 bed houses within the garden of Wild Briars and creation of a new separate access – Permitted 17.01.2020.
- 2.3 20/02363/FUL – Erection of 2no. new dwellings (re-submission of 19/02090/FUL) – Permitted 27.01.2021.
- 2.4 23/01960/FUL - Erection of 2 no. dwellings, with detached double garages, new private access road to private drive. Pending consideration.

3.0 The Proposal

3.1 Permission is sought for the erection of 2 no., two-storey, 5 bedroom dwellings. The properties would be identical in size, design and external finishes and would both have double garages. They would be a ‘T’ shaped footprint and be positioned with their principal elevations facing south-east and be of a traditional design with gables roofs and single chimney stack. The detached garages are on the eastern side of the properties sitting forward of the principal elevation.



3.2 The dwellings would be c. 14 m wide for 6.3 m back with a 10.5 m projection at the rear that is c. 6.2 m wide. In terms of height, they would be 5.3 m to the eaves and 8 m to the ridge. The double garages each measure c. 6.7 m x 7.2 m, 2.5 m to the eaves 5.3 m to the ridge.

Ground floor: Lounge, hall, dining room, study, utility, w/c and an open plan kitchen/day room. First floor: five bedrooms, two en-suite bathrooms a dressing room and a family bathroom. Second floor: two games rooms.



3.3 With regards to the proposed external finishes, they comprise buff brick with areas of dark uPVC timber style cladding and grey slate roof tiles (or slate effect concrete tiles). Windows and doors are proposed to be dark grey uPVC.

3.4 Private amenity space is proposed to the NW of the proposed dwellings. Shared access would be taken in the southernmost corner of the site off the existing shared access road and the access approved previously under 20/02363/FUL, on the adjacent site to the SW. To facilitate the development the site would be cleared of all scrub/vegetation, which has already been carried out, and the trees forming the boundaries are to be retained.

3.5 The documents submitted in support of the application are as follows:-

Application Form

Design and Access Statement

Location Plan

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS2002:2

Proposed First Floor Plan Plot 1 and 2 Drawing No. PS2002:3

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:4

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:5

Proposed Second Floor Plan Plot 1 and 2 Drawing No. PS2002:6

Double Garage Plan and Elevations Plot 1 and Plot 2 Drawing No. PS2002:7

All received by the Local Planning Authority on 21 November 2023

Revised Site Plan and Section Drawing No. PS2002:10

Arboricultural Report, by Utilitree Arb Ltd

Received 16 April 2024.

Preliminary Ecological Appraisal, by B J Collins

Received 25 March 2024.

3.6 This current proposal, for the erection of 2 dwellings, the dwellings are in the same location and are identical in size and design as the previously approved scheme for 2 dwellings on the site approved under 20/02367/FUL. Amended plans have been submitted following the undertaking of a tree survey which alters the internal access road to allow for the retention of the conifers and trees on the southeast boundary and a revised landscaping scheme.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of six properties have been individually notified by letter. A site notice has been displayed near to the site.
- 4.2 Site visit undertaken on 7th December 2023.

5.0 Planning Policy Framework

The Development Plan

5.1 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing mix, type and density
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

5.2 Allocations and Development Management DPD (adopted 2013)

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

There have been no changes to the adopted Local Plan since the previous application on the site was permitted.

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM5, DM7 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 Other Material Planning Considerations

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)
Landscape Character Assessment SPD 2013

The guidance contained within the National Planning Policy Framework has been updated since the previous application on the site was permitted, however there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.

6.0 Consultations

6.1 (Comments below are provided in summary. Full comments can be viewed on the Council's planning applications website via the web link included in the Report Summary).

Statutory Consultations

6.2 **NCC Highways Authority – No comments received.**

Previously raised no objections, subject to conditions relating to width and surface of private driveway and provision of parking and turning areas.

Town/Parish Council

6.3 **Bleasby Parish Council – Object on the following grounds:-**

- Land stability
- Health and safety
- Surface water run-off and Flooding
- Inadequate SUDS
- Construction traffic would cause hazards and disturbance
- Over-burdened sewerage system
- Potential for Radon radiation
- This application, together with the application on the adjacent site, doubles the impacts, and the two applications should be considered as one development.

Representations/Non-Statutory Consultation

6.4 **NSDC Contaminated Land – No objections.**

This application has been made previously under ref 20/02367/FUL and at the time the application site was in a higher risk radon band. The British Geological Survey & UK Health Security Agency revised their radon risk map in December 2022 and the site now lies in a lower risk banding (0-1%). As such I have no observations in relation to this application.

6.5 **Trent Valley Internal Drainage Board – No comments received.**

Previously advised: "The site is outside of the TVIDB district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. The Board's consent is required for any works that increase the flow of volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA".

6.6 **NSDC Environmental Health – No objections.**

Suggest a number of informatives relating to hours of works, minimising dust and no burning of waste, so as to avoid nuisance complaints.

6.7 **NSDC Tree and Landscape Officer – Concerns**

There are a significant number of trees to be removed and the mitigation is not significant within the surrounding landscape and will have negligible visual impact, negligible biodiversity impact, negligible climate change impact. The proposed development represents an urbanisation of rural views.

Representations/Non-Statutory Consultation

6.8 **7 no. representations have been received from residents/interested third parties, which are objecting on the following grounds:-**

- the development would increase surface water run-off and add to the demands on the Severn Trent sewage facility, which are both beyond capacity. It would overburden the system. Lead to increase risk of flooding downstream.
- the development would; significantly increase the amount of traffic on a narrow lane, especially when considered in conjunction with 23/01960/FUL
- the size of the properties would be out of scale with the area and result in visual impact and a loss of privacy.
- the two applications should be considered in conjunction.
- Properties in the village are not selling, so there is no need for more housing.

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

7.1 The key issues are:

1. Principle of Development
2. Impact on Amenity
3. Impact on Highways
4. Impact on Trees and Ecology
5. Drainage, Flood Risk and Land Stability
6. Other Matters

7.2 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

7.3 Planning permission has previously been granted planning permission for the erection of 2 dwellings, which was granted on 3rd February 2021 (ref 20/02367/FUL). This permission has now lapsed.

- 7.4 The current proposal, for the erection of 2 dwellings, is the same as the previously approved with regards to the location, scale and design of the dwelling. Amendments have been made to the approved scheme which alters the internal access road to allow for the retention of the conifers and trees on the southeast boundary and a revised landscaping scheme.
- 7.5 The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 1 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.
- 7.6 The first assessment necessary is to determine whether the site can be considered in the village or falls outside of the village and therefore should be assessed as development in the open countryside. The Amended Core Strategy confirms that dwellings and their gardens should be incorporated when considering the extent of the village. The host dwelling is set within a small cluster of houses with residential properties to the south east and north east. It is therefore considered that the site sits within Goverton and 'in the village' rather than being in the Open Countryside and the proposal therefore falls to be assessed under SP3, irrespective of whether the two new dwellings previously approved under 20/02363/FUL, and currently being considered under 23/01960/FUL on the site to the south west are constructed or not.

Location

- 7.7 In addition to considering the site to lie within Goverton it also falls to assess the sustainability of Goverton as a whole in respect to available services. Goverton is more akin to a hamlet rather than a village and itself has no local services. However, Spatial Policy 3 states:

'Within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact, and character criteria of this policy.'

- 7.8 The above is relevant to the application at hand noting the site's proximity to Bleasby with its range of services. The north western edge of Bleasby features a tea shop which is within a reasonable walking distance of the site and the village itself provides the potential to meet day to day needs of the occupiers. Bleasby also has a school and a train station less than a kilometre walking distance from the site along a pavement partially served by street lights. On this basis, the site can reasonably be considered as an infill plot against the allowances of Spatial Policy 3 and therefore satisfies the location criteria of the policy.

Scale of Development

- 7.9 The scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. However, two additional dwellings are considered small scale in nature and appropriate for this settlement. To the north of the site a further two dwellings are proposed which, if approved, could lead to an additional four dwellings. The addition of four dwellings which are in keeping with the form and character of the surrounding properties would be appropriate in terms of scale.

Need

- 7.10 Policy SP3 requires new housing to demonstrate that it would “help to support community facilities and local services”. Given the location of the site in close proximity to Bleasby, it is considered that the occupiers of the proposed dwellings would have sufficient opportunity to support and help sustain the longevity of the existing local services within Bleasby and would therefore comply with this criterion of SP3.

Impact

- 7.11 In some respects, the Impact criterion lends itself to discussion in the context of other material considerations such as the impact on the highways network and neighbouring amenity (discussed in further detail below). In respect of local infrastructure, the proposal is unlikely to significantly affect local infrastructure, such as drainage and sewerage systems. It is noted that comments have been submitted by local residents which set out their concerns relating to existing sewerage and drainage problems in the area and their view that that these would be exacerbated by the proposed development.
- 7.12 In terms of main river flooding, the site lies within Flood Zone 1, as defined by the Environment Agency’s Flood Mapping, which means it is at low risk of fluvial flooding.
- 7.13 The application site itself lies within an area at very low risk of surface water flooding which means that each year this area has a chance of flooding of less than 0.1%. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. As such the concerns raised by local residents in this regard are fully acknowledged, as given the proposed additional levels of hard surfacing on the application site and the topography of the land to the south-east there is the potential for surface water run off to impact properties downhill.
- 7.14 In terms of drainage, a condition can be imposed for details of the foul and surface water drainage to be submitted and approved. Furthermore, any approval development would need to obtain a S104 approval for drainage from Severn Trent Water.
- 7.15 Whilst the concerns of the objectors are noted, it is not for the development at hand to fix existing drainage issues that already exist. The proposal need only mitigate its own impact on the existing infrastructure and it is considered that two dwellings could be accommodated at the site without unduly compromising the existing drainage network, and a condition can be imposed to ensure that an acceptable drainage strategy for both foul and surface water disposal is required to be submitted and approved (as has been done at the adjoining site which could attenuate any surface water leaving the site to a green field rate.

It is considered that the development for two dwellings could be accommodated within existing infrastructure without causing a detrimental impact and therefore subject to the more detailed highways and neighbouring amenity appraisals below, the proposal satisfies this criterion of SP3.

Character

- 7.16 SP3 confirms that new development should not have a detrimental impact on the character of the location or its landscape setting.
- 7.17 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 13 requires any new development to protect and enhance the landscape.
- 7.18 The application site is located within the 'Trent Washlands' Landscape Character Area identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The Trent Washlands is principally formed from the broad valleys of the River Trent and can be subdivided into two distinct landscape types, Village Farmlands and River Meadowlands. Within this character area, the site is specifically located within Policy Zone TW PZ 52: Thurgarton River Meadowlands. The landscape condition is described as 'moderate' with a low landscape sensitivity.
- 7.19 The development would be accessed via an access road past the two newly approved dwellings off the existing private road from Bleasby Road and would form back land development. Policy DM5 is generally unsupportive of back land development unless it can be concluded that it would not set a precedent for further forms of development which cumulatively would create character harm. The distinction for this site is that it already forms the garden of the host dwelling (a back land plot) and therefore the precedent has been set, similarly permission has already been granted under 20/02363/FUL for two new dwellings in the land directly adjacent to this site on the basis that these dwellings, whilst resulting in back land development, would not result in a harmful impact on the character of the area as it would generally be in keeping with surrounding development.
- 7.20 The addition of two properties at this site would not result in a harmful impact on the character of the area as it would generally be in keeping with the character of the area and there are limited sites in the vicinity which could be brought forward in a similar form, however overall, it is not considered that the proposal in addition to the existing and approved developments would cumulatively harm the established character and appearance of the area. It is noted that the proposed block plan shows the two dwellings previously approved under 20/02363/FUL, and planning permission is sought for these again currently under reference 23/01960/FUL. Whilst this application is yet to be determined and if these dwellings were not to be built, the proposal put forward for this plot would remain acceptable. Overall it is not considered that the proposal in addition to the existing (and that proposed at Wild Briars) would cumulatively harm the established landscape character and appearance of the area to warrant refusal of permission.

- 7.21 The cluster of properties within which the site sits, have relatively spacious plot sizes. Clearly in dividing this single plot to three residential curtilages, the proposal would not follow this established character. However, the layout presented, although a repeated layout, rather than loose and bespoke, still broadly conforms with neighbouring dwellings to a degree such that the proposal is not considered to be harmful in principle in character terms. The properties would remain relatively well spaced and would be designed in keeping with the more modern property to the north, such that such that it is not considered that the concerns relating to the size of the new dwellings being out of keeping raised by a third party would not be realised. The new dwellings would not be visually intrusive or dominating to the detriment of neighbouring properties and the character of the area. The indicative materials are cited as buff brick and slate tiles. Whilst these are not wholly in keeping with the surrounding properties, given there is no prevailing uniformity of style or materials in this cluster of properties, the deviation from red brick and pantile is not considered to be inappropriate and therefore subject to further details to be submitted through the discharge of condition the proposed palette of materials is considered to be acceptable in this context.
- 7.22 Since the approval of the last application on this site, the low-level vegetation on the site and some trees have been cleared. The semi-rural nature character of the site is still detectable from within and outside the site and the high level of vegetation surrounding the site contributes to this and the transition with the open countryside. The proposed site plan shows retention of the trees and hedgerows to the boundaries around the site and a revised landscaping scheme has been submitted which shows the retention of the conifers to the south along the boundary with Fairway and additional planting within the site. During the course of the application an Arboricultural Report has been submitted and a revised layout/landscaping scheme which proposes additional tree planting and secures the retention of the boundaries of the site.
- 7.23 Overall, it is considered that the density, scale and design of the properties remain appropriate for the site context, and subject to specific material, landscaping and tree protection details being controlled through conditions, it is considered that the development accords with the character criterion of SP3 in addition to the requirements of CP9 and DM5 of the Development Plan.

Impact on Amenity

- 7.24 The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development and requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.
- 7.25 Separation distances between both plots and Goverton Heights are over 20m, which is considered to be acceptable, particularly noting that the proposed plots would be set on a much lower ground level. Adequate separation distances between the two new dwellings and those proposed under 23/01960/FUL are also shown on the proposed plans. Given the site context the most sensitive neighbours considered to be the dwellings to the south-east known as Fairway and Hillside. Fairway is set approx. 10 m away from the common

boundary of the site meaning the separation between the dwellings and this property would be in excess of approx. 24 m. This boundary comprises a dense mixture of leylandii and smaller trees, which, following clarification is proposed to be retained and given the relative land levels, this will provide both ground floor and first floor screening. Plot 2 would be approx. 20 m from the detached garage of Hillside to the south, however it is noted that the approved plans show the existing row of conifers which forms the shared boundary with the approved new dwellings and Hillside (along the access proposed to the proposed dwellings at hand) to be retained. Therefore it is considered that, the proposal would not result in any detrimental impact on properties to the south and south-east.

7.26 Given the difference in ground levels, the impact of 2no. two storey dwellings adjacent to Fairway to the SE, has been carefully considered. However given the positioning of the proposed dwellings, the closest part of the proposal would be the double garages, which would have reduced ridge heights. The comments from interested parties regarding the proposal to utilise the roof space within these dwellings are noted, however this is not considered to be fatal to the development particularly as the ridge height has not been increased in order to accommodate this. Overall, it is not considered that there would be any unacceptable overshadowing, overbearing or overlooking impacts on either Fairway or Hillside to the S/SE. Nor would there be any unacceptable impact on Wild Briars or Goverton Heights to the NW.

7.27 A reasonable amount of private amenity space would be provided for the new dwellings in addition to the amenity space being retained for Goverton Heights which would be commensurate with the size of the property. Overall, it is therefore considered the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal. As such, the proposed development is considered to remain acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highways

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

7.29 The Highway Authority at NCC have not provided any comments on this application but have previously raised no objection to the scheme subject to conditions in relation to widening the access with Bleasby Road by 0.6m using existing grass verges (which the agent has confirmed is within the applicant's ownership) and retention of the proposed parking areas. There is adequate space for parking and turning within the site for both the proposed new dwellings, in front of the properties, and for Goverton Heights via a separate access driveway. In the absence of any objection from NCC Highways, subject to conditions, it is considered that the proposal would not result in any highway safety impact and therefore accords with Spatial Policy 7 and Policy DM5.

7.30 Some comments received from local residents reference the capacity of the private access road, however it has already been concluded that the addition of 2 dwellings, plus the potential for a further two on the adjoining site, is relatively small scale and is not

considered to pose an unacceptable impact upon the highways network to warrant the refusal of the application provided the widening works are carried out.

- 7.31 Concerns have been raised regarding the removal of significant amounts of earth from the site given the site gradient and the level of excavation that would be required to construct the two new dwellings. The removal of earth is likely to be over a relatively short period of time, and it is not considered this level of disruption/construction traffic would be so significant to warrant the refusal of the application on amenity or highways impacts during the construction period. NCC Highways have also offered no comment in this regard, and subject to a condition for a construction management plan as recommended by Environmental Health, I am satisfied that amenities could be adequately protected. It is also likely that some of the excavated earth will be re-used on site to form the retaining structures. Overall, the scheme is not considered to result in an unacceptable highways safety impact and therefore subject to the requested conditions would be compliant with SP7.

Impact on Trees and Ecology

- 7.32 Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.33 Since the consideration of the last application on this site, the internal body of the site has been cleared of shrubs and vegetation with the majority of retained trees and hedges concentrated around the site boundaries. The revised proposed site plan clarifies that the majority of the vegetation/trees around the boundaries of the site will be retained and the plans also show elements of additional landscaping proposed. Given the site's planted/overgrown/undisturbed nature before it was cleared, there may still be potential for protected species to be present. Therefore during the course of the application a preliminary ecological appraisal was requested and submitted.
- 7.34 The report states that there is potential for nesting birds and there is potential for shelter and foraging hedgehogs, common amphibians and common reptiles. The retained hedgerows offer potential foraging for bats and nesting birds. As such, the report suggests mitigation which includes works to potential nesting habitats being undertaken outside breeding bird season which can be controlled via means of a condition. A precautionary approval for great crested newts and hedgehogs has been recommended which includes clearing hedgerows by hand, trench ramps, capped pipes and if any hedgehogs are found they are to be removed carefully as well as recommended precautionary working practices for amphibians and reptiles. This can be controlled by means of a condition.
- 7.35 I am conscious that the trees on site are not protected by tree preservation orders and are not afforded the restrictions they would have if they were within a conservation area. Nevertheless, it is important that developments do not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect surrounding trees. Given the trees on site are not protected and are of low amenity value, given the overgrown nature of the site, I have no concerns with the creation of the access in the SE corner of the site. However, it is important that the boundaries are retained where possible (particularly along the SE boundary with

neighbouring properties and NE boundary with the open countryside) and further landscaping plans will be required by condition.

- 7.36 Overall, subject to conditions I consider the proposal would still comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy.

Drainage, Flood Risk and Land Stability

- 7.37 Comments have been received from interested parties which have been duly taken on board throughout the appraisal of this application – some comments relate in particular to the drainage of the site, the potential inappropriateness of soakaways and surface water run-off issues.
- 7.38 In terms of main river flooding, the site lies within Flood Zone 1, as defined by the Environment Agency's Flood Mapping, which means it is at low risk of fluvial flooding. The application site itself lies within an area at very low risk of surface water flooding which means that each year this area has a chance of flooding of less than 0.1%. However, flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. However, the concerns raised by local residents in this regard are fully acknowledged, as given the proposed additional levels of hard surfacing on the application site and the topography of the land to the south-east there is the potential for surface water run off to impact properties downhill.
- 7.39 Under the previously granted planning permission for the two dwellings, the drainage strategy for the site was controlled by a condition, requiring the submission and approval of a foul and surface water drainage scheme, and it is considered reasonable and necessary to repeat such a condition here.
- 7.40 Residents also raise concerns regarding the impact of the proposal on the stability of adjoining land and the potential for land slippage during construction. It is acknowledged that given the topography of the site, the land would be terraced to provide a flat surface to build on, however this is not an unusual construction approach and subject to the construction of appropriate retaining walls, and provided correct building regulation procedures are adhered to, it is not likely that this development would significantly compromise ground conditions so as to cause undue risk to surrounding properties.

Other Matters

- 7.41 To the south of the site, on the opposite side of Bleasby Road is a Grade II listed building, Goverton House and attached pump. The development would be over 140 metres from the listed building, with intervening properties between, and as such would not have any impact on the setting of this listed building.
- 7.42 The site is within a potentially Radon affected area, Environmental Services have advised that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. This can be included as an informative if permission is granted.

Community Infrastructure Levy

- 7.43 The site is located within Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m2 for CIL purposes. Gross Internal floor space of the new dwellings is proposed to be 438.53m2 –as such the total chargeable floor space is 877.06m2. Changes to the CIL rates that came into effect from 1st January 2024 have resulted in an increase in the BCIS Permission Year Index to 381 which results in the total CIL Charge on the development to be: £102,189.56.

8.0 Implications

- 8.1 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

- 9.1 The application site had planning permission for the erection of 2 dwellings, which was granted on 3rd February 2021 (ref 20/02367/FUL). The current proposal, for the erection of 2 dwellings, is the same as the previously approved scheme for 2 dwellings on the site, with only alterations to the internal access driveway and landscaping proposed, as such this application would effectively renew the previous consent. Following a visit to the site, it was confirmed that it has been internally cleared of shrubs and vegetation but apart from the site clearance there have been no material changes in site circumstances since the previous application was permitted. In planning policy terms, there have been no changes to the adopted Local Plan since the previous application was permitted. The guidance contained within the National Planning Policy Framework has since been updated, but there have been no material changes to the guidance, which would result in the proposals receiving a different officer recommendation to that in 2021.
- 9.2 As set out within this report, overall, the proposal is considered to continue to accord with the requirements of Spatial Policy 3 and 7 and Core Policies 9 and 13 of the Amended Core Strategy and DPD Policies DM5, DM7 and DM12. Subject to conditions, the proposal would not result in any adverse impact on the character and appearance of the surrounding area, amenity of surrounding properties, nor would it result in any highways safety impacts or increase risks of flooding. All other material planning considerations have been considered above, and on balance, it is concluded that there are no material reasons why the application should not be granted planning permission, subject to the conditions set out below.

10.0 Conditions

01

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

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

02

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

Location Plan

Proposed Ground Floor Plan Plot 1 and 2 Drawing No. PS2002:2

Proposed First Floor Plan Plot 1 and 2 Drawing No. PS2002:3

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:4

Proposed Elevations Plot 1 and 2 Drawing No. PS2002:5

Proposed Second Floor Plan Plot 1 and 2 Drawing No. PS2002:6

Double Garage Plan and Elevations Plot 1 and Plot 2 Drawing No. PS2002:7

All received by the Local Planning Authority on 21 November 2023

Revised Site Plan and Section Drawing No. PS2002:10

Received 16 April 2024.

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the materials identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details:

Facing materials

Bricks

Roofing tiles

Cladding

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and details of the south-east boundary treatment.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours;

- details of the retaining walls;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials.

Other than soft landscape works (point 1 listed above), all other matters listed above shall be fully completed prior to first occupation of any of the dwellings hereby approved.

Reason: In the interests of visual amenity and biodiversity.

05

The approved landscaping shall be completed during the first planting season following the commencement of the development. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

06

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and be fully completed prior to first occupation of any of the dwellings hereby approved.

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

07

No part of the development hereby permitted shall be brought into use until the private driveway has been widened and surfaced in a bound material to a standard that provides a minimum width of 5.3m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

09

Except for emergency works, no construction or excavation works on site and no deliveries to or removal of waste from the site shall take place outside:

08:00 am to 18:00 pm Monday – Friday

08:00 to 13:00 pm Saturdays

and not at all on Sundays/Bank or Public Holidays.

Reason: In the interests of residential amenity.

10

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

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

Reason: In the interests of residential amenity.

11

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless it is first inspected by a qualified ecologist prior to removal and any nests with young shall be left to fledge prior to any work being commenced.

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

The development hereby permitted shall be carried out in accordance with all recommendations as set out in the Preliminary Ecological Appraisal by BJ Collins – Protected Species Surveyors Ltd - dated February 2024, received by the Local Planning Authority on 20th March 2024 and shall include;

- Removal of hedgerow by hand;
- Any trenches dug should be left with a sloping end or ramp overnight;
- Any pipes over 1050mm in diameter should be capped off at night;
- If hedgehogs are located during works they should be carefully transported to a safe environment outside of the area of works;
- Precautionary working practices for amphibians and reptiles as set out in paragraph 6.2.2.3 of the report.

Reason: In the interest of protected species.

Informatives

01

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

02

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

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

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

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate in £	Indexat ion at date of permiss ion	CIL Charge
Residential	716.48	-	716.48	100	381	£102,189.56.
Totals						£102,189.56.

03

Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site, including minimising any run-off or depositing of materials onto the public highway which should be maintained using best practice methods and wheel washing facilities.

04

This proposal makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

05

“The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.”

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 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
Application Number	23/01857/OUTM		
Proposal	Outline Application for proposed Care Home Development for up to 105 En-Suite Resident Accommodations (Use Class C2) all matters reserved except access.		
Location	E-Centre, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9GW		
Applicant	Millhouse - Mr Douglas White	Agent	Mr Graham Bradford - The Planning & Environment Studio
Web Link	23/01857/OUTM Outline Application for proposed Care Home Development for up to 105 En-Suite Resident Accommodations (Use Class C2) all matters reserved except access. E-Centre Darwin Drive Sherwood Energy Village Ollerton NG22 9GW (newark-sherwooddc.gov.uk)		
Registered	17.11.2023	Target Date / Extension of Time	16.02.2024 / 16.05.2024
Recommendation	Approve, subject to the conditions in Section 10.0 and the completion of a Section 106 agreement		

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

1.0 The Site

1.1 The application site relates to a broadly square plot of land approximately 0.48 hectares in extent to the west of Darwin Drive and north of Burbank Avenue. The site is within Sherwood Energy Village in the urban boundary of Ollerton.

- 1.2 The site as existing forms an areas of car parking and rudimentary landscaping which formed part of the original site remediation and subdivision of the former colliery into developable parcels. The boundary with Darwin Drive is formed of a low knee rail fence. There are some dispersed trees across the site as well as street light infrastructure to serve the informal car parking use.
- 1.3 There are a number of commercial buildings surrounding the site including an office building immediately to the north (which as per the planning history below has prior approval for a change of use to residential). Wider uses in the area include warehousing and light industrial as well as some residential. The parcels of land are designed around a distinctive concentric circle street pattern.
- 1.4 The site is within Flood Zone 1 and at very low risk of surface water flooding according to the Environment Agency maps. The site is within the boundary of the ecological designation Sherwood Forest Special Protection Area (ppSPA).

2.0 Relevant Planning History

Applications affecting the site and the land to the north (where the existing building is):

- 2.1 **12/00441/FUL** - Change of use the existing building to include a health club (Use Class D2) and Beauty Salon (Sui Generis) in addition to the existing office (Use Class B1) and Restaurant (Use Class A3) (Part Retrospective). *Application approved.*
- 2.2 **04/01109/FULM** - Proposed office development. *Application approved.*

Applications just affecting the land to the north (i.e. where the existing building is):

- 2.3 **23/01749/CPRIOR** - Application to determine if prior approval is required as to impacts of the development 'Conversion of ground floor of empty building previously used as office space to 8no. apartments' risks in relation to the building, and/or impacts on intended occupiers of the development (Schedule 2, Part 3 Class MA). *Prior approval required and granted.*
- 2.4 **23/01977/CPRIOR** - Application to determine if prior approval is required for the Conversion of empty building previously used as office space to 7no. apartments under Schedule 2, Part 3 Class MA. *Prior approval required and granted.*

3.0 The Proposal

- 3.1 The application seeks outline consent for the development of a care home (Use Class C2) with capacity of up to 105 resident en-suite bedroom units of varying sizes. All matters except access are reserved which is proposed from Burbank Avenue to the southern boundary.
- 3.2 The application has been revised to remove proposed assisted living units. The indicative layout received through the application submission is therefore no longer

relevant as all units will be delivered in one care home building (which has been increased from 75 to 105 beds following removal of the extra care units).

3.3 The application has been considered based on the following:

- Planning Statement dated October 2023;
- Habitats and Protected Species Report – 2354-PHA dated September 2023;
- HRA Shadow Screening Assessment – 2354-PHA dated September 2023;
- Tree Survey - 2354-PHA dated November 2023;
- Strategic Drainage Statement dated November 2023;
- Site Plan / Location Plan (unreferenced received 18th October 2023);
- Location Plan dated 18th October 2023;
- Highway Technical Note dated February 2024 – RHC-23-339-TN;
- Site Access & Visibility Extents – RHC-23-339-02 dated 01/03/2024.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 47 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.

4.2 Site visit undertaken on 1st December 2023.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
ShAP1 - Sherwood Area and Sherwood Forest Regional Park
ShAP2 – Role of Ollerton & Boughton

5.2 Allocations & Development Management DPD

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

5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections

to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 **Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

District Wide Housing Needs Survey 2020, ARC4

Developer Contributions SPD

6.0 **Consultations**

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

Statutory Consultations

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

6.3 **NCC Highways** – No objections subject to conditions.

Town Council

6.4 **Ollerton Town Council** – Object due to insufficient and inappropriate parking provision on site.

Representations/Non-Statutory Consultation

6.5 **NCC Developer Contributions** – Request a contribution of £45,000 towards improvements to the local public transport network to serve the site and a contribution of £16,200 towards bus stop improvements and a condition for a new bus stop near the site.

6.6 **NSDC Environmental Health (contaminated land)** – Request phased contaminated land condition.

6.7 **NSDC Environmental Health (noise)** – No comments to make.

6.8 **NSDC Community and Arts Manager** – No comments received.

6.9 **NSDC Strategic Housing** – Affordable housing contribution originally requested for assisted living units but the scheme has been revised to a solely Care Home scheme.

6.10 **NSDC Ecology** – No comments received.

6.11 **NHS** – Request financial contribution of £44,625.

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

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Highway Safety
4. Impact upon Residential Amenity
5. Impact on Trees and Ecology
6. Flood Risk and Drainage
7. Developer Contributions

7.2 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

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

7.4 The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy set out in Spatial Policy 1 are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 (Spatial Distribution of Growth) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

7.5 The site is within the urban boundary of Ollerton and Boughton which is identified in the Settlement Hierarchy as a Service Centre. It therefore has a function of acting as a focus for service provision for a large local population and a rural hinterland. ShAP 2 (Role of Ollerton & Boughton) seeks to promote and strengthen the role of Ollerton & Boughton including through the promotion of new housing. This is further supported through Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy).

- 7.6 The proposal is presented as a C2 (Residential Institutions) use for a care home. The most recent Housing Needs Survey (HNS) (2020) by Arc4 indicates that such housing for older people is needed within the District. Particular needs which have been identified in the HNS include the following;
- an additional supply of 1,344 units specialist older person accommodation needed by required by 2033;
 - a minimum of 1% of new dwellings should be built to M4(3) wheelchair accessible standard; and a minimum of 23% all new dwellings should be built to M4(2) accessible and adaptable standard;
 - over the period 2019 to 2035, there are expected to be an additional 2,418 people aged 65 and over with a mobility problem.
- 7.7 Paragraph 63 of the NPPF (2023) specifically references the needs of older people (including housing with care and care homes) as requiring to be assessed and reflecting in planning policies.
- 7.8 The proposed development would assist in contributing towards the above needs in a sustainable settlement and therefore would be supported in principle subject to an assessment against the remainder of the Development Plan.

Impact upon Visual Amenity

- 7.9 Good design is a key aspect of sustainable development and the NPPF sets out that the Government places great importance to the design of the built environment. This expectation is reflected through policies CP9 (Sustainable Design) and DM5 (Design) of the Development Plan and Core Policy 13 (Landscape Character) in terms of the wider landscape implications.
- 7.10 The proposal is for outline permission and therefore the exact visual impacts of the development cannot be known at this stage. However, the proposal relates to a significant amount of proposed floor space and there is a suggestion that the building would have a scale of up to three stories. Clearly, a development of this scale would alter the character of the current site from predominantly open land used informally for parking to a more consolidated development site.
- 7.11 Nevertheless, the site is situated within Sherwood Energy Village which already accommodates a variety of uses including buildings of a considerable scale. The building immediately to the north of the site is 3 stories in height and therefore there is precedent for this scale and form of development in the area. There is nothing to suggest that the built form associated with the proposal would be harmful in character and design terms if the application were to proceed to reserved matters stage.

Impact upon Highway Safety

- 7.12 Spatial Policy 7 (Sustainable Transport) seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety,

convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

- 7.13 The only matter sought for consideration at this stage is the proposed vehicular access. It is intended that the site would be accessed from Burbank Avenue to the south of the site. Although not a matter for consideration at this stage, it is further suggested that there would be staff and visitor spaces for 15 vehicles.
- 7.14 The application has been reviewed by Nottinghamshire County Council as the Highways Authority. Their initial comments raised several concerns namely in relation to a lack of detail for the proposed highways arrangements (including for example visibility splays). The comments also outlined the need for a Transport Statement and indicated that the actual parking requirement for the proposed development would be much greater based on the highways design guide and therefore it should be demonstrated that the site could accommodate such provisions. It is noted that parking provision is the principle concern from the Town Council in their objection to the scheme.
- 7.15 Based on an additional Highway Technical Note provided by the applicant, NCC Highways are now satisfied that the proposed development will not give rise to a severe impact on highway capability or, subject to the access design, an unacceptable impact on highway safety. It is also accepted that the site should have adequate capacity to accommodate the proposed development (a matter which would be subject to a detailed assessment at reserved matters stage should outline permission be forthcoming).
- 7.16 The access arrangements are considered acceptable subject to conditions that the improvement works are carried out prior to the occupation of any development. Details are also required at reserved matters stage in terms of on-site parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage but these could be appropriately shown through the reserved matters submission.

Impact upon Residential Amenity

- 7.17 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.
- 7.18 As existing the area surrounding the site is predominantly commercial in nature. However, as per the site history section above, the building to the north has recently been granted prior approval to change its use to residential apartments. This building is around 40m away from the site boundary which would be a sufficient distance to ensure that the occupiers of the building (if the scheme for residential conversion is implemented) would unlikely be subjected to overbearing or overlooking impacts from the proposed development. Impacts on neighbouring amenity would still require careful consideration at the detailed design stage. It would also be necessary to ensure

that the occupiers of the proposed development had sufficient standards of amenity, namely in terms of habitable rooms being served by adequate daylight and creating an otherwise attractive living environment.

Impact on Trees and Ecology

- 7.19 Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. ShAP 1 (Sherwood Area and Sherwood Forest Regional Park) seeks to maintain and enhance the ecological value of the Sherwood Area.
- 7.20 The application has been accompanied by a Tree Survey and ecological assessments including in relation to the sites position within the buffer zone for the Sherwood Forest proposed potential Special Protection Area (ppSPA).
- 7.21 The site comprises part of a former hardstanding used for car parking and contains habitats comprising of modified and neutral grassland, dry ditch and scattered trees. The trees were planted as part of a formal landscaping for the car park during the construction of the energy village. There are currently 16 individual trees within or within close proximity to the development site including 3 of Category B quality (T1; T4; and T14). There were no trees classified as Category A and other than one Category U tree the rest were considered Category C.
- 7.22 The highest quality specimens are along the southern and western boundaries of the site and therefore could be retained without detriment through the development. There would need to be some tree removal to facilitate the development in the centre of the site, but this would largely relate to willow scrub. Provided the presence and protection of existing trees are taken into account through a detailed scheme, the presence of the existing trees is not considered to be a barrier to development.
- 7.23 In terms of the ecological value of the site, the submitted preliminary ecological appraisal acknowledges that the features of the site have the potential to support breeding birds along with the potential presence for amphibians and reptiles. A series of recommendations and precautionary measures are suggested which could be conditioned were permission to be granted.
- 7.24 The site is located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as a SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by Natural England in their guidance note dated March 2014.
- 7.25 It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all

potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. The first stage of any Habitat Regulation Assessment (HRA) is to identify the likely significant effects or the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

- 7.26 Potential risks associated with the proposal include disturbance to breeding birds from people and traffic. The application has been accompanied by a shadow screening assessment which essentially considers that the site does not contain habitats associated with breeding populations of nightjar and woodlark and that the site is detached from the designated sites by urban and commercial development and a major road network.
- 7.27 On this basis Officers consider that the impact on the population of breeding nightjar and woodlark within the ppSPA is likely to be negligible. In the absence of likely significant effects arising from the development it is not necessary to proceed to an appropriate assessment stage.
- 7.28 Subject to conditions relating to the protection of existing trees and precautionary ecological measures, no specific harm has been identified which would conflict with Core Policy 12 or Policy DM7 (Biodiversity and Green Infrastructure).

Flood Risk and Drainage

- 7.29 Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.
- 7.30 The application has been accompanied by a drainage statement to address at a high level the flood risk and surface water drainage implications of the proposals. Given the outline nature of the proposals the exact drainage details are not yet known but there will be an opportunity to incorporate soakaway drainage and a degree of sustainable urban drainage systems to the site. It is also acknowledged that in the redevelopment of the energy village, there is already a recently laid out drainage infrastructure embedded. Further detail would be required at reserved matters stage but there are no drainage or flood issues which warrant concern at this stage.

Developer Contributions

- 7.31 Spatial Policy 6 and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. They state that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the

detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Affordable Housing

- 7.32 Core Policy 1 (Affordable Housing Provision) provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. The NPPF, at paragraph 66, states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. It does specify, however, that exemptions should be made where the development provides specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly).
- 7.33 Whilst a C2 use would not ordinarily attract an affordable housing contribution a recent High Court Judgement (Rectory Homes Ltd v SSHCLG (2020) EWHC 2098 (Admin)) found that a development for 'housing with care' would fall within C2 use and an affordable housing contribution was nonetheless required. Within the judgement the Judge concluded that although the development would be in C2 Use, the units of accommodation within the development would nonetheless be 'dwellings' for the purposes of the policy. If the units can be used as independent dwellings, (in this case they each had their own front door and private facilities) then they can be considered as "dwellings", irrespective of whether an element of care is provided. Having established that the units were dwellings, the Site was subject to the Policy requirement of affordable housing provision.
- 7.34 The difference between that judgement and the development now proposed is that the care home units would not operate as independent separate dwellings and would instead be individual en-suite bedrooms within a single building. The original application did include 30 supported living units, but these have since been removed from the proposals and would instead be incorporated into the main building as 30 larger units (to allow space for a separated sleeping area to private living area). Full care services would be provided in the same way that the smaller rooms would operate.
- 7.35 On the basis of the revised proposed, it is no longer considered justified to seek an affordable housing contribution for the proposed development.

Open Space

- 7.36 With regard to the children's open space and outdoor sports facilities, considering the proposed occupation of the dwellings, it would not be justified to provide a contribution towards such facilities on this occasion.

- 7.37 In terms of on- site open space, this would be expected to be provided on site with the detailed design of the scheme.

Education

- 7.38 Again, given the proposed occupation, a contribution towards education would not be reasonable. It would however be necessary to restrict the occupation to the elderly population through condition.

Community Facilities

- 7.39 The Council's Supplementary Planning Document (SPD) provides where existing infrastructure exists or where small-scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that *'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'*
- 7.40 The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution.
- 7.41 Discussions have been ongoing with the Town Council in respect to an identified need for increased cemetery provision. The Town Council have already commenced investigations into the costs associated with acquiring additional land and how many plots this could accommodate.
- 7.42 It is noted that a care home facility is likely to have an impact on mortality rates locally. The applicant (through their agent) has confirmed that typically life expectancy within care homes in England is between 2.2 to 7 years (albeit with many variables). Taking best guess estimates based on the size of the proposed facility, and these averages, as well as taking account of the figures provided by the Town Council in terms of the costs associated with a cemetery extension, it is deemed reasonable for the development to make a contribution of £6,000 towards improved cemetery provision in Ollerton. This has been calculated on the basis that it would take around 10 years for the cemetery extension to become full and therefore the developer should make a contribution attributable to the same timeframe.

Health

- 7.43 The SPD is clear that applications for the development of concentrated housing such as residential care homes will need to be assessed for their impact on the local healthcare functions on a case-by-case basis.
- 7.44 The application submission presents that no such contributions should be made because, *"By the nature of care home resident profiles, these are occupied by people*

from the local community, allowing family and friends access and local familiarity to residents. It stands therefore that there would be no material increase in the demands placed on health services". It is further suggested that overall wellbeing is provided to residents on site.

- 7.45 However, the Estates team at the NHS have responded to a consultation request for the application and requested a financial contribution of £44,625 (based on a specific cost for health care projects) towards healthcare provision in the area. The basis for this is that all practices in the area are working at capacity and therefore infrastructure will need to be developed to accommodate the increased population. Three specific practises are identified with the contribution either being towards re-configuration or extension of the existing premises.
- 7.46 The exact figure sought would need to be subject to the number of bedrooms which comes forwards at reserved matters stage but this could be worded into the Section 106.

Transport

- 7.47 Nottinghamshire County Council have provided detail on bus stop infrastructure in the area confirming that the closest existing bus stops are located on Forest Road approximately 500 - 600 metres from the centre of the site.
- 7.48 The development site is served by the government funded 'Nottsbus On Demand' flexible pilot Demand Responsive Transport (DRT) service. The service commenced in 2022 and is funded for up to 3 years to provide wheelchair accessible vehicles offering access to key services including health, shopping, education and leisure within the defined area. Staff, visitors and residents of the development would potentially be able to access the pre-bookable DRT service that will potentially provide access when conventional bus services are not available, such as on Sundays or in the evenings, as well as more direct access to the site than the bus services which operate along Forest Road.
- 7.49 A bus service contribution of £45,000 is requested to be paid which would be used towards covering the operating costs of the DRT service beyond the pilot funding period, indicatively for up to 3 years.
- 7.50 Whilst the request is noted, the original response was lacking in evidencing how this contribution would be attributable solely to this development. Further information has therefore been provided by NCC to confirm that the request is based on a projection of trips to/from the development, with a declining average trip subsidy cost. Calculations have been provided based on a modal share split between the bus and the DRT service. The requested funding is directly related to the subsidy cost projected for the number of trips arising from the development (rather than the whole cost of providing a vehicle) and is therefore considered to be reasonably related to the development.
- 7.51 The comments go on to request £16,200 to be paid to the bus stops on Forest Road

denoted NS0258 and NS0259 The Markhams. This would be to provide real time bus stop pole and display including electrical connections, polycarbonate bus shelter or other enhancements as required. It is stated that real time information is an important factor for non-bus users and is therefore a major driver in encouraging modal shift to public transport and promoting increased confidence.

7.52 There is then a further request for a condition for a bus stop adjacent to the site to be provided. This cannot be imposed as a planning condition because it is outside of the red line site location plan. It is estimated that the costs associated with providing a new bus stop would be £4,200. Officers initially queried with NCC whether both the new bus stop and the upgrade to the existing bus stop are necessary, but it has been confirmed that they would serve slightly separate purposes. The new bus stop would operate on the DRT service whereas the improvements to the Forest Road bus stop would encourage modal share for those that are able to access the conventional bus at this stop.

7.53 Based on the additional evidence provided, it is considered that the requests by NCC are reasonable and directly attributable to the development. They should therefore be secured through the associated Section 106 agreement.

Developer Contributions Conclusion

7.54 The following contributions are deemed reasonable and necessary to make the development acceptable from a planning perspective and will need to be secured by an associated legal agreement:

Contribution Type	Contribution Amount (£)	Associated Trigger
Community Facilities (cemetery provision)	6,000 <ul style="list-style-type: none"> • £390 Monitoring Fee 	80% Occupation
Health	44,625 <ul style="list-style-type: none"> • £390 Monitoring Fee 	60% Occupation
Transport	45,000 (towards on demand bus service) <ul style="list-style-type: none"> • £390 Monitoring Fee 16,200 (towards upgrading existing bus stops) <ul style="list-style-type: none"> • £575 Monitoring Fee 4,200 (towards a new bus stop) <ul style="list-style-type: none"> • £575 Monitoring Fee 	80% Occupation

Other Matters

7.55 The Planning Statement submitted with the application contends that contaminated land matters have been mitigated in advance. However, Environmental Health Officers have requested the standard phased contaminated land condition given that the previous works were carried out many years ago and to an unconfirmed standard.

Noting that the end use would be residential and therefore sensitive to any contamination issues, this is considered a reasonable condition to impose.

8.0 Implications

8.1 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

9.1 The site is within a sustainable settlement where new development is supported in principle noting the role of Service Centres in providing service provision for a large local population and a rural hinterland. The development offers the opportunity to provide much needed accommodation for the elderly population which weighs positively in the overall planning balance.

9.2 Although the exact impacts of the proposal are unknown at this stage, sufficient detail has been provided to demonstrate that the access arrangements would be appropriate. There is nothing to suggest that the detail provided at reserved matters stage would not demonstrate appropriate character; amenity; ecological and drainage impacts.

9.3 The applicant has entered into discussions with the local planning authority to the drafting of an associated legal agreement to ensure that the wider impacts of the development would be appropriately compensated for in relation to community facilities; health and transport (and associated monitoring fees set out in paragraph 7.54). Subject to this agreement, and the conditions outlined below, the recommendation is one of approval.

10.0 Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

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

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

02

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

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

03

Any subsequent reserved matters application for the development hereby permitted shall include detailed plans and particulars relating to the following items:

- i) A detailed layout plan based on the details on plan reference Site Access & Visibility Extents – RHC-23-339-02 dated 01/03/2024 with the associated access, to include all key dimensions including gradients, junction and forward visibility splays and shall be accompanied by the appropriate swept path analysis;
- ii) The layout and marking of car parking, servicing and manoeuvring areas;
- iii) Cycle parking and bin storage facilities;

Reason: To ensure the development is designed to suitable standards.

04

Any subsequent reserved matters application for the development hereby permitted shall include a detailed surface water drainage scheme based on the principles set forward by the Strategic Drainage Statement dated November 2023. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use Sustainable Drainage System throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge shown in a 1 in 1 year.
 - No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: To ensure that the development satisfactorily deals with drainage.

05

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. This must be conducted in accordance with DEFRA and the Environment Agency's '*Land contamination risk management (LCRM)*'

Part A: Site Characterisation

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

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

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing

of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

06

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

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

07

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

- a) an appropriate scale plan showing details of any required protection zones where construction activities are restricted and where protective measures will be installed or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction. This shall include the precautionary measures set out within the Habitats and Protected Species Report – 2354-PHA dated September 2023;
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) details of a person responsible for the management of the protection zones.

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

Reason: In the interests of maintain and enhancing biodiversity.

08

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

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

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

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

09

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

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

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

10

Any subsequent reserved matters application for the development hereby permitted shall include the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

Reason: In the interests of visual amenity and biodiversity.

11

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written permission of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

12

Each of the units/bedrooms hereby approved shall be occupied by at least one person of 55 years of age or older, or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: In line with the intentions of the application and to justify a lack of financial contributions towards education of open space for children and young people.

13

The development hereby permitted relates to the site shown on plan reference Location Plan dated 18th October 2023.

Reason: To define the development.

Informatives

01

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

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

02

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03

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).

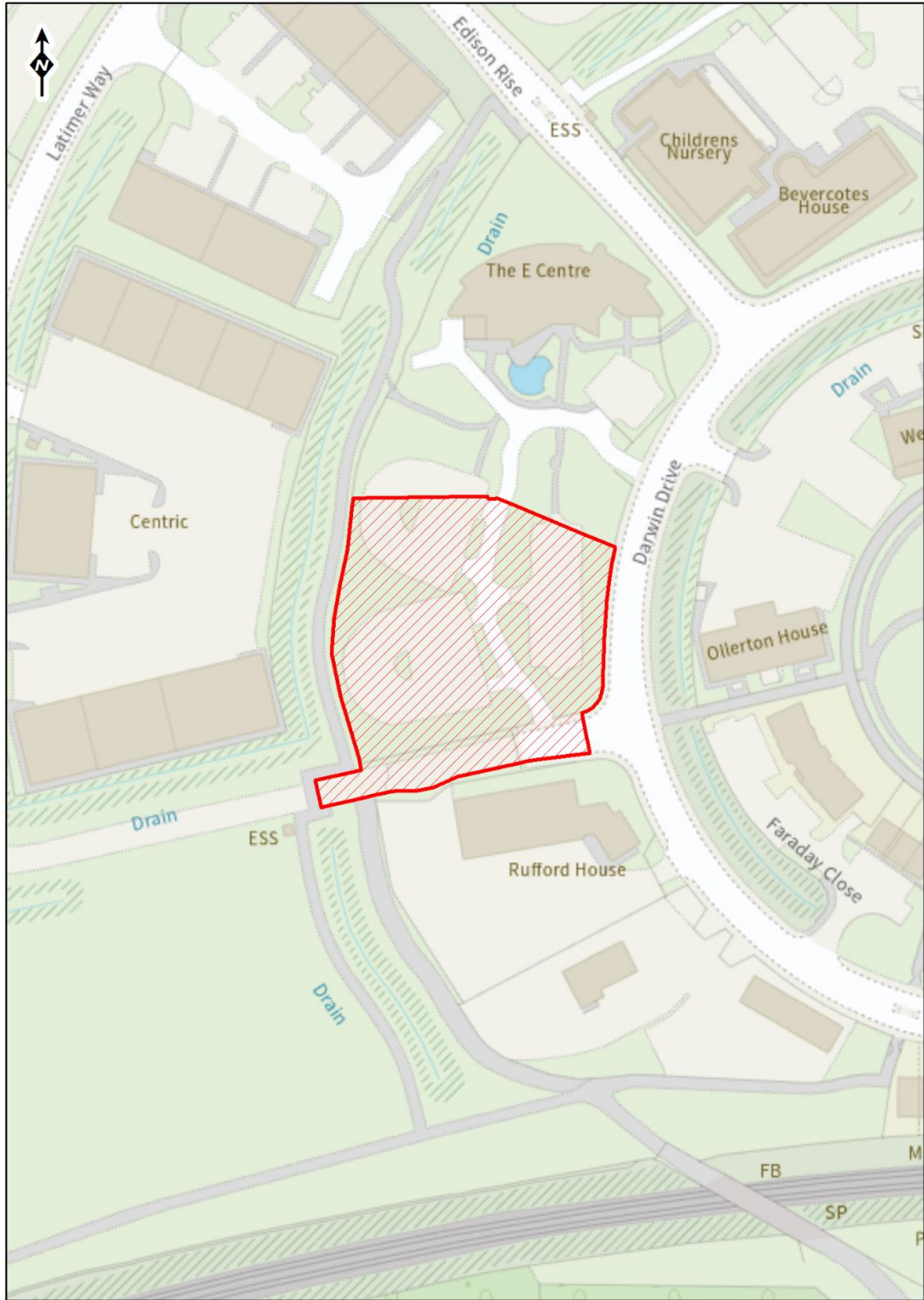
04

The development makes it necessary to improve an existing access on Burbank Avenue, including widening of an existing dropped kerb footway crossing. These works shall be constructed to the satisfaction of the Highway Authority. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed and implemented.

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 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

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

Report Summary			
Application Number	24/00281/FUL		
Proposal	5 New dwellings with parking and associate infrastructure		
Location	Land Off Church Circle, Briar Road, Ollerton		
Applicant	Mr Kevin Shutt, Newark and Sherwood District Council	Agent	Mrs Karolina Walton, Studio-G Associates LLP
Web Link	24/00281/FUL 5 New dwellings with parking spaces and communal cycle store. Land Off Church Circle Briar Road Ollerton (newark-sherwooddc.gov.uk)		
Registered	23.02.2024	Target Date	19.04.2024
Extension of Time:	10.05.2024		
Recommendation	That Planning Permission is APPROVED subject to conditions set out in Section 10		

This application is being referred to the Planning Committee for determination because Newark and Sherwood District Council is the Applicant.

1.0 The Site

1.1 The site is a rectangular shaped plot with access off Church Circle in the settlement of Ollerton. A footpath runs adjacent to the north boundary of the site and is separated from the main part of the site by a metal palisade fence. Beyond this path are a series of bungalows. A dwarf wall with a small access cut through is located around the proposed access part of the site. The remainder of the boundaries are predominately 1.8 m approx. high close boarded fences.

- 1.2 A recent housing development is located to the east and south of the site. This land and the main part of the site used to accommodate the Ollerton Miners' Welfare Centre.
- 1.3 Briar House (a care home) and non-designated heritage asset is located to the west and front of the site. St Paulinus' Church is a Grade II listed building located to the west of the site on a roundabout.
- 1.4 The site is predominately overgrown grass/shrubs. There is a large mature tree located on the boundary of the south west corner of the main part of the site. A number of smaller trees are also located within the site, especially within the proposed access part of the site.
- 1.5 The surrounding area is predominantly residential in nature albeit the doctors surgery and church are located close by.
- 1.6 The site is within Flood Zone 1, which means it is at low risk of main river flooding. It is also approximately 1.4km from the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site, and which is notified nationally as the Birklands and Bilhaugh, and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs). It also sits within the 5km buffer zone of the Potential Special Protection Area (pSPA) relating specifically to the presence of woodlark and nightjar.

2.0 Relevant Planning History

- 2.1. 06/00523/OUTM Erection of new dwellings, provision of football & bowls pitch, changing facility & alterations to welfare annex, relocation of mobile phone mast. (re-submission) – consent 15.06.2006. No reserved matters subsequently submitted and not implemented.

Adjacent land to the south and east:

- 2.2. 14/00669/FULM Erection of 88 no 2, 3, 4 bed 2 storey dwellings and ancillary works – permission 03.12.2014 (land at Ollerton and Beavercotes Miners Welfare). Implemented.

3.0 The Proposal

- 3.1 The application seeks full planning permission to erect five dwellings and a communal cycle store. Plots 1 and 2 would be 3-bed and 2-storey. Plots 4 and 5 dwellings would be 4-bed and 1.5 storey. Plot 3 would be 5-bed and 2-storey. The dwellings would be affordable homes.
- 3.2 The dwellings would all be constructed in Forterra Clumber Red Mixture or similar. Roof tiles would be Russell Grampian slate grey or similar.
- 3.3 The existing low level wall located to the north of Briar House would need to be partially demolished to enable access to the site off Church Circle. The existing palisade fencing located around the boundary of the main part of the site would be

removed.

- 3.4 13 parking spaces and communal cycling storage is proposed within the garden area of each plot. A footpath connection through to the path running along the north of the site is proposed.
- 3.5 Amended plans have been received to address concerns raised by the Highways Officer and Tree Officer. These plans have altered the access arrangements, reduced parking numbers (in line with parking standards), altered bin collection arrangements (so that refuse vehicle can now enter the site) and increased the separation distance to existing trees located outside of the application site.



Extract from 0002 Rev P8 Site Plan and Site Location Plan



Proposed 3D Visual

- 3.6 The following documents have been submitted with the application:

- 0001 Rev P3 Existing Site Plan
- 0002 Rev P8 Site Plan and Site Location Plan
- 0003 Rev P3 3B5P Unit Floor Plans
- 0004 Rev P3 3B6P Unit Elevations
- 0005 Rev P3 4B6P Unit Floor Plans
- 0006 Rev P3 4B6P Unit Elevations
- 0007 Rev P3 5B8P Unit Floor Plans and Elevations
- 0008 Rev P8 Site Sections and Elevations
- 0009 Rev P3 Swept Analysis
- Design and Access Statement (February 2024)
- Arboricultural Report (February 2024)
- Preliminary Ecological Appraisal (PEA) Survey Report (August 2023)
- Habitat Regulations Assessment (19th February 2024)
- Heritage Impact Assessment

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 32 properties have been individually notified by letter. A press notice has been published and a site notice has been placed adjacent to the site.
- 4.2 Site visit most recently undertaken on 09.03.2024.

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 - Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 1 - Affordable Housing Provision
 Core Policy 3 - Housing Mix, Type, and Density
 Core Policy 9 - Sustainable Design
 Core Policy 10 - Climate Change
 Core Policy 12 - Biodiversity and Green Infrastructure
 Core Policy 14 - Historic Environment
 ShAP1 - Role of Ollerton and Boughton

5.2. Allocations & Development Management DPD (2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
 Policy DM2 - Allocated Sites
 PolicyDM3 - Developer Contributions and Planning Obligations
 Policy DM5 - Design
 Policy DM7 - Biodiversity and Green Infrastructure
 Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development
Policy OB/Ho/3 - Ollerton & Boughton – Housing Site 3:

Land at the former Ollerton Miners Welfare at Whinney Lane has been allocated on the Policies Map for residential development providing around 70 dwellings.

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

- *The retention of the existing bowling green and associated facilities either on site as part of the layout of development, or facilitated by developer contribution through provision elsewhere within Ollerton & Boughton;*
- *Developer contributions will be required towards the provision of strategic sports infrastructure within Ollerton & Boughton;*
- *The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime; and*
- *Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.*

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan. However it should be noted that Policy OB/Ho/3 is proposed for deletion as residential units in accordance with the allocation have been completed on site.

5.4. **Other Material Planning Considerations**

National Planning Policy Framework
Planning Practice Guidance (online resource)
Housing Needs Study and Sub Area Summaries 2021
NSDC Parking Standards SPD (2021)
National Design Guide 2021
Building for a Healthy Life Birkbeck D and Kruczkowski S et al (2020)
Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 **Consultations**

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

Statutory Consultations

6.1. Nottinghamshire County Council (Highways) –

The applicant has submitted revised site layout details to address the original concerns raised primarily in relation to the technical design of the proposed site access. The highway authority has no objection to the revised site layout subject to planning conditions relating to pedestrian splays, relocated lamp column, cycle storage and EV charging facilities.

Town/Parish Council (*received prior to the receipt of amended plans*)

6.2. Ollerton (and Boughton) Town Council – Objection on highways grounds.

Representations / Non-Statutory Consultation (*received prior to the receipt of amended plans*)

6.3. Nottinghamshire County Council (Public Rights of Way Officer) -

There is a path running adjacent to the site along the Northern border of the development, and whilst this is not a footpath recorded on the Definitive Map the same principles should apply and the path should be kept clear and not obstructed in any way.

6.4. NSDC Environmental Health (Contamination) – No observations.

6.5. NSDC Conservation Officer – No objection subject to conditions relation to materials and design details.

6.6. NSDC Tree and Landscape Officer – Future tree growth has not been anticipated and there is insufficient room to achieve any reasonable level of retention/new tree planting.

6.7. Three letters of objection received from neighbours/interest parties. Main issues raised relate to:

- Previously advised that this land would not be built on;
- Land should be grassed and left to wildlife or become a usable greenspace to benefit locals;
- Privacy issues;
- Church Circle can't take another exit (access) – limited capacity;
- Existing parking issues;
- Construction work will be disruptive – noise dust, impact on safety of children using footpath adjacent to the site, lack of privacy from construction workers using scaffolding;
- Existing dwellings will overlook the new dwellings.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- Principle of development
 - Housing Mix
 - Impact on Visual Amenity including the Local Interest Building and Setting of Listed Buildings
 - Impact upon Residential Amenity
 - Impact upon Highway Safety, Convenience and Parking
 - Impact on Trees and Ecology
- 7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

- 7.3. The proposal site is located in Ollerton and Boughton, a Service Centre, designated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2, within which housing growth is supported.
- 7.4. The majority of the site is also allocated within a small part of a wider allocated site for residential development, under Policy OB/Ho/3 which states that it would provide around 70 dwellings. The site-specific Policy OB/Ho/3 (stated in full in the planning policy section of this report above), sets out that development on this site will be subject to a number of criteria, including those relating to bowling green facilities, strategic sports infrastructure provision, the positive management of surface water run-off and capacity requirements of the public foul sewer system and waste water treatment works. However, it is noted that Policy OB/Ho/3 is proposed for deletion in the pending Plan Review Publication Version of the Amended Allocations & Development Management DPD (November 2022) as 'development now completed'. This is following completion of application no 14/00669/FULM for the erection of 88 dwellings on land within the majority of the allocated site to the south and east of the site.
- 7.5. As such, it is considered that the specific requirements of this policy have been met and generic site-specific considerations now apply. I note the consultation responses received stating land should be retained as open space. However, there is no protection afforded to this land for this purpose within the Development Plan. As such, the site is located in a sustainable location for new development and is acceptable in principle subject to the site-specific issues set out below.

Housing Mix

- 7.6. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net and also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. The developments are being put forward as part of a five-year building programme by Newark and Sherwood Homes (NSH) to deliver new affordable dwellings across the District to directly meet affordable housing need.
- 7.7. Overall, the proposal would contribute to the need for affordable units that is required in this district as acknowledged by Core Policy 3.

Impact on Visual Amenity including the Local Interest Building and Setting of Listed Buildings

- 7.8. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District and an appropriate form and scale to its context complimenting the existing built environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted. Policy CP14 of the Core Strategy and DM9 of the DPD require continued preservation and enhancement of heritage assets.
- 7.9. The proposed development would be situated within the setting of the Church of St Paulinus (Grade II). The church is a c.1931 parish church constructed for the Butterley Company for the expansion of the colliery village of New Ollerton. The church is designed in a Romanesque style and constructed in dark brown brick with plain tile roofs. As can be seen from Fig.1, the church was placed at the centre of a newly developing housing settlement with roads arranged around it in a radial plan form. In accordance with S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority must pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.



Fig.1 c.1940 OS map [online] (Notts Insight Mapping)

- 7.10. The site It is also located in the setting of Briar House (a non-designated heritage asset labelled the 'Parsonage' in Figure 1 above). Briar House is an early-20th century house, which is considered a non-designated heritage asset as it is associated with the adjacent listed church and illustrative of Arts & Crafts style which was popular in the early-20th century. As set out in the Council's 'Non-Designated Heritage Asset Selection Criteria', the building has historic association, architectural interest and representativeness. The setting is provided by the 20th century housing surrounding the building, the church at the centre of the housing development and the open field to the rear. All of this makes a positive contribution to its significance.
- 7.11. The proposed development represents a form of backland development. Views of the site from public vantage points are therefore limited albeit the site would be visible from the neighbouring dwellings and footpath running adjacent to the north side of the site. All of the land to the rear of buildings fronting Church Circle has already been developed. As such, it is not considered that the principle of a residential development on this site would be harmful to the established character and appearance of the area.
- 7.12. The creation of the access would create a break in the more traditional boundary treatments along Church Circle albeit with acknowledgement that these boundaries have been altered over the years through various developments.
- 7.13. The proposed houses would be a mixture of 1 ½ storey and 2-storey houses. The proposed external materials – red brick walling and grey tiled roofs – would be sympathetic to the surrounding historic built form.
- 7.14. The frontages of Plots 1, 2 and 3 along with parking and landscaping would be visible on entry into the site. The height and scale of the dwellings would not dominate or distract from the adjacent heritage assets, which is illustrated in the Proposed Street View below. Regarding the existing palisade fence, the applicant has confirmed that it is proposed for removal in order to make it open and safer. There would still be a new low level wall dividing footpath and new development, as indicated on the proposed site plan. Proposed landscaping and the impact on existing trees is addressed further in the 'Impact on Trees and Ecology' section below.



Proposed Street View from frontage of Briar House

- 7.15. The Conservation Officer raises no objection to the proposed development subject to conditions requiring the submission and approval of materials and design details, including details of the proposed solar panels in order to ensure that the solar farm specification blends into the backdrop of the roof on which they would sit. A condition requiring details of all proposed means of enclosure is also recommended.
- 7.16. Overall, subject to conditions the proposal would not result in harm to the setting of the listed church of the setting of Briar House and would not result in an adverse impact on the visual amenity of the area in accordance with the aims of Core Policies 9 and 14 or DM5 and 9 of the DPD.

Impact upon Residential Amenity

- 7.17. Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.
- 7.18. Plots 3-5 would sit back to back with the recently constructed dwellings to the east of the site with a garden depth of at least 10.5 metres. Plot 5 would have two bedroom and one bathroom window in its first floor rear elevation facing towards the rear of these existing dwellings. A 21 metre gap minimum has been provided between the rear wall of the proposed dwellings and the rear wall of the existing dwellings which is considered to be a sufficient separation gap to ensure no adverse levels of overlooking beyond typical levels experienced in typical residential areas. There would be no upper floor windows proposed in the rear elevations of Plots 3 and 4.
- 7.19. The submitted site sections show that land levels would broadly be similar and the ridge height of the proposed dwellings would sit below the height of the existing dwellings surrounding the site. As such, it is not considered that any adverse overbearing impact would result.



Rear of recently constructed dwellings to the east of the site

- 7.20. The upper floor windows of the two recently constructed dwellings located to the south of the application site serve non habitable room windows (bathrooms and landing according to the approved plans for this development). The ground floor window on the side elevation of No 8 Barley Close is a secondary window serving a kitchen/diner (according to the approved plans for this development). Plot 5 would sit side onto No 8 Barley Close with a separation of over 3 metres to the shared boundary. Plots 1 and 2 would sit rear onto No 10 Barley Close at a distance of over 15 metres away. The ground floor windows on the side elevation of No 10 Barley Close serve non habitable rooms. Plot 1 would sit side onto the rear of Briar House at a distance of over 15 metres away and would not contain any windows in its west facing side elevation. All of these relationship/separation distances are considered acceptable.



Side of recently constructed dwellings to the south of the site

- 7.21. The occupants of the proposed dwellings would be provided with adequate usable private garden areas – the relationship with trees is addressed further in the relevant section below.
- 7.22. The development would create vehicle movements past the side of Briar House. Due to the separation gap and frequency of expected movements, it is not considered that this would give rise to unacceptable levels of noise or disturbance.



Position of proposed access off Church Circle, adjacent Briar House

- 7.23. Overall, it is considered that the proposed development would not result in an adverse impact on living conditions in accordance with Core Policy 9 and policy DM5 of the DPD.

Impact upon Highway Safety, Convenience and Parking

- 7.24. Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. It also requires proposals to provide safe, and attractive accesses for all, including the elderly and disabled, and others with restricted mobility. Policy DM5 of the DPD also requires the provision of safe access to new development and appropriate parking provision.
- 7.25. Parking standards would be complied with in terms of the quantum and size of proposed parking spaces. The Highways Officer raises no objection subject to a number of conditions including ensuring the access and parking are provided prior to the occupation of the proposed dwellings. The revised site layout proposes an access which meets width requirements set out in the Nottinghamshire Highway Design Guide. Adequate turning within the site is also proposed in the revised site layout plan, enabling refuse vehicles to serve the proposed development. A lamppost would require relocating, and this is a matter that would need to be agreed with Nottinghamshire County Council in order to comply with the recommended conditions.
- 7.26. Overall, it is considered that the application accords with the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Impacts on Trees and Ecology

- 7.27. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD

states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Trees

- 7.28. An Arboricultural Report and Impact Assessment has been submitted with the application. This identifies 14 trees located either within or close to the application site. 10 of these trees are young self set sycamore trees which have been Graded as Category C trees. The submitted report states that all of these trees are proposed for removal to facilitate the proposed access to the site. There is no objection to their loss provided that adequate replacement planting is proposed. Whilst the scope for replacement planting is somewhat limited, it is considered that the proposed site layout has sufficient space available to accommodate a suitable soft landscape scheme. This is a matter that can be dealt with by planning condition with final details to be approved in writing in consultation with the Council's Tree and Landscape Officer.



Trees proposed for removal around position of proposed access

- 7.29. There is also a Category B sycamore tree located to the front of Briar House. There are two Category B mature robinia trees located in neighbouring gardens to the rear of No 20 Alder Grove to the north which slightly overhang the proposed development site (over the footpath that runs along the north edge of the site). There is a Category C mature poplar tree located to the rear of Briar House which partly overhangs the application site.
- 7.30. None of these trees are protected and the submission documents do not propose any works to these four trees. The revised site layout plan has moved Plot 3 further away from the robinia trees in light of comments received from the Tree Officer and in order to better accommodate growth expected in their 40+ year life expectancy. Whilst the poplar tree would overhang the rear garden of Plot 1, its patio area immediately adjacent to its rear elevation would remain clear and given that this tree has a more limited life expectancy of 20-40 years, it is not considered that future growth would represent a significant issue for occupiers of this dwelling. The sycamore tree to the front of Briar House would overhang the proposed access slightly. Impacts of the construction of the proposed development in particular the need to have regard to the proposed retention of all of these trees and this is a matter than can be controlled

via a condition to ensure the submission and approval of tree protection measures prior to the commencement of development.



Mature trees on adjacent land (2 robinias to the north of the site and 1 poplar to the rear of Briar House)

Ecology

- 7.31. A Preliminary Ecological Appraisal has been submitted which concludes that the proposed development would not result in any adverse impact upon any protected species and no further surveys are recommended. Mitigation measures proposed relate to site clearance works taking place outside the bird breeding season and hedgehog friendly landscaping which can be controlled by planning condition.
- 7.32. Consideration of the potential impact of the proposed development upon the Potential Special Protection Area (pSPA) and the conservation of woodlark and nightjar would also be required.
- 7.33. This planning application was submitted prior to the mandatory requirement for 10% Biodiversity Net Gain (BNG) to be demonstrated on small scale development sites.
- 7.34. The site is located with Natural England's (NE's) Indicative Core Area (ICA) within which the need for the impact on the potential Sherwood Forest Special Protection Area (pSPA) for its breeding bird (nightjar and woodlark) needs to be considered. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. The site is also located just over 2km to the southeast of the Birkland and Billaugh Special Area of Conservation (SAC).
- 7.35. It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on these designations including breeding nightjar and woodlark populations have been adequately avoided or minimised as far as possible using appropriate measures and safeguards. Whilst there would be no direct impacts resulting from the proposal, in terms of indirect impacts there is a potential for greater recreational pressure on these areas. It is however acknowledged that many of these areas are managed which would mean that in many cases, dog walkers etc. would keep to established routes.

- 7.36. The first stage of any Habitat Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.
- 7.37. The application has been supported by a 'Habitat Regulations Assessment and Appropriate Assessment' and represents a shadow HRA. This has screened the proposed development and concludes that that no LSE is expected from the development. Therefore Stage 2 of the HRA: and Appropriate Assessment is not required. It is considered that adequate information been submitted and the Council has therefore adopted the submitted shadow HRA.

Overall

- 7.38. It is considered that the proposed development would not result in an unacceptable loss or damage to existing trees that cannot be mitigated through the imposition of appropriate planning conditions including the provision of a landscape scheme. Nor would the proposed development result in an adverse impact upon protected species in accordance with the aims of Core Policy 12 and Policy DM5.

8.0 Implications

- 8.1. 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

- 9.1. The site is located within Ollerton where the principle of the development can be considered acceptable. The proposed development is considered with regards to its impacts on the character of the area, tree and ecology impacts, highways impacts and impacts upon existing neighbours and future occupiers. As such, the proposed development is considered to accord with the aims of the relevant local and national planning policy.

10.0 Conditions

01

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

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

02

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

- 0002 Rev P8 Site Plan and Site Location Plan
- 0003 Rev P3 3B5P Unit Floor Plans
- 0004 Rev P3 3B6P Unit Elevations
- 0005 Rev P3 4B6P Unit Floor Plans
- 0006 Rev P3 4B6P Unit Elevations
- 0007 Rev P3 5B8P Unit Floor Plans and Elevations

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity including the setting of the listed building.

04

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

- Ridge, verge and eaves details
- Specific details of solar panels

Reason: In the interests of visual amenity including the setting of the listed building.

05

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

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

proposed finished ground levels or contours;

lighting details;

existing and proposed boundary treatments including types, height, design and materials;

hard and soft surfacing materials.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and a wildlife friendly' landscape design having regard to the recommendations set out in section 7 'Biodiversity Enhancement' of the Preliminary Ecological Appraisal (PEA) (August 2023 by Estrada Ecology).

Reason: In the interests of visual amenity and biodiversity.

06

The approved hard and soft landscaping scheme (as required by the condition above) shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

07

Notwithstanding the submitted details, no works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations / hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

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

08

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

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

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

09

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 638-SGA-354-SL-DR-A-0002 Rev P7). The access/parking/driveway/turning areas shall not be used for any purpose other than movement/parking/turning/loading/unloading of vehicles.

Reason: In the interests of highways safety and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

10

No part of the development hereby permitted shall be brought into use until a hard surfaced dropped kerb footway crossing to serve the driveway from Church Circle is available for use and has been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Such a scheme shall include relocation of the existing streetlight which results from the introduction of the proposed site access.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays have been provided on both sides of the site access onto Church Circle in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such splays shall be kept clear of obstructions above a height of 0.6m above carriageway level and shall be maintained for the life of the development.

Reason: In the interests of highway safety.

12

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 8m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

Reason: To ensure deleterious material from the site is not deposited on the public highway causing dangers to road users in the interests of highway safety.

13

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles, provision of secure cycle equipment storage facilities and electric vehicle charging facilities in accordance with the approved plans. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Reason: To promote sustainable travel.

14

No gates shall be erected at the vehicular access to the development.

Reason: In the interests of highway safety.

15

No site clearance shall be undertaken during the bird nesting period (beginning of March to end of August inclusive). This is unless the site is first inspected by a suitably qualified ecologist and a report submitted and approved in writing by the Local Planning Authority prior to such works taking place.

Reason: To ensure that adequate provision is made for the protection of nesting birds and/or protected species on site.

Informatives

01

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

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

02

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

03

Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

04

There is a path running adjacent to the site along the Northern border of the development. Whilst this is not a footpath recorded on the Definitive Map the same principles should apply and the path should be kept clear and not obstructed in any way.

05

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them on via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com

06

The development makes it necessary to alter a vehicular crossing and relocate a streetlight on Church Circle. These works shall be constructed to the satisfaction of the Highway Authority. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed and implemented.

BACKGROUND PAPERS

Application case file.



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Report to Planning Committee 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planning Officer, 01636 655326

Report Summary			
Application No.	24/00064/FUL		
Proposal	Creation of car park. Erection of fence and associated works.		
Location	Heathcotes Enright View, 1 - 4 Enright Close, Newark On Trent, NG24 4EB		
Applicant	Mr Spencer Pankow	Agent	Jackson Design Associates Mr Leeven Fleet
Web Link	24/00064/FUL Creation of car park. Erection of fence and associated works. Heathcotes Enright View 1 - 4 Enright Close Newark On Trent NG24 4EB (newark-sherwooddc.gov.uk)		
Registered	10.01.2024	Target Date	11.03.2024 EOT: 16.05.2024
Recommendation	That planning permission be Approved as set out in Section 10.0 below		

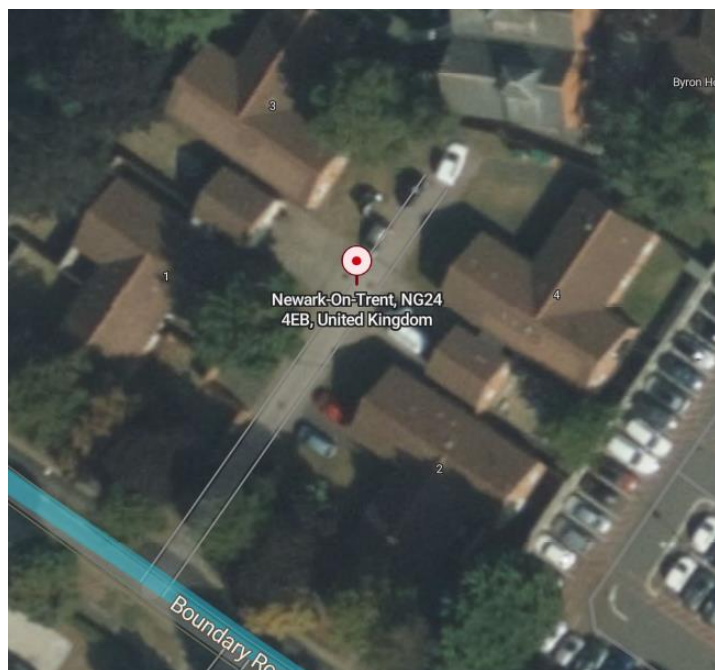
This application is being referred to the Planning Committee for determination by the local ward member, Councillor David Moore due to concerns over the loss of trees.

1.0 The Site

1.1 The application site comprises of 1-4 Enright Close which consist of 4 red brick bungalows with concrete tiled roofs. There are two bungalows each side of the site. The site is situated adjacent to Newark Hospital Car Park. Down the centre of the site is a private drive with each of the bungalows having its own drive/parking areas. The site is accessed off Boundary Road in Newark on Trent and falls adjacent to the Newark Conservation Area. The boundary is bounded by close boarded fencing measuring approximately 2m in height with some mature trees along the boundary. The supporting statement submitted with the application states that the bungalows are

owned by Ivolve Care and the bungalows are for supported living.

- 1.2 The site lies within flood zone 1 according to Environment Agency flood maps, which means it is at lowest risk of fluvial flooding. The site is at very low risk of surface water flooding.
- 1.3 The parking area is situated within the area identified below with the pin.



2.0 Relevant Planning History

- 2.1 **21/02517/FUL** - Conversion and change of use of existing residential care facility (C2a) to create 5 supported living apartments (C3a) with associated communal areas. (Permitted 06.01.2022)
- 2.2 **12/01126/FUL** - Change of use from C2 (residential institution) to C2a (secure residential institution), including refurbishment, boundary fence and minor glazed linked extension. (27.09.2012)
- 2.3 **01870207** - Erection of four bungalows (Permitted 25.05.1987)

3.0 The Proposal

- 3.1 The proposal seeks planning permission to create a shared carpark at the front of the site utilizing the existing access off Boundary Road. The private driveway down the middle of the 2 pairs of bungalows would be turned into additional green space with newly planted trees. The existing car parking area provides parking off Enright close with two spaces between each of the bungalows, with two spaces at the end of the close for a total of 6 spaces one of which is designated for disabled parking. The Close measures approximately 43.7m long by 4.7m of hardstanding with 6 parking spaces off the close.
- 3.2 The new car park would measure approximately 22.2m by 19.1m and would consist

of two disabled spaces, 4 spaces with EV charging and one standard parking space. The supporting statement states that the car park would provide shared parking for staff and visitors. The scheme has been revised since initial submission to provide a turning area, so it is possible to leave the site in a forward gear. The car park would provide a total of 7 spaces. The existing double gates to the site are proposed to be removed for easier access to the designated parking and new secure pedestrian gates will be installed in order to maintain security.

Existing Layout



Proposed Layout



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 12 properties have been individually notified by letter and a site notice was displayed expiring 06.02.2024 and an advert has been published in the press

expiring 15.02.2024.

4.2 Site Visit carried out 19.03.2024.

5.0 Planning Policy Framework

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

- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

5.2. Allocations & Development Management DPD (2013)

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

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined.

5.4. Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance

6.0 Consultations and Representations

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

Statutory Consultations

6.2. **Nottinghamshire County Council (Highways)** – The pedestrian splays shown on the plan should be constructed in the same material as the main driveway. These details and the detailed design of the amended dropped kerb footway crossing onto Boundary Road, can be dealt with at the detailed access design stage.

It is noted that parking bays bound by fences are shown as having widths of 3m on the site layout plan. However, the width when measured to the fence line is circa 3.3m which is appropriate provided that the fences are constructed no closer to the bays than shown on the submitted plan. The highway authority therefore has recommended conditions should the application be approved.

Town/Parish Council

6.3. **Newark Town Council** – Object to the proposal and supports the observations of the Highways Authority. They cannot support the loss of trees that would require felling on the site and consider there to be ample hard standing areas on the site already,

that can be adapted for parking provision.

Representations/Non-Statutory Consultation

- 6.4. **NSDC, Conservation** - No objection.
- 6.5. **Cadent Gas** – No Objection informative note required.
- 6.6. Neighbour & public consultations – No other third-party representations have been received.

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The key issues are:
 - 1. Principle of development
 - 2. Amenity
 - 3. Highway Safety
 - 4. Impact upon Character
- 7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, as stipulated in paragraph 205 of the NPPF. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Policies CP14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) of the Council's LDF DPDs offer additional advice on the historic environment.
- 7.4. Principle of Development
- 7.5. Policy DM5 (Design) of the DPD sets out the criteria by which all new proposals should be assessed and includes (but is not limited to): access, parking, amenity, local character, and distinctiveness (proposals should reflect scale, form, mass, layout, design, and materials), biodiversity and flood risk management.

Impact on the Visual Amenities of the area including heritage impact.

- 7.6. Policy DM5 requires any new development to achieve a high standard of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character.
- 7.7. The Council's Conservation team has been consulted, due to the site adjoining the Newark Conservation Area, and they have confirmed that the proposed development is not considered to impact upon the character and appearance of the conservation area. The proposed new fencing to delineate the new carpark will sit within the site. The site is already enclosed around its outer boundary with similar close boarded fencing along the boundary which bounds Boundary Road. As such it is considered that there will be little discernible change from within the conservation area (CA) or in wider views of the CA. I concur with the conservation officer that the proposal is unlikely to make any discernible change to the character of the wider area. The site already has fencing around the perimeter measuring approximately 2.0m in height.
- 7.8. Section 12 of the NPPF refers to achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 139 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.
- 7.9. The proposal would involve the creation of a carpark for staff and residents living at the supported living facility. The car park would extend existing hard standing which currently forms the Close between the bungalows. The proposed additional area for a car park would be hard bound in tarmac and surrounded by timber close boarded fencing to maintain security on-site. With this in mind it is not considered that the proposal would adversely impact upon the character of the area, nor would the proposal be harmful to the adjoining conservation area. The chosen fencing and materials are considered to be in keeping with the existing site and would make little discernible change to the appearance of the site. As a result of creating the small area of additional car park a large portion of hard standing (approximately 19.8m by 8m) which currently forms the close bungalows through the site, would be changed to green space with additional tree planting.
- 7.10. Overall, it is considered the proposed car park and fencing would be acceptable and would not be harmful to the character and appearance of the area and conservation area.

Impact upon Residential Amenity

- 7.11. Policy DM5 of the DPD states that planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.12. The proposal is for a car park for the supported living facility, the proposals would create a carpark with fencing around the edge to maintain site security is not considered to impact upon adjoining neighbour amenity i.e. those residents outside

of Enright Close. The site already has c2m close boarded fencing around the outside of the site and the new fencing would be further into the site away from neighbouring dwellings. Furthermore, the creation of the car park would involve laying a hard bound surface which would not result in overbearing, overshadowing or impacts upon privacy.

- 7.13. In relation to the new fencing being installed around the car park, this would measure 2m in height. It is noted that the fencing would be close to the frontages of Bungalow 01 and Bungalow 02, both of which do have windows on their front elevations. Having measured the distance from the frontage of the bungalows to the fencing there would be c3.9m of spacing with a small lawned area to the front of the dwellings. I consider this to be an acceptable distance and do not consider this to be harmful to amenity. The fencing through the middle of the new green space on site would be c7.85m away from the frontages of bungalow 03 and 04 therefore is not considered to be overly harmful to the amenity of the bungalows.
- 7.14. With the above in mind, I am of the view that the proposals would not result in adverse impacts to residential amenity.

Impact upon Highway Safety

- 7.15. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.16. The proposal would involve creating a car park at the front of Enright Close which would have pedestrian access to the site through two separate gates as the site would be divided into two wings an east and a west wing consisting of 2 bungalows on each side separated by secure fencing. The proposal would involve creating 7 parking spaces including 2 disabled spaces and 4 with electric vehicle charging facilities. The Highways Authority has been consulted and support the application subject to conditions. The spaces are all considered to meet parking space standards and the site provides a turning area to be able to leave the site in a forward gear.
- 7.17. The Design and Access Statement states that the site currently has 5 parking spaces and 1 disabled space, making a total of 6 spaces which are used by staff and visitors given the residents of the bungalows are not able to drive. The original scheme sought to provide 8 spaces including 4 bays with electric vehicle chargers, 2 disabled bays and 2 additional parking spaces. This has had to be reduced to 7 losing one of the additional spaces to a turning bay following a holding objection from the Highways Authority as well as alterations to the widths of the spaces. Revisions have been made which now address the concerns raised by the Highway's Authority subject to conditions.
- 7.18. With the above in mind, I consider the proposal to now be acceptable in terms of highway safety and parking and in accordance with Spatial Policy 7 of the Core Strategy (as amended) and Policy DM5 of the Allocations and Development Management DPD.

Impact upon Trees

- 7.19. Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Para. 136 of the NPPF also explains that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that existing trees are retained wherever possible.
- 7.20. The site falls outside the conservation area. As part of the proposal four trees on the southwest side of the site would be removed and one tree within the centre of the site and one tree on the west side of the site. 5 of these trees are labelled as category C trees and 1 is labelled as Category U within the supporting arboricultural survey.
- 7.21. The Tree and Landscaping Officer has been consulted and objects to the proposal advising that he does not consider the survey to be sufficient and that the mitigation proposed is unlikely to be viable.
- 7.22. Having assessed the proposal, whilst I note the concerns from the tree officer, the proposal would involve breaking up the existing tarmac hard standing and creating a new green space of approximately c225m² within the site which would involve mitigatory planting of new trees. When subtracting the additional hardstanding being created for the carpark the total additional green space would amount to approximately 79.9m². Full details of soft landscaping have been submitted however it is not considered that the submitted scheme is sufficient to mitigate the loss of trees. However, an alternative mitigation scheme could be secured by condition. Whilst the trees would not be in the exact same locations as the existing trees, it is considered that the overall green infrastructure of the site would be improved subject to appropriate mitigatory planting scheme being submitted. Furthermore, the site falls outside the conservation area and therefore the trees to the front of the site do not require consent for removal. Given that they are category C and U trees it is not considered they would be of a condition to warrant a TPO. Therefore, subject to condition of an alternative mitigation planting scheme I consider the proposal acceptable.

8.0 Implications

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

9.0 Planning Balance and Conclusion

- 9.1. The proposed development is considered acceptable in terms of the impact on the visual amenities of the area and conservation area, impact upon residential amenity, highway safety and trees. Therefore, there is no reasons identified why the application should not be approved. The proposal is considered to accord with Spatial Policy 7

(Sustainable Transport), Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Amended Core Strategy and policies DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD, adopted 2013 as well as the NPPF which is a material planning consideration. It is therefore recommended this application be approved subject to conditions in Section 10 of this report.

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 built in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan Drawing 23 2508 LP1
- Proposed Site Layout and Site Elevations 23-2508-(02)-001 Rev P04
- Tree Protection Plan REF: AWA5779AMS

Reason: To ensure that the development is retained in the agreed form approved by the Local Planning Authority when determining the application.

03

The materials to be used in the construction of the boundary treatment (fences) of the development hereby permitted shall be as stated in the application.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 23-2508-(02)-001 Rev P04). The parking/driveway/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety

05

The development hereby permitted shall not be brought into use until the driveway/parking/turning areas are surfaced in SMA (stone mastic asphalt) in accordance with the email dated the 25th April 2024. The driveway/parking/turning areas shall be maintained in the bound materials for the lifetime of the development.

Reason: In the interest of highway safety.

06

No vehicular access gates shall be erected.

Reason: In the interest of highway safety.

07

Prior to first occupation/use of the development hereby approved, details of compensatory soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

Reason: In the interests of visual amenity and biodiversity and to compensate for the trees to be lost to facilitate the development.

08

The approved soft landscaping shall be completed during the first planting season following the first use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which within a period of five years of being planted die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species. All tree shrub and hedge planting shall be carried out in accordance with BS 3936 – 1992 Part 1-Nursery Stock- Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry; Bs4043 1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

Informatives

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them on via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com

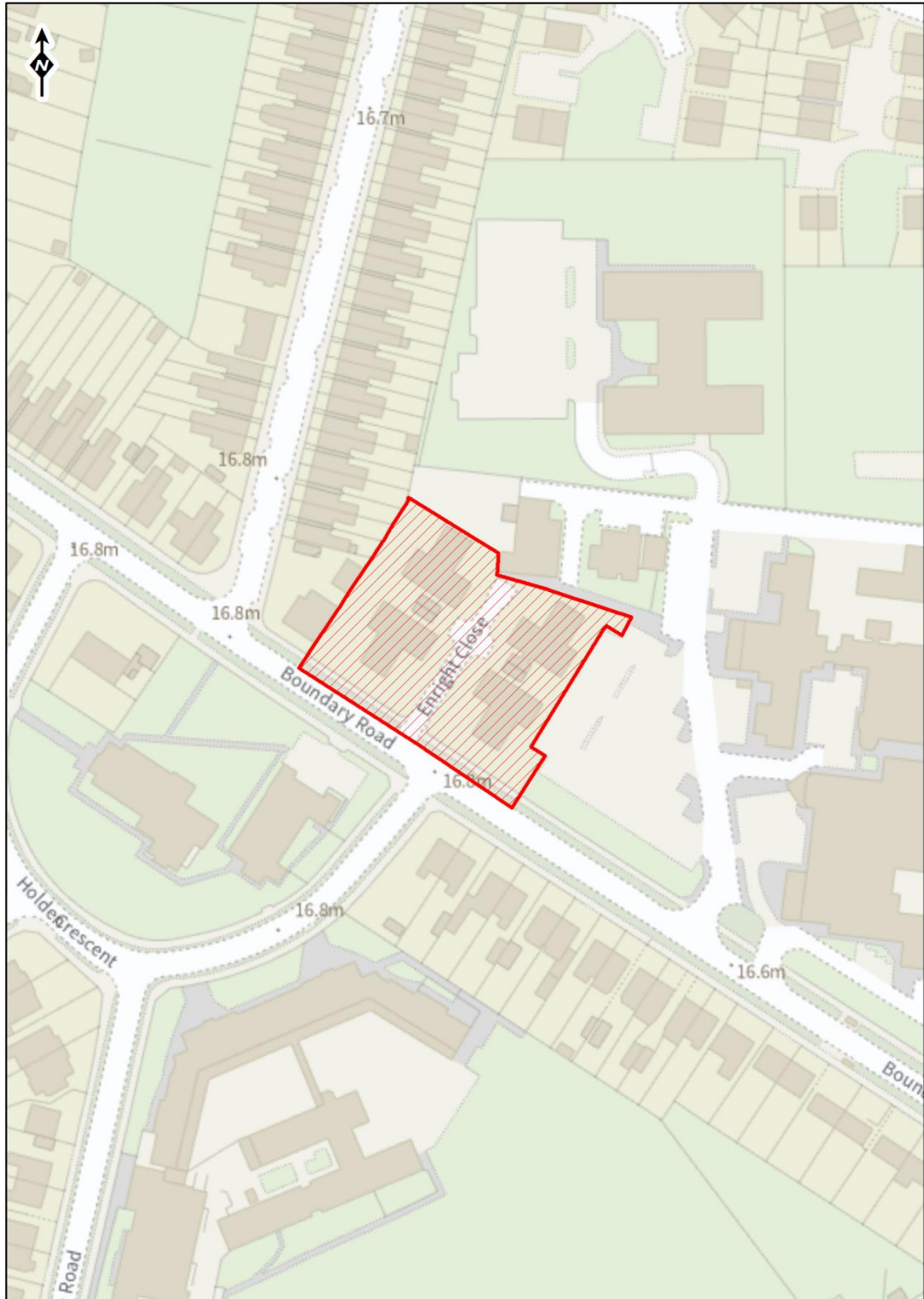
04

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planning Officer, 01636 655326

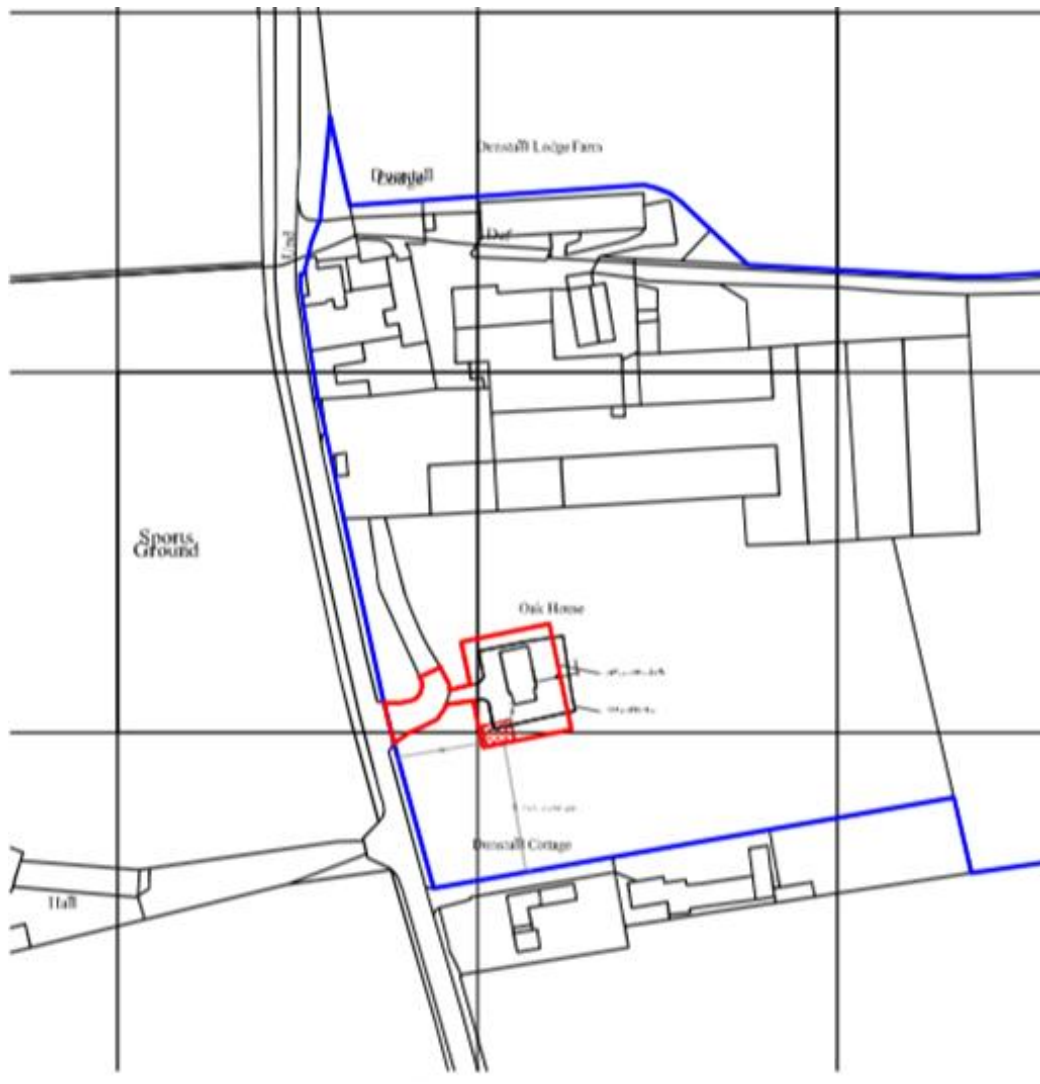
Report Summary			
Application No.	24/00150/HOUSE		
Proposal	Erection of garage with playroom/home office above		
Location	Oak House, Grassthorpe Road, Sutton On Trent, NG23 6QX		
Applicant	Mr + Mrs William Walker	Agent	Landyke Ltd - Mr David Manning
Web Link	24/00150/HOUSE Erection of garage with playroom/home office above Oak House Grassthorpe Road Sutton On Trent NG23 6QX (newark-sherwooddc.gov.uk)		
Registered	23.01.2024	Target Date	20.05.2024
Recommendation	That planning permission be REFUSED for the reasons set out in Section 10.0 of the report.		

This application has been referred to the Planning Committee for determination by the Ward Member, Councillor Sylvia Micheal, as the actual property was approved because of a proven need for an agricultural dwelling and the proposed building is sited in its proposed position because of the positioning of underground heat source pipes.

1.0 The Site

1.1 The application site is situated on the east side of Grassthorpe Road, opposite the Sutton on Trent Sports and Social Club and in an open field between the main farm buildings of Dunstall Lodge Farm to the north and Dunstall Cottage to the south. The site is situated in the open countryside to the north of Sutton on Trent village. The site is occupied by a two-storey detached agricultural workers dwelling, set back from the road and built of red brick with a pantile roof. It is served by a private drive to the front and a turfed garden to the rear and is enclosed on all sides by a post and rail fence. It should be noted that the existing positioning of the post and rail fence does not correspond with the red line plan approved under the original planning permission

which defines the associated residential land approved to serve the dwelling. The plan below shows the land approved with the dwelling outlined in red, whereas the black line shows the existing position of the existing fence on the ground.



- 1.2 The site lies within Flood Zone 1 according to Environment Agency flood maps, which means it is at lowest risk of fluvial flooding. The site is at very low risk of surface water flooding.

2.0 Relevant Planning History

11/00611/FUL - Erection of new farmhouse for agricultural worker (Permitted 13.07.2011) – with permitted development rights for extensions, alterations to the roof, porches and outbuildings removed by condition.

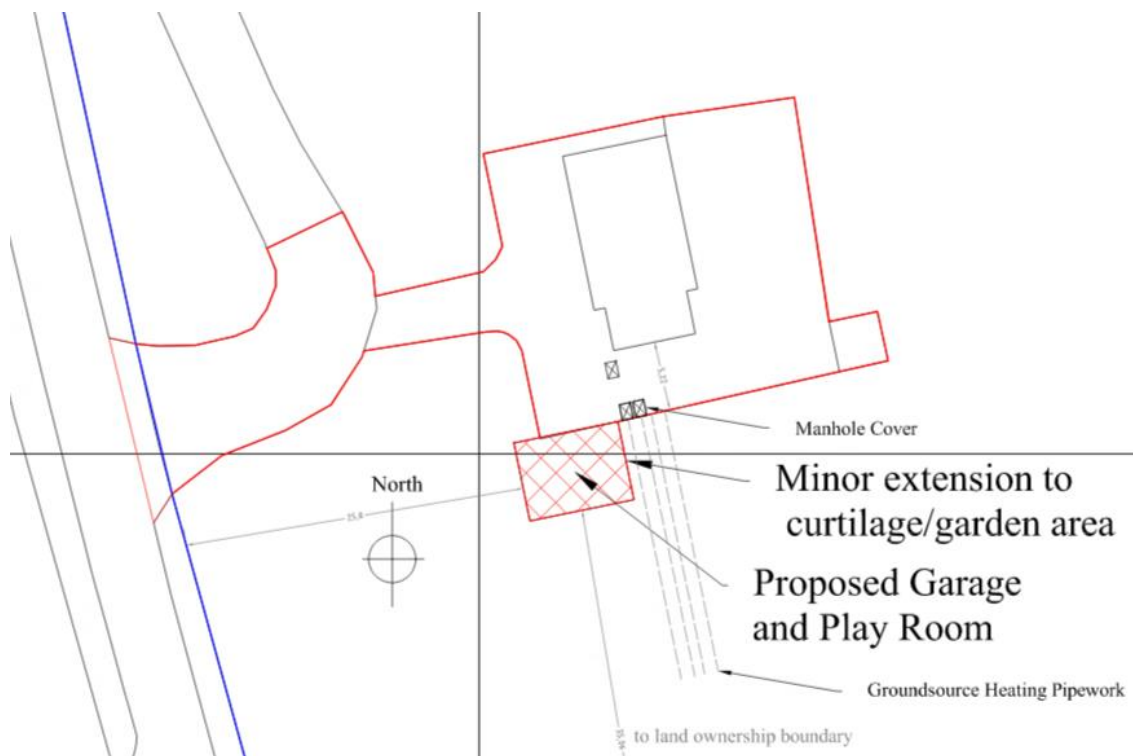
10/00762/OUT - Outline planning application for new dwelling for essential agricultural worker (Permitted 16.08.2010)

3.0 The Proposal

- 3.1 The proposal seeks planning permission for a two-storey outbuilding forward of the principal elevation of the host dwelling which would contain a double garage at the

ground floor and playroom / home office above. The position of the proposed garage is shown shaded red on the above site plan and is shown within the associated residential land approved with the dwelling but outside the existing fencing. The building would be positioned 5.4m south of the dwelling.

- 3.2 The building would measure c9m in length by c6m wide and the height of the building would be c4.15m to the eaves and c5.88m to the ridge. There would be two garage spaces served by two garage doors and narrow room served by a pedestrian access door on the ground floor front elevation. There would be one small window on the ground floor east elevation serving the ground floor room leading to the internal stairs. The upper floor would have two windows within each gable ends in the east and west facing elevations. There are two windows at eaves level with small, ridged features above that sit above the garage openings in the north-facing elevation.
- 3.3 The materials of the proposed garage and playroom/office building would be bricked to match the host dwelling with red pantile roof to also match the host dwelling with green painted timber doors and windows to match the dwelling. The extended part of the drive to the front of the garage would be stoned surface such as existing.



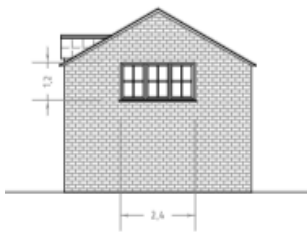
East Elevation



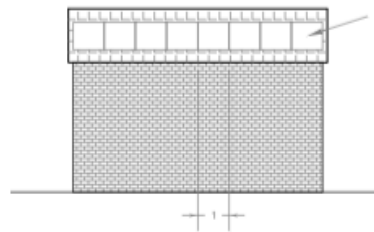
North Elevation



West Elevation - Front



South Elevation



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 3 properties have been individually notified by letter.
- 4.2 Site Visit undertaken 14 March 2024.

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 13: Landscape Policy

5.2. Allocations & Development Management DPD (2013)

- Policy DM5: Design
- Policy DM6: Householder Development
- Policy DM8: Development in Open Countryside
- Policy DM12: Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Householder Development SPD 2014
- Landscape Character Assessment SPD 2013
- Residential Cycling and Car Parking Standards SPD 2021

6.0 **Consultations and Representations**

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

Statutory Consultations

6.2. None

Town/Parish Council

6.3. **Sutton on Trent Parish Council** – Support

Non-Statutory Consultations/Representations

6.4. No third-party representations have been received.

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

7.1. The key issues are:

1. Principle of Development
2. Impact on Visual Amenities and Landscape Character
3. Impact upon Residential Amenity
4. Impact upon Highway Safety

7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

- 7.3. The District contains a significant rural housing stock, some of which is restricted to occupation by rural workers only through planning conditions. The reduction in market value of dwellings subjected to such conditions makes them more accessible to traditional lower paid rural workers. Such houses are also generally modest in size to keep them accessible to rural workers in perpetuity. Proposals for new such dwellings are required to demonstrate a functional and financial need in relation to the operation being served. Similarly, then, the scale of extensions/additions to an existing agricultural workers dwelling should also be commensurate with the needs, and the ability of the operation it serves to fund them and therefore need to be assessed in the same way. This requirement is set out in Section 2 of Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD, where it is generally accepted that agricultural workers dwelling would likely be located in the open countryside, as an exception to the normal highly restricted policy of new general market dwellings.
- 7.4. The planning application that was granted for this dwelling in 2011 had to undergo this significant level of scrutiny in order to justify its original approval and it was successfully demonstrated that there was a functional need for a dwelling (184 sqm of floorspace) in association with the existing farm and that the enterprise was able to financially sustain that size of property.
- 7.5. The proposed outbuilding would add an additional total floorspace of 87.55 sqm to the dwelling. Whilst it is considered that it would be reasonable for a dwelling to seek garaging provision, and for which the functional and financial tests need not be applied, the proposed building also proposes first floor accommodation which is suggested to serve as a playroom/office. No supporting information has been submitted with the application to demonstrate that there is both a functional and financial need for this additional floorspace in relation to the agricultural operation it serves.
- 7.6. The application submission has not demonstrated that there is a need for the proposed playroom/office commensurate to the needs of the associated agricultural unit or that the operation could financially sustain the cost of such an addition.
- 7.7. Whilst the above considers whether the principle of an addition is acceptable in principle, other impacts and site-specific matters are considered further below.

Impact on the Visual Amenities and Landscape Character

- 7.8. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policies DM5 and DM6 both require proposals to respect the character of the surrounding area, local distinctiveness and the existing dwelling in terms of design and materials. The Council's Householder Development SPD gives

context to the way in which these requirements should be met, stating that additions to dwellings should respect and be balanced with the scale and proportions of the host dwelling, and relate well to the characteristics of the application site in terms of its size and shape.

- 7.9. Section 12 of the NPPF refers to achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 139 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.
- 7.10. Section 8.14 of the Householder Development SPD states that poorly designed and sited garages and outbuildings can give rise to detrimental impacts on the appearance of host dwelling and the character of the surrounding area. In this case consideration should be given to whether the proposal is domestically proportioned and whether it would introduce a feature that would be overly dominant in comparison to the main dwellinghouse or the surrounding area, whether the form and angle of pitch to the roof is sympathetic to that of the host dwelling and that external facing materials have been chosen which respect those of the existing property. It should also ensure that sufficient amenity space to serve the host dwelling has been retained and in the case of a garage, safe access and egress to the highway can be achieved.
- 7.11. Section 11.2 of the Householder Development SPD states that it is important that the assessment of householder proposals take account of the potential visual and landscape impacts of development on the open nature of the countryside, in line with Core Policy 13 'Landscape Character; and criterion 6 of Policy DM6 'Householder Development'.
- 7.12. The proposal lies within Landscape Policy Zone TW PZ 18 Low Marnham, Carlton and Sutton on Trent Village Farmlands. The landscape condition is defined as moderate with some detracting features in this area which include industrial units west of the A1 and west of Carlton on Trent. There is a short section of A1 and a railway line within this area, but overall, the area is visually coherent. The landscape sensitivity is defined as moderate. Small woodland copses and the hedged lanes are characteristic of the Trent Washlands Rural Character Area and the red brick houses and walls within the core of the village settlements are generally historic which gives a moderate sense of place. There are some longer distance views out across the flat landscape to the cooling towers of High Marnham power station to the north but generally this is a landscape with moderate visibility where only the limited tree cover around villages and hedges within, screen views. The overall policy action is to conserve and create and in terms of built features, the policy seeks to conserve the rural character of the landscape by concentrating new dwellings around existing settlements of Low Marnham, Carlton and Sutton on Trent, conserve historic field pattern by containing new small scale development within historic boundaries, maintain existing hedgerows, restore and reinforce poor hedgerow boundaries where necessary, conserve and respect the local vernacular of red brick and pantile roof construction in any new development and promote sensitive design and setting of new agricultural or industrial/commercial buildings.

- 7.13. The proposed garage and playroom/office would be located in the southwest corner of the site, forward of the principal elevation of the dwelling. It would sit predominantly outside the existing fence line, but on the land originally approved for associated residential purposes. The application states that the building would be built of brick and pantiles to match the dwelling and would have timber windows and doors which would be painted green to match the house. The building would have solar panels on the southern roof slope. Whilst the materials are considered appropriate, the scale of the garage is considered overly large and considered to dominate the host dwelling. The host dwelling itself has an eaves height of approximately 4.95m and a ridge height of 8.35m with the proposed garage and playroom/office building having eaves height of approximately 4.15m and a ridge height of approximately 5.88m. Revisions were sought to reduce the size of the building however the applicants have advised they would like to proceed with the plans submitted.
- 7.14. Whilst the proposal would not impact upon any existing hedgerows, it would be highly prominent, sited forward of the dwelling at a two-storey height. The dwelling sits in an isolated position in the middle of a large open field. The scale and siting of the proposed garage and playroom /office building would result in considerable additional built form and be highly visible within its open field context. Whilst it is noted in discussions with the agent that the building has been designed to replicate a coach house, such ancillary buildings are usually associated with high status historic buildings rather than modest agricultural workers dwellings and would instead appear as a substantial inappropriate domestic addition and an obtrusive feature that would be harmful to rural visual amenities and landscape character of this part of the open countryside. However, in relatively close proximity to the north are the complex of large agricultural buildings of Dunstall Lodge Farm and in relatively close proximity to the south are a number of two storey buildings which look more domestic in appearance to the rear of Dunstall Cottage to the south. The footprint and proximity of these buildings can be seen in the site location plan at the beginning of this report.
- 7.15. Overall, it is considered that the proposed development would therefore be contrary with the aims of Policies DM5, DM6 and DM8 of the A&DM DPD, Spatial Policy 3, Core Policy 9 and Core Policy 13 of the Amended Core Strategy, the provisions of the National Planning Policy Framework, a material planning consideration and the guidance contained within the Householder Development SPD.

Impact upon Residential Amenity

- 7.16. Policy DM6, underlined by the guidance in the Householder Development SPD, highlight consideration of the impact of householder development proposals on the amenities of neighbouring users as being crucial to the development of an acceptable scheme and should be an important design principle. Policy DM5 of the DPD states that planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, overshadowing or overbearing impacts. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.17. The proposed garage and playroom/office building would be situated over 40m away from the nearest dwelling to the south and over 60m away from the nearest building

to the north. On this basis, it is considered that the proposal would not result in any unacceptable impact upon privacy, nor would there be any overbearing or overshadowing impact on neighbouring dwellings. Given that the proposed building would be predominantly positioned outside the existing fence line, it is not considered that it would unacceptably impact on the amount of private amenity space serving the current dwelling or its existing or future occupiers.

- 7.18. With the above in mind, it is considered that the proposal would not result in adverse impacts to residential amenity.

Impact upon Highway Safety

- 7.19. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.20. The existing access to the site is not being altered. The proposed garage would increase the amount of parking serving the dwelling by two spaces; however, the size of the garage falls short of being compliant with the Residential Cycling and Parking SPD in terms of garage size. This recommends double garages have an internal floorspace of 6m x 6m and in this case the proposal measures 6.2m by 5.68m. To request amendments to secure the size of the garage complies with the SPD, would have put the applicant to unnecessary expense given the officer recommendation is to refuse the application. In any case given the parking provision on site is sufficient for the size of dwelling, this shortfall in size for the garage would not represent a defensible reason for refusal in itself. The existing layout plan shows the existing fencing lining up centrally with one of the proposed garage openings, thereby making it unusable without the repositioning of the existing fence line. If permission were to be granted, this could be secured by condition. Overall, the proposal is therefore considered to be compliant with Spatial Policy 7 and Policy DM5.

8.0 Implications

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

9.0 Planning Balance and Conclusion

- 9.1 The application submission has not demonstrated that there is a functional need for the proposed playroom/office commensurate to the needs of the associated agricultural unit or that the operation could financially sustain the cost of such an addition. Whilst the proposal has a neutral impact on residential amenity and highway safety, by virtue of its size and design, it would represent a substantial inappropriate domestic addition and an obtrusive feature that would be harmful to rural visual amenities and landscape character of this part of the open countryside.

9.2 The proposal is thereby contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the Amended Core Strategy and policies DM5 (Design), DM6 (Householder Development) and DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD, and would be contrary to the guidance within the Householder Development SPD and Landscape Character Assessment SPD and the National Planning Policy Framework and National Planning Practice Guidance, all material planning considerations. There are no material considerations that outweigh the harm. It is therefore recommended this application is refused for the reason set out below.

10.0 Reason for Refusal

01

In the opinion of the Local Planning Authority, the application has failed to demonstrate that there is a functional need for the proposed playroom/office commensurate to the needs of the associated agricultural unit or that the operation could financially sustain the cost of such an addition. Furthermore, by virtue of its size and design it would represent a substantial inappropriate domestic addition and an obtrusive feature that would be harmful to rural visual amenities and landscape character of this part of the open countryside. The proposed building would therefore result in an incongruous form of development which would be detrimental to the open rural character of the surrounding area.

The proposal is therefore considered unsustainable development and is contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the Newark and Sherwood Amended Core Strategy 2019 and Policies DM5 (Design), DM6 (Householder Development) and DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD 2013 as well as being contrary to the Householder Development SPD 2014 and Landscape Character Assessment SPD 2013 and the National Planning Policy Framework and the National Planning Practice Guidance, all material planning considerations.

Informatives

01

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

02

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

appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

03

Refused Plans:

- Proposed Roof, Floor and Elevation Plan - Walker 2023 4 Rev 2 Received 23.01.2024
- Proposed Site Layout Plan – Walker 2023 3 Rev 1 Received 23.01.2024
- Site Location Plan – Walker 2023-1 Rev 1 Received 26.03.2024

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 9 May 2024

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
Application No.	24/00403/LDO
Proposal	Local Development Order (LDO) to enable and control filming at Newark Castle.
Location	Newark Castle, Castle Gate, Newark on Trent
Applicant	Newark and Sherwood District Council
Web Link	24/00403/LDO Application for draft Local Development Order to enable and control filming at Newark Castle. Newark Castle Castle Gate Newark On Trent (newark-sherwooddc.gov.uk)
Registered	29.2.2024
Recommendation	To adopt the LDO as set out in Appendix 2, subject to Secretary of State approval and apply to Historic England for the relevant schedule monument consent.

1.0 Background

- 1.1 A report was previously presented to Planning Committee on 10th November 2022 setting out a proposal to consider the preparation of a Local Development Order for Newark Castle to facilitate film making.
- 1.2 Filming on the land or building that is a schedule monument, listed building or within the curtilage of listed building requires planning permission. The District Council receives requests to film at some of the District’s heritage assets, in particular the Castle and Newark Palace Theatre & National Civil War Centre (NCWC). However due to planning permission being required, this makes it impracticable for filmmakers.

- 1.3 The Planning and Compulsory Purchase Act 2004, Part 4 introduces Local Development Orders (LDOs), which are a tool that planning authorities can use to grant planning permission for a type of development within a defined area with specific conditions.
- 1.4 There is no obligation for NSDC to implement an LDO to deal with the issue of filming at heritage sites, however, there are benefits to approving an LDOs to help deal with this matter. The issues around filming at heritage sites are multifaceted, but by approving an LDOs we can remove the planning layer of complexity so that the Heritage & Culture team only need consider the operational practicalities as landowner when responding to potential filmmakers.
- 1.5 A benefit of proceeding with the LDO would be unlocking a new source of revenue for the Heritage & Culture team. Filming at Newark's heritage assets for will indirectly promote the visitor and tourism offer within the Town.
- 1.6 These benefits set out above will support the Objective 7 '*Celebrate and invigorate community pride of place and sense of belonging*' in the Community Plan. Additional revenue from the filmmaking will assist with developing a '*flexible, creative approach to cultural visiting*'.
- 1.7 Since the November 2022 Committee report the LDO has been finalised and necessary site maps. These have been developed through engaging with other council departments as the 'landowner' and other stakeholders such as Historic England to gain advice in particular on the Newark Castle Schedule monuments.
- 1.8 Following the guidance to setting out the procedures for making a LDO, the document has gone out to public consultation ensuing all the prescribed bodies, Town Council and site neighbours have been consulted. The result on the consultation is set out in section 4 of this report.

2.0 The Proposals

- 2.1 A draft Order and statement of reason for making the order has been prepared (Appendix 1). The statement sets out a description of the development that the Order would permit and description identifying the land that the order relates to.
- 2.2 The LDO have taken into consideration how film making on the site will operate, while not disrupting other uses within the Town Centre. These includes restrictions on the operating hours, noise and light restrictions.
- 2.3 The Newark Castle draft LDO has been designed taking into consideration the unique circumstances of the site. Due to Newark Castle being a schedule monument there is a weight restriction on the archaeological sensitive area.

3.0 Departure/Public Advertisement Procedure

- 3.1 The minimum consultation period for a LDO is 28 days. The following methods of consultations and advertisement were made in line with the legislation:

- Occupiers of 44 properties close to the Castle have been individually notified by letter, as has the Town Council.
- Statutory consultees have also been notified by letter.
- A site notice has been displayed near the site on 29th February 2024 and an advert has been placed in the local press on the 7th March 2024.

4.0 Consultations and Representations

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

Statutory Consultations

4.2 Historic England – recommended that any lighting is free-standing and do not require permanent fixings across the site.

4.3 The Gardens Trust – responded that they do not wish to comment

4.4 Natural England – No comments received.

4.5 Environmental Health – recommended that no proposed structures, works, plant or machinery will be located in Flood Zone 3 and or within 8 metres of the bank of the River Trent without permission from the Environment Agency, and if required a Flood Risk Activity Permit (FRAP). In addition, the site should review its current risk assessment/evacuation plan to include the proposed uses.

4.6 Nottinghamshire County Council Planning – No comments received

Town Council

4.7 Newark Town Council have raised no objections to the proposal.

Representations/Non-Statutory Consultation

4.8 Comments have been received from a local resident, raising concerns about the level of development and the lack of relevance to the history. The comments largely referenced the recent Newark Castle Gatehouse Scheme (21/02690/FUL), which is not relevant to the proposed LDO.

5.0 Implications

5.1 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.

6.0 Conclusion

- 6.1 The comments received through the consultation process have been supportive of the LDO. Historic England and the Environment Agency have made some recommendations. One of the suggested conditions would prevent temporary structures being attached to the historic fabric. The requirements in terms of the location of structures, works, plant or machinery will need to be agreed through the contracts between Council as landowner (not Local Planning Authority) and the film maker. These requirements will be shared with the Heritage and Culture team to ensure they include them within any contract.
- 6.2 As Newark Castle is a schedule monument, schedule monument consent will need to be sought from Historic England to approve certain groundwork with less sensitive parts of the site. Informal discussions have been held with Historic England about this and have resulted in positive feedback.
- 6.3 The proposed LDO will open up an opportunity to utilise Newark Castle which has previously been impractical due to the requirement for planning permission to be obtained for film making. Film making at the Castle will open a new revenue and assist with objective 7 of the Community Plan.

7.0 Background Papers and Published Documents

- 7.1 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.

[Planning Committee Report](#) – 10th November 2022

Appendix 1 – Draft Local Development Order - Filming, Newark Castle



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Local Development Order for Filming at Newark Castle

Statement of Reasons

The Local Development Order (LDO) has been drafted to enable and control filming at Newark Castle. Filming at this site requires planning permission, which slows down and has effectively made unviable many potential projects. The LDO provides a framework through which permission for filming has been granted.

Allowing more external filming projects to go ahead will have several benefits:

- A new opportunity to generate income for the Heritage & Culture Business Unit of Newark & Sherwood District Council.
- Further opportunities to raise the profile of the Castle, the town and the district through media channels.
- Enhancement of the District Council's reputation of being forward-looking, dynamic and helpful.

This LDO will support realising these benefits with minimal cost in terms of officer hours, following the adoption of this LDO. The Order will allow filming enquires to be responded to efficiently and ensure opportunities to host filming at the Castle are not missed through unnecessary delays.

The LDO also includes conditions, to safeguard against the potential adverse effects of filming on: historic features; natural resources and habitats; neighbours and the public. This is set out in Part III – Conditions. This section sets out all conditions for compliance, including filming and illumination hours.

Policy Framework

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance. Legislation for preparing and granting a Development Order is set out within Section 61A of the Town and Country Planning Act 1990

The National Planning Policy Framework (NPPF) 2023 advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of

development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Additionally, the NPPF provides the framework for a number of areas that need to be considered when looking to approve development. For the purposes of this LDO, the following chapters are applicable:

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 7 – Tourism Development
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area

Allocations & Development Management DPD

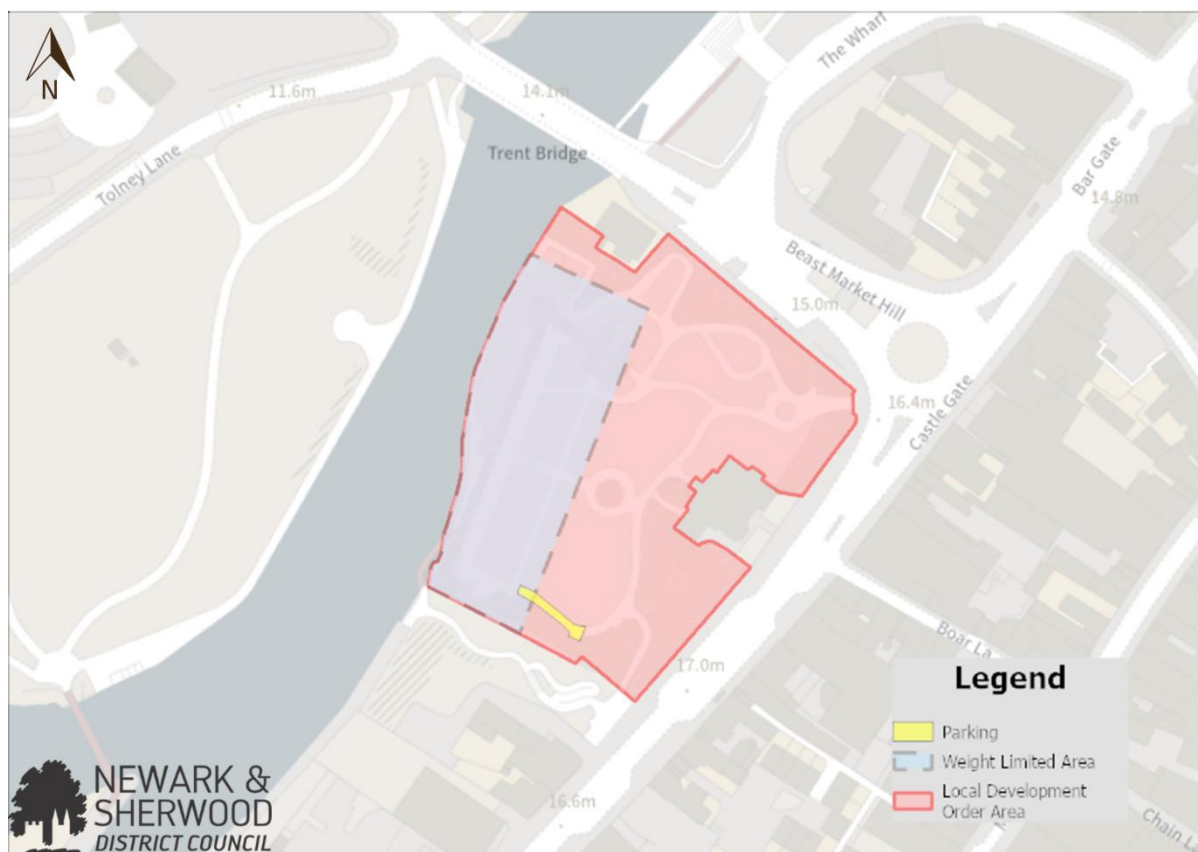
- DM5 – Design
- DM9 – Protecting and Enhancing the Historic Environment

Additionally, both the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable.

Local Development Order

Part I - Area covered by the Local Development Order (LDO)

Newark Castle Filming Local Development Order



Part II - Description of Development

In pursuance of the powers under the above Act, Newark & Sherwood District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

Permitted Development

- (a) The temporary use of any land or buildings for the purpose of commercial film-making; and
- (b) The provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use:

Development not permitted

The development is not permitted by the above if:

- i. the use of the land is for overnight accommodation.

Reason: Temporary structures sufficient for overnight accommodation are likely to materially harm the historic fabric of the site.

- ii. any temporary structure, works, plant or machinery is affixed to the historic fabric or features of the site.

Reason: The site includes a listed building and a scheduled ancient monument, the materials of which must not be damaged, altered or defaced.

- iii. any temporary structure, works, plant or machinery would involve the disturbance of more than 100mm depth of surface soil/ground material.

Reason: The site is of archaeological interest and the soil should not be disturbed unnecessarily.

Part III – Conditions

Preamble

In these conditions:

'Building' has the same meaning as 'the Castle'

'the Castle' means the built structure, its foundations and all built form attached to the Castle

'the Castle Grounds' means all of the land within the red outline on the Order plan not constituting the Castle

'the Council' means Newark & Sherwood District Council

'the Development' means the works authorised by the Order;

'the Local Planning Authority' means Newark & Sherwood District Council;

'the Order' means the Newark District Heritage Site Filming Local Development Order for Newark Castle.

1. This Order permits filming subject to the condition that –

- (a) the hours of filming are undertaken between 08:00 and 22:00 only and at no other time.
- (b) noise impacts of the development shall be limited to no more than 35 A-weighted decibels dB(A) at the nearest receptor between the hours of 08:00 and 20:00; and 30 dB(A) at the nearest receptor between 20:00 and 22:00. No noise arising from filming or any ancillary development or works shall take place outside of these hours.

- (c) illumination shall be limited to the hours of 07:30 and 21:00 or sunset, whichever is earlier. Lighting for filming is not permitted outside of these hours.
- i. there shall be no intermittent lighting directed into any highway
 - ii. lights shall not be shone directly towards residential or business properties at any time without specific permission (from the owner/occupier)
 - iii. No lighting equipment shall be sited so as to:
 - Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civic or military)
 - Obscure, or hinder the ready interpretation of any traffic sign, railways signal or aid to navigation by water or air; or
 - Hinder the operation of any device use for the purpose of security, surveillance or for measuring the speed of any vehicle
 - iv. Neither the visual amenity of the site nor the safety of the public may be compromised by the provision of lighting and equipment.
- (d) the height of any temporary structure, works, plant or machinery provided shall not exceed the height of the highest element of the Castle.
- (e)
- i. the weight of any temporary structure, works, plant or machinery provided within the Castle Grounds shall not exceed 2800kgs.
 - ii. the combined weight of any temporary structure, works, plants or machinery provided shall not exceed 2800kgs total weight in the area immediately surrounding the Castle structure (indicated by blue shading and a dashed border on the Order map, page 3).
- (f) any structure, works, plant or machinery provided under the Order must, as soon as practicable after the end of each filming period, be removed from the Castle Grounds.
- (g) the land on which any Development permitted by this Order has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that Development was carried out.
- (h) notifying the Local Planning Authority 10 working days prior to commencing filming of the intention to film. The notification shall include:
- i. a written description of the proposed Development;
 - ii. a plan indicating the site and showing the proposed Development;
 - iii. the schedule of dates which make up the filming period in question;

- iv. the developer's contact address;
- v. the developer's email address if the developer is content to receive communications electronically

Other Statutory Requirements

Whilst the Order grants planning permission for filming at Newark Castle, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with the relevant statutory requirements could result in any Development being unlawful and may result in appropriate enforcement action being taken by the Council and/or other agencies. It is the responsibility of the developer to ensure that the development be in accordance with all relevant legislation.

Process details

In addition to the notification details above, please allow up to six weeks for the process of liaising with the Heritage & Culture team to arrange filming.

The works shall be carried out in accordance with the approved details agreed with the Senior Operations Manager, Heritage & Culture.

These details will include at least:

- (a) dates and times of filming
- (b) maximum noise levels, specifying the hours of the day the noise levels apply to
- (c) scheduled on site liaison and orientation
- (d) compliance with site safety measures
- (e) the structure, works, plant or machinery to be used.



Report to Planning Committee 9 May 2024

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
Application No.	24/00404/LDO
Proposal	Local Development Order (LDO) to enable and control filming at the Palace Theatre and National Civil War Centre.
Location	Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent
Applicant	Newark and Sherwood District Council
Web Link	24/00404/LDO Application for draft Local Development Order to enable and control filming at the Palace Theatre and National Civil War Centre. Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)
Registered	29.2.2024
Recommendation	To adopt the formal LDO as set out in Appendix 2 subject to Secretary of State approval

1.0 Background

- 1.1 A report was previously presented to Planning Committee on 10th November 2022 setting out a proposal to consider the preparation of a Local Development Order for Newark Castle to facilitate film making.
- 1.2 Filming on the land or building that is a schedule monument, listed building or within the curtilage of listed building requires planning permission. The District Council receives requests to film at some of the District’s heritage assets, in particular the Castle and Newark Palace Theatre & National Civil War Centre (NCWC). However, due to planning permission being required, this makes it impracticable for filmmakers.

- 1.3 The Planning and Compulsory Purchase Act 2004, Part 4 introduces Local Development Orders (LDOs), which are a tool that planning authorities can use to grant planning permission for a type of development within a defined area with specific conditions.
- 1.4 There is no obligation for NSDC to create a LDO to deal with the issue of filming at heritage sites, however, there are benefits to adopting an LDOs to help deal with this matter. The issues around filming at heritage sites are multifaceted, but by creating LDOs we can remove the planning layer of complexity so that the Heritage & Culture team only need consider the operational practicalities as landowner when responding to potential filmmakers.
- 1.5 A benefit of proceeding with the LDO would be unlocking a new source of revenue for the Heritage & Culture team. Filming at Newark's heritage assets for will indirectly promote the visitor and tourism offer within the Town.
- 1.6 These benefits set out above will support the Objective 7 '*Celebrate and invigorate community pride of place and sense of belonging*' in the Community Plan. Additional revenue from the filmmaking will assist with developing a '*flexible, creative approach to cultural visiting*'.
- 1.7 Since the November 2022 Committee report the LDO has been finalised and necessary site maps. These have been developed through engaging with other Council departments as the 'landowner'.
- 1.8 Following the guidance to setting out the procedures for making a LDO, the document has gone out to public consultation ensuing all the prescribed bodies, Town Council and site neighbours have been consulted. The result on the consultation is set out in section 4 of this report.

2.0 The Proposals

- 2.1 A draft Order and Statement of Reasons for making the Order has been prepared (Appendix 1) and consulted upon. The statement sets out a description of the development that the order would permit and description identifying the land that the order relates to.
- 2.2 The LDO has taken into consideration how filmmaking on the site will operate, while not disrupting other uses within the Town Centre. These includes restrictions on the operating hours, noise and light restrictions.

3.0 Departure/Public Advertisement Procedure

- 3.1 The minimum consultation period for a LDO is 28 days. The following methods of consultations and advertisement were made in line with the legislation.
 - Occupiers of 23 properties close to the Castle have been individually notified by letter, as has the Town Council.
 - Statutory consultees have also been notified by letter.

- A site notice has been displayed near the site on 29th February 2024 and an advert has been placed in the local press on the 7th March 2024.

4.0 Consultations and Representations

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

Statutory Consultations

4.2 Historic England – recommended that any lighting is temporary and do not require permanent fixings across the site.

4.3 Natural England – No comments received.

4.4 Environmental Health – No formal comment received

4.5 Nottinghamshire County Council Planning – No comments received

4.6 Theatre Trust – Consider that the condition are appropriate and make it clear that the uses are temporary protecting the theatres use class.

Town Council

4.7 Newark Town Council have raised no objections to the proposal.

5.0 Implications

5.1 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.

6.0 Conclusion

6.1 The comments received through the consultation process have been supportive of the LDO. Historic England made some recommendations in terms of light fittings. One of the suggested conditions prevents temporary structures being attached to the historic fabric. In addition, terms of the filmmaking can also be agreed through the contracts between the Council as landowner (not Local Planning Authority) and the filmmaker.

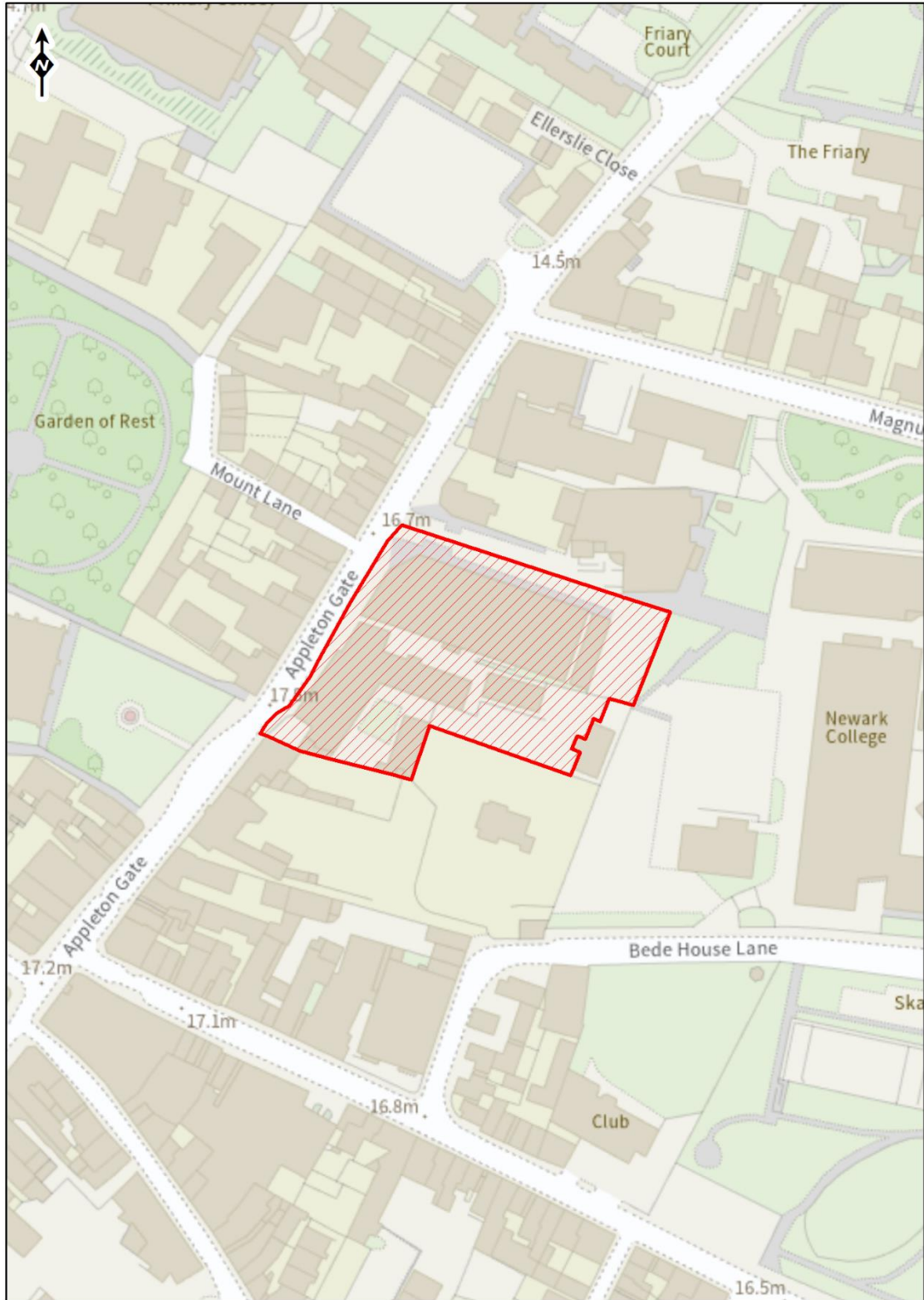
6.2 The proposed LDO will open up an opportunity to utilise Newark Castle which has previously been impractical due to the requirement for planning permission to be obtained. Filmmaking at the Castle will open a new revenue and assist with objective 7 of the Community Plan.

7.0 Background Papers and Published Documents

- 7.1 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.

[Planning Committee Report](#) – 10th November 2022

Appendix 1 – Draft Local Development Order - Filming, Palace Theatre



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Local Development Order for Filming at Newark Palace Theatre & National Civil War Centre

Statement of Reasons

The Local Development Order (LDO) has been drafted to enable and control filming at the Palace Theatre and the National Civil War Centre (NCWC) in Newark-on-Trent. Filming at this site requires planning permission, which slows down and has effectively made unviable many potential projects. The LDO provides a framework through which permission for filming has been granted.

Allowing more external filming projects to go ahead will have several benefits:

- A new opportunity to generate income for the Heritage & Culture Business Unit of Newark & Sherwood District Council.
- Further opportunities to raise the profile of the Theatre, the town and the district through media channels.
- Enhancement of The District Council's reputation of being forward-looking, dynamic and helpful.

This LDO will support realising these benefits with minimal cost in terms of officer hours, once the LDO has been adopted. The order will allow filming enquires to be responded to efficiently and ensure opportunities to host filming at the Theatre and NCWC are not missed through unnecessary delays.

The LDO also includes conditions, to safeguard against the potential adverse effects of filming on: historic features; natural resources and habitats; neighbours and the public. This is set out in Part III – Conditions. This section sets out all conditions for compliance, including filming and illumination hours.

Policy Framework

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance. Legislation for preparing and granting a Development Order is set out within Section 61A of the Town and Country Planning Act 1990

The National Planning Policy Framework (NPPF) 2023 advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Additionally, the NPPF provides the framework for a number of areas that need to be considered when looking to approve development. For the purposes of this LDO, the following chapters are applicable:

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 7 – Tourism Development
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area

Allocations & Development Management DPD

- DM5 – Design
- DM9 – Protecting and Enhancing the Historic Environment

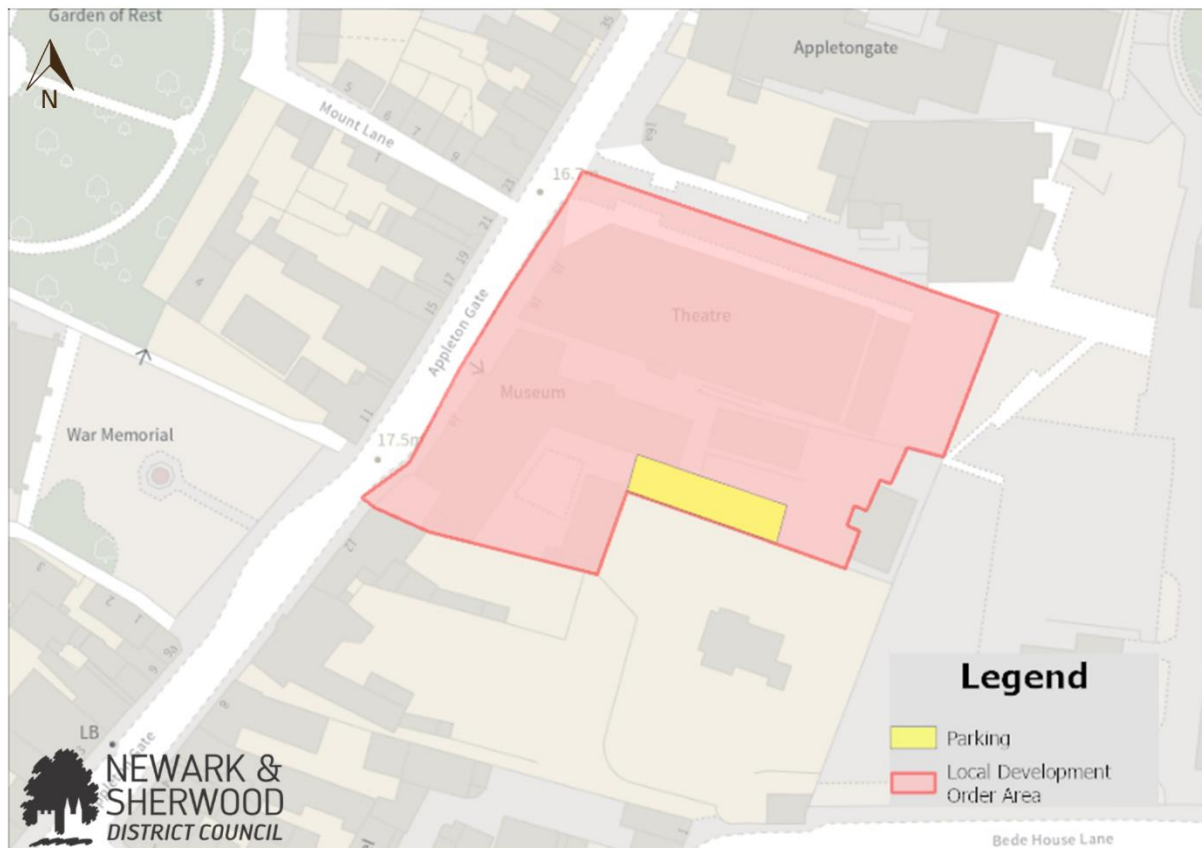
Additionally, both the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable.

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Local Development Order

Part I - Area covered by the Local Development Order (LDO)

The Palace Theatre and National Civil War Centre Filming Local Development Order



Part II - Description of Development

In pursuance of the powers under the above Act, Newark & Sherwood District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

Permitted Development

- (a) The temporary use of any land or buildings for the purpose of commercial film-making; and
- (b) The provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.

Development not permitted

The development is not permitted by the above if:

- i. the use of the land is for overnight accommodation.

Reason: Temporary structures sufficient for overnight accommodation are likely to materially harm the historic fabric of the site.

- ii. any temporary structure, works, plant or machinery is affixed to the historic fabric or features of the site.

Reason: The site includes a listed building, the materials of which must not be damaged, altered or defaced.

- iii. any temporary structure, works, plant or machinery would involve the disturbance of more than 100mm depth of surface soil/ground material.

Reason: The site is of archaeological interest and the soil should not be disturbed unnecessarily.

Part III – Conditions

Preamble

In these conditions:

'the Council' means Newark & Sherwood District Council

'the Development' means the works authorised by the Order;

'the Grounds' means the area of the Order shown edged red above outside of any built form – the Palace Theatre building, Civil War Centre building, Power House (rehearsal room), two ancillary buildings, boundary wall and any built form attached to any of these buildings/structures;

'the Local Planning Authority' means Newark & Sherwood District Council;

'the Order' means the Newark District Heritage Site Filming Local Development Order;

'the Site' means the area of the Order shown edged red above.

1. This Order permits filming subject to the condition that –

(a) the hours of filming are undertaken between 08:00 and 22:00 only and at no other time.

(b) noise impacts of the Development shall be limited to no more than 35 A-weighted decibels dB(A) at the nearest receptor between the hours of 08:00 and 20:00; and 30 dB(A) at the nearest receptor between 20:00 and 22:00. No noise arising from filming or any ancillary development or works shall take place outside of these hours.

(c) illumination of the Grounds shall be limited to the hours of 07:30 and 21:00; or sunset, whichever is earlier. Lighting for filming is not permitted outside of these hours. Additionally,

- i. there shall be no intermittent lighting directed into or onto any highway
- ii. lights shall not be shone directly towards residential or business properties at any time without specific permission (from the owner/occupier)
- iii. No lighting equipment shall be sited so as to:
 - Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civic or military)
 - Obscure, or hinder the ready interpretation of any traffic sign, railways signal or aid to navigation by water or air; or
 - Hinder the operation of any device use for the purpose of security, surveillance or for measuring the speed of any vehicle
- iv. Neither the visual amenity of the Site nor the safety of the public may be compromised by the provision of lighting and equipment.

(d) any temporary structure, works, plant or machinery provided shall not exceed the height of the existing highest element of any building on the Site, or 2800kgs weight.

- (e) any structure, works, plant or machinery provided under the Order must, as soon as practicable after the end of each filming period, be removed from the Site.
- (f) the land on which any Development permitted by this Order has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that Development was carried out.
- (g) notifying the Local Planning Authority 10 working days prior to commencing filming of the intention to film. The notification shall include:
 - i. a written description of the proposed Development;
 - ii. a plan indicating the site and showing the proposed Development;
 - iii. the schedule of dates which make up the filming period in question;
 - iv. the developer's contact address;
 - v. the developer's email address if the developer is content to receive communications electronically

Other Statutory Requirements

Whilst the Order grants planning permission for filming at the Palace Theatre & National Civil War Centre, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with the relevant statutory requirements could result in any Development being unlawful and may result in appropriate enforcement action being taken by the Council and/or other agencies. It is the responsibility of the developer that the Development to be in accordance with all relevant legislation.

Process details

If a planning application is not required, please allow up to six weeks for the process of liaising with the heritage & culture team to arrange filming.

The works shall be carried out in accordance with the approved details agreed with the Senior Operations Manager, Heritage & Culture.

These details will include at least:

- (a) dates and times of filming
- (b) maximum noise levels at different times during filming
- (c) scheduled on site liaison and orientation
- (d) compliance with site safety measures
- (e) the structure, works, plant or machinery to be used.

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Planning Committee – 9 May 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 18 March 2024 and 23 April 2024)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/D/24/3340361 23/01650/HOUSE	31 Ridge Hill Lowdham NG14 7EL	Proposed front and rear extensions	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/24/3337234 22/01742/FUL	Land At Wood Lane Kersall	Siting of park home/lodge for use as a rural worker's dwelling in connection with existing livery business	Hearing	Refusal of a planning application
APP/B3030/C/24/3337615 23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, operational development consisting of the erection of a building (identified with a blue "X" on the site location plan, outlined in red on Plan 2 and shown within photographs 1 and 2)	Hearing	Service of Enforcement Notice
APP/B3030/C/24/3337636 23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, "operational development" consisting of works and alteration to existing buildings, comprising of: -The insertion of 3 rooflight windows (figures 1 & 2 within Appendix 1). -The installation and creation of a glazed openings and door (figure 3 within Appendix 1). -The application of horizontal timber cladding (figure 5 within Appendix 1). -The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1). - The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2)	Hearing	Service of Enforcement Notice

		<ul style="list-style-type: none"> -The insertion of 2 rooflight windows (figure 9 within appendix 1). -The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1). -The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2) -The insertion of 2 rooflight windows -The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1). -The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2). -Erection of brick walls (including "well" type construction) and a pole (figures 12 & 13 within appendix 1). -The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2). 		
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APP/B3030/C/24/3337637 23/00190/ENFB	Mill Farm Gonalston Lane Hoveringham NG14 7JJ	Without planning permission, "operational development" consisting of the laying of hard core/crushed stone to create new access tracks and pedestrian paths (identified outlined in red on "aerial photograph" and shown within photograph 1)	Hearing	Service of Enforcement Notice
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APP/B3030/W/24/3338777 22/02430/FUL	Land Off Sand Lane Spalford	Provision of two new Live/work Dwellings including a separate building containing detached work spaces and under cover parking.	Written Representation	Refusal of a planning application
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APP/B3030/W/23/3333219 23/00136/FUL	Land To The Rear Of The Old Coach House Drinsey Nook Lane Thorney Newark On Trent LN1 2JJ	New commercial unit including an office, storage space and workshop.	Written Representation	Refusal of a planning application
APP/B3030/W/23/3333978 22/00424/OUTM	Bilsthorpe Business Park Eakring Road Bilsthorpe NG22 8ST	Creation of flexible commercial/industrial units (Use Class E(g)(iii), B2, B8) and provision of allotments	Written Representation	Refusal of a planning application
APP/B3030/X/24/3337169 23/01667/LDCP	High Park Farm Cross Lane Blidworth NG21 0LX	Lawful development certificate for proposed first floor rear extension, including the addition of photo-voltaic solar panel(s) to the detached garage roof, replacing french door with Bifold doors, widening existing access gateway	Written Representation	Refusal of a planning application
APP/B3030/W/24/3338270 23/00640/OUT	Land To The Rear Of The Grange Kirklington Road Hockerton	Outline planning application for residential development of up to 5 no. Dwellings, with means of access submitted for approval	Written Representation	Refusal of a planning application

APP/B3030/W/24/3338948 23/02150/FUL	Land To The Rear Of 112 High Street Collingham Newark On Trent NG23 7NG	Removal of existing buildings and Erection of 1no. dwelling and detached garage.	Written Representation	Not determined within 8 weeks
APP/B3030/W/24/3339361 23/00839/CPRIOR	Honey Lane Farm Honey Lane Farndon	Notification for Prior Approval for a Proposed Change of Use of Agricultural Buildings to 5 Dwellinghouses and for Associated Operational Development	Written Representation	Refusal of Prior Approval of Permitted Development rights
APP/B3030/W/24/3340126 23/02028/OUT	Land At Chestnut Copse Newark On Trent NG24 1RX	Outline Application for proposed erection of 1no bungalow with all matters reserved	Written Representation	Refusal of a planning application

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
22/01742/FUL Land At Wood Lane Kersall	Siting of park home/lodge for use as a rural worker's dwelling in connection with existing livery business	Hearing 11/06/2024	Amy Davies
23/00190/ENFB Mill Farm Gonalston Lane Hoveringham NG14 7JJ	<p>Without planning permission, operational development consisting of the erection of a building (identified with a blue "X" on the site location plan, outlined in red on Plan 2 and shown within photographs 1 and 2)</p> <hr/> <p>Without planning permission, "operational development" consisting of works and alteration to existing buildings, comprising of::</p> <ul style="list-style-type: none"> -The insertion of 3 rooflight windows (figures 1 & 2 within Appendix 1). -The installation and creation of a glazed openings and door (figure 3 within Appendix 1). -The application of horizontal timber cladding (figure 5 within Appendix 1). -The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1). - The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2) -The insertion of 2 rooflight windows (figure 9 within appendix 1). -The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1). -The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2) -The insertion of 2 rooflight windows 	Hearing TBA	Richard Marshall

	<ul style="list-style-type: none"> -The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1). -The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2). -Erection of brick walls (including "well" type construction) and a pole (figures 12 & 13 within appendix 1). -The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2). 		
	<p>Without planning permission, "operational development" consisting of the laying of hard core/crushed stone to create new access tracks and pedestrian paths (identified outlined in red on "aerial photograph" and shown within photograph 1)</p>		

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 9 May 2024

Appendix B: Appeals Determined (between 18 March 2024 and 23 April 2024)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01304/ADV	Lincolnshire Co-operative Bilsthorpe Stanton Avenue Bilsthorpe Newark On Trent NG22 8GL	Retain existing 1No. illuminated Totem sign	Delegated Officer	Not Applicable	Appeal Allowed	20th March 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=RYCL6JLBJPG00>

23/01439/HOUSE	Woodside Cottage Newark Road Hockerton Southwell NG25 0PW	Erection of Garage and Store with Utility Room over	Delegated Officer	Not Applicable	Appeal Dismissed	9th April 2024
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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=RZDPC8LBJZU00>

23/01590/HOUSE	Riverlyn House Main Street Fiskerton NG25 0UH	Demolition of existing garage and erection of triple garage, changes to driveway landscaping and layout (Resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	9th April 2024
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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=S0M839LBKCS00>

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 9 May 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 January to March 2024 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2022 is provided.
Recommendations	<p>For noting. The services it assists in the delivery of Community Plan Objectives:</p> <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

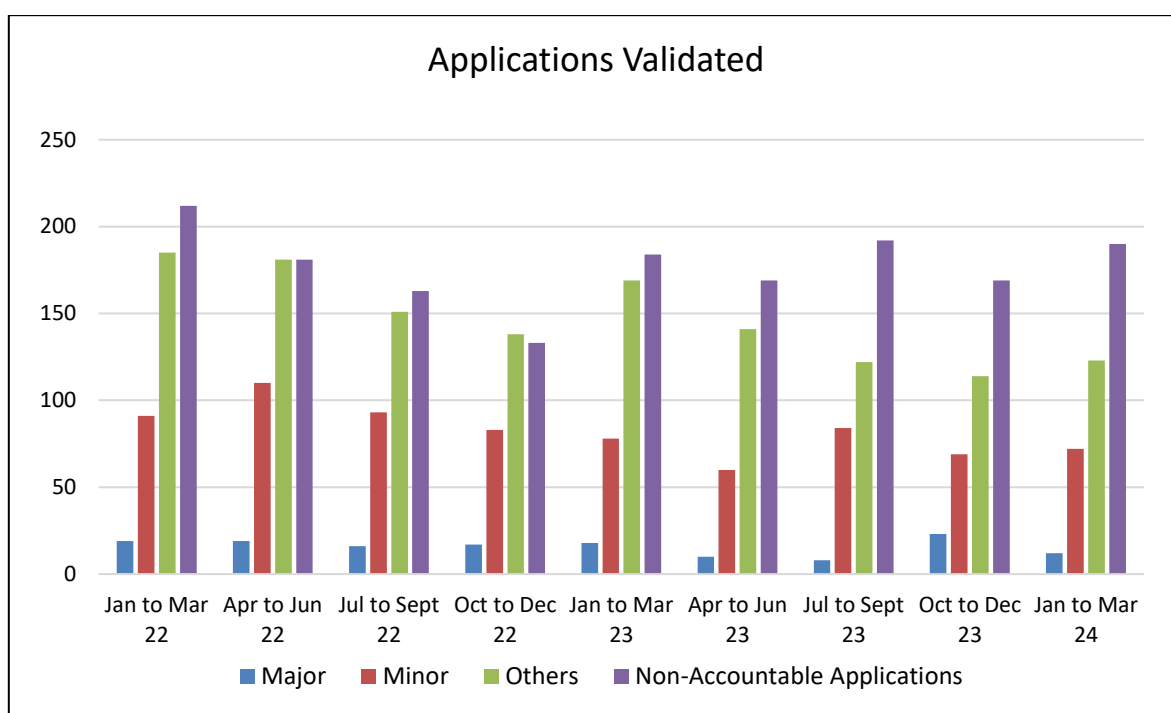
1.0 Background

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 January 2022 up until March 2024. 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 final quarter of 2023/24, a total of 610 applications were received. This, compared to the same quarter in 2022/23 shows a reduction from 625 applications or an approximate 2.5% decrease in workload. This number would appear to be becoming the norm following an increase during the Covid-19 pandemic. The previous annual report identified that whilst overall numbers had reduced, major applications had increased compared to the year before whilst minors, others and non-countable had

decreased. For this financial year, the number of major applications has decreased quite significantly from 70 across the financial year to 53. As well as the economic climate, it is anticipated the introduction of mandatory biodiversity net gain (BNG) has also been a factor. The requirement for mandatory BNG for major development from the 14th February along with the BNG assessment not being able to be undertaken prior to the 14th February as well as February and March not being an appropriate time for such surveys to be undertaken has undoubtedly had an impact on the submission of new major development proposals. All other application types have reduced with the exception of tree related applications which have marginally increased (456 compared to 440). Across the financial year, in relation to the receipt of all application types there has been a slight decrease from 2669 (for 2022/23) to 2314 applications.



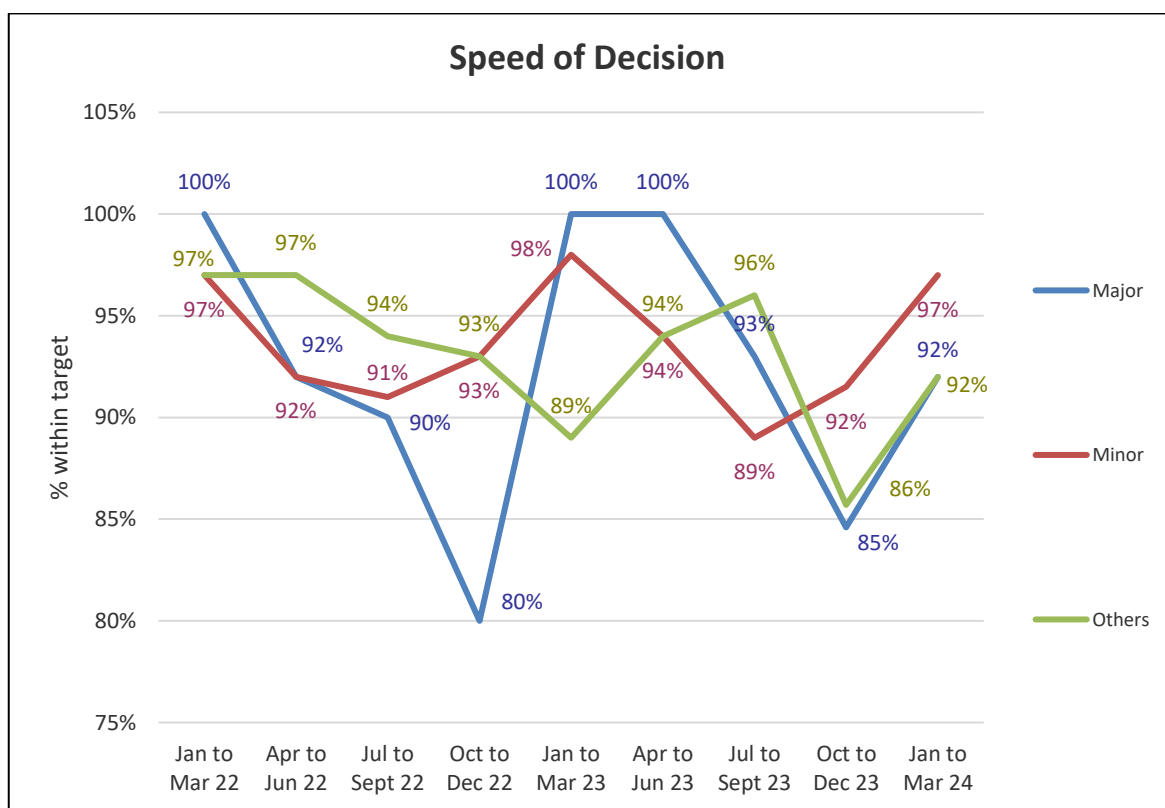
- 2.2 Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.
- 2.3 Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.
- 2.4 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.
- 2.5 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. 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.

3.2 For authorities who under-perform against their national target, they will be classed as ‘poorly performing’ and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.

3.3 The following graph relates to the percentage of planning applications determined within set timescales.

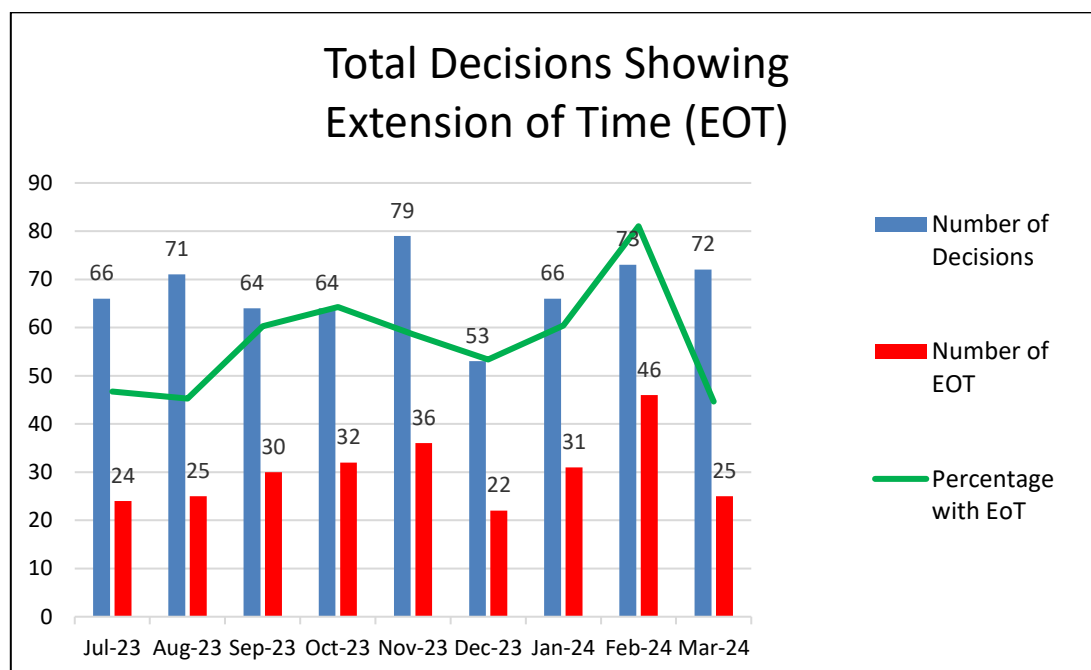


3.4 For major applications, performance over the previous quarter has increased to 92%. Across the 12-month period, the performance also averages at 92%, due to the drop in October to December 2023. Minors is at 93%, having dropped in quarter 2. Others is also at 92%. Overall performance is comparable to the previous 12 months.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not currently go against the authority in terms of speed of decision making when reporting. However, Members will be aware of the consultation by government in relation to the Accelerated Planning Service whereby it is proposed that an extension of time agreement (EoT) cannot be sought for householder development, that an accelerated decision-making process (of 10 weeks) will be brought in

for major commercial developments and only 1 EoT agreement on an application may be agreed. Furthermore, performance of local planning authorities (LPA) will be measured against the existing measures but also with EoTs removed. The consultation suggests that a LPA might be put into special measures if they fail to meet one or both of these categories.

3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. Following the consultation, the Business Unit is reviewing ways in which to speed up its decision-making whilst maintaining service provision. This will be challenging particularly if decision-making for major commercial developments is reduced from 13-weeks to 10 and if householder applications can no longer benefit from an EoT.

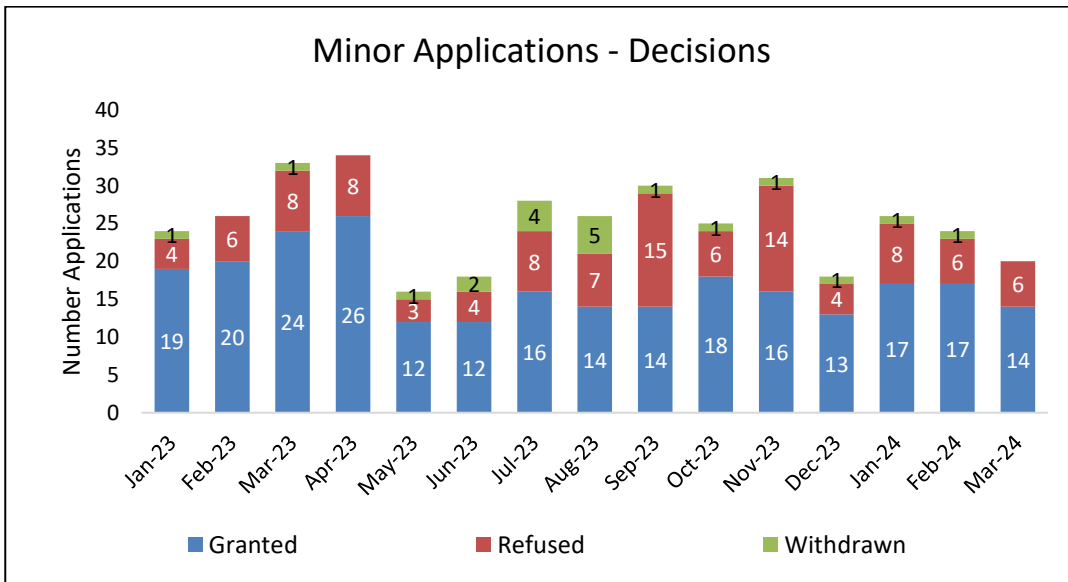
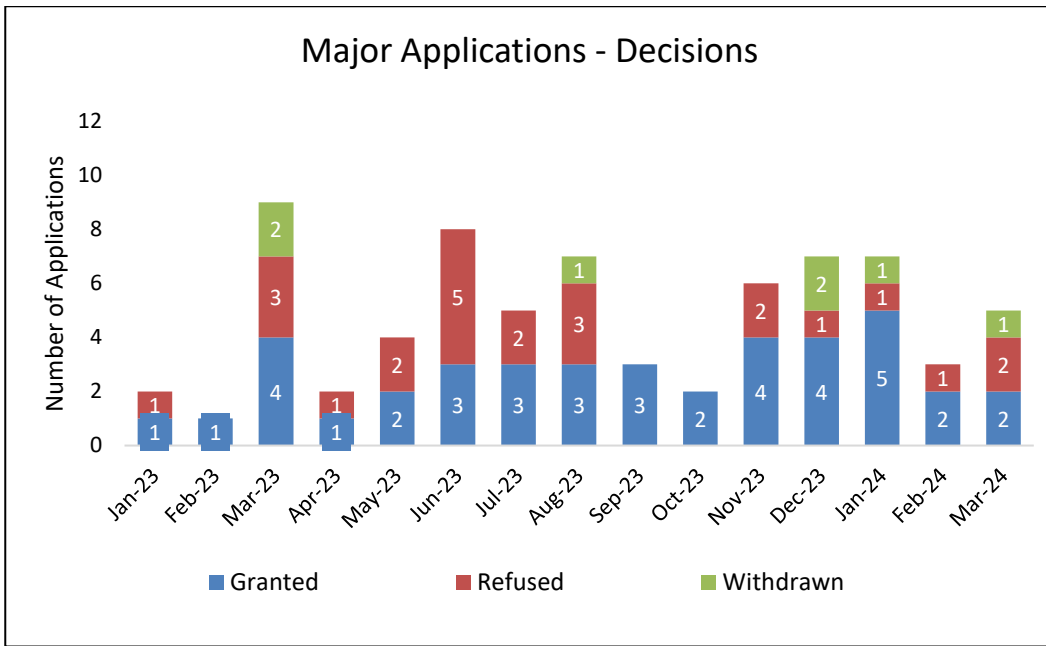


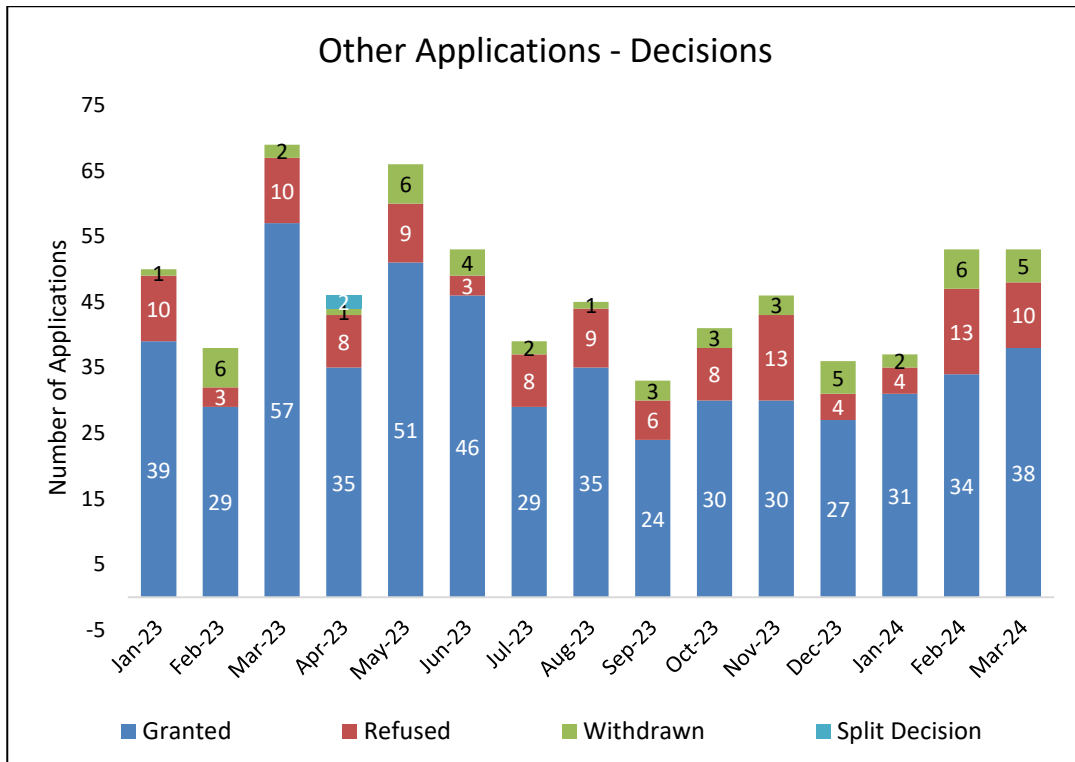
3.7 The tables below shows the information published by the government in relation to our performance across 12months, ending September 2023 with extension of time agreements not taken into account. It is anticipated that there would need to be significant change in how we currently deal with applications in order to not become a standards authority. The percentage of applications subject to an EoT is not proposed to be changed from 60% for major development and 70% for non-major. However, performance measures excluding EoTs is suggested would be 50% for majors and 60% for non-majors and, as detailed earlier, no time extension would be permitted for householders. Currently 64% of applications are determined without EoTs. From the tables below it can be seen that we would 'fail' in relation to our major performance (currently 39%) and also for non-major (excluding householders) at 47%. Significant work is therefore required across all application types in order to improve our performance.

Number of applications received	Extension of time agreements (EoTs)		Major development	
	Number of decisions on applications with an associated EoT	Percentage of decisions on applications with an associated EoT	Number of decisions on applications for major development	Percentage of major decisions made within the statutory time period (13 weeks)
935	359	41	54	39

Non-major development					
Householder development		Non-major development excluding householder development		Non-major development summary	
Number of decisions on applications for householder development	Percentage of decisions made within the statutory time period (8 weeks)	Number of decisions on applications for non-major development (excluding householder development)	Percentage of decisions on applications for non-major development (excluding householder development) made within the statutory time period (8 weeks)	Number of decisions on non-major development	Percentage of decisions on applications for non-major development made within the statutory time period (8 weeks)
411	64	310	47	721	57

3.8 Over the previous financial year, the number of decisions issued quarter on quarter has fluctuated from 233 in April-June, 201 July-September, 196 October to December to 211 in January to March 2024. Comparing the total number issued in 2022/23 compared to 2023/24, the numbers have reduced from 986 to 841 application. Of these decisions, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted, cumulatively approximately 58%, 64% and 75% across the major, minor and other categories respectively. For the previous financial year the percentages were 78%, 77% and 85% respectively. There has therefore been quite a reduction in the number that have been approved. There is no identifiable reason for this change. Withdrawals (64 across the year compared to 65 in 2022/23) 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, the majority of which will be as a 'free go', whereby currently, no fee is payable. However, applications submitted on or after 6th December 2023 will no longer be able to benefit from a 'free-go'.





4.0 Tree Applications

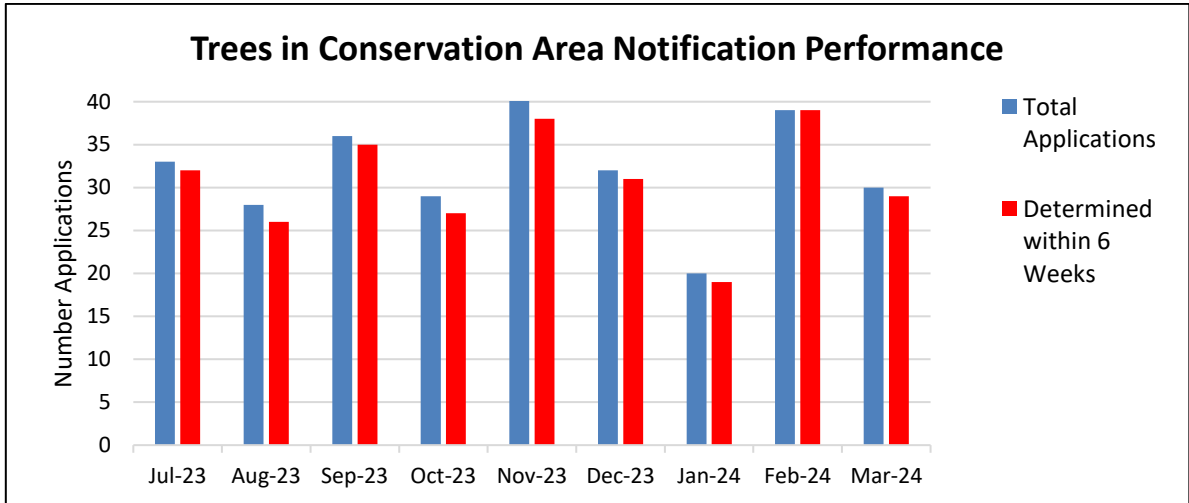
4.1 Trees are a valued amenity contribution to the character of the district. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

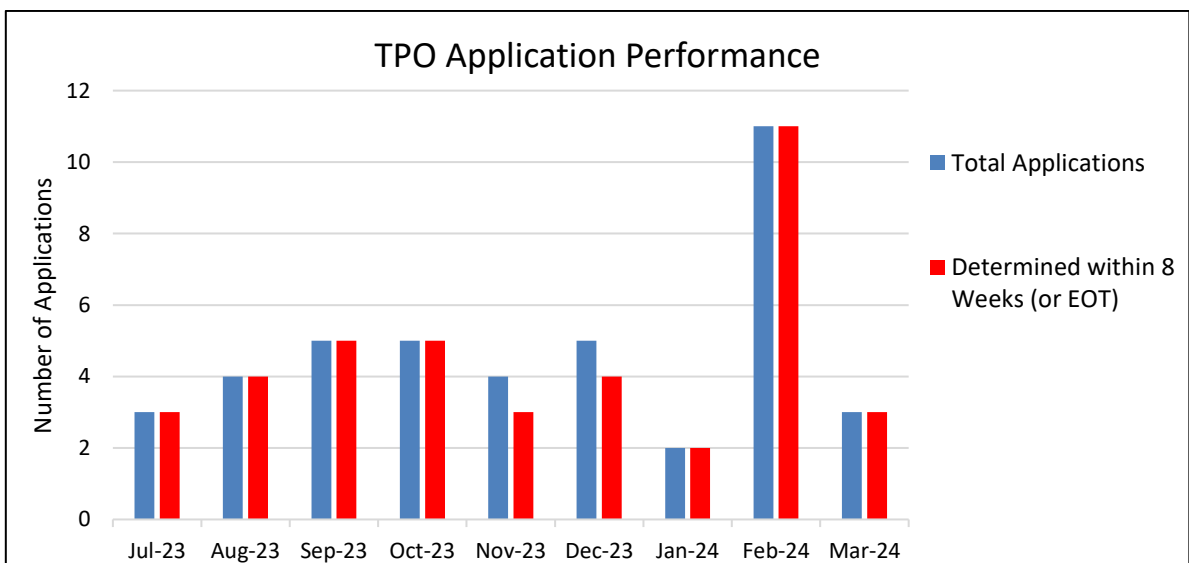
Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week, the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee, although again the consultation document queries whether applications that are currently not subject to a fee should be.

4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), these applications are determined within the statutory period in order that further protection for the tree can be put in place.

4.3 Overall, performance continues to increase, with 96% of notifications for works to trees in a conservation decided within the statutory 6 weeks period, an increase of 1% compared to the previous financial year. Delays are often due to time taken around our proactive approach with negotiations with agent/applicants in line with British Standard S3998.2010, as well as clarifying vague proposals (detail regarding works). This British Standard gives general recommendations for tree work as well as guidance on management options for established trees.

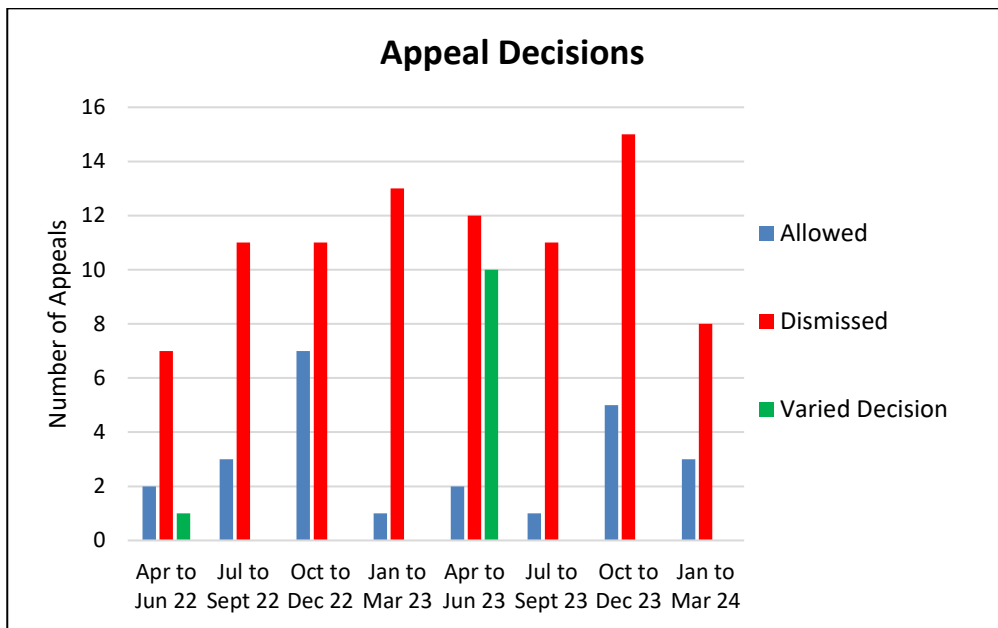


4.4 Turning to works to trees protected by Tree Preservation Order (TPO), through negotiations during assessment, there were no refusals of decisions made during the monitoring period. Performance across the 12-months shows 97% of applications have been dealt with within the 8-week period. This compares to 72% in for 2022/23. Through working with applicants and agreeing appropriate works (rather than refusing), this lessens any possible impact on the team owing to possible submission of appeals due to a decision of refusal. As previously reported, we have been having ongoing engagement with agents who regularly submit applications for tree works and it is through that this improved performance has been achieved, principally, through this engagement.

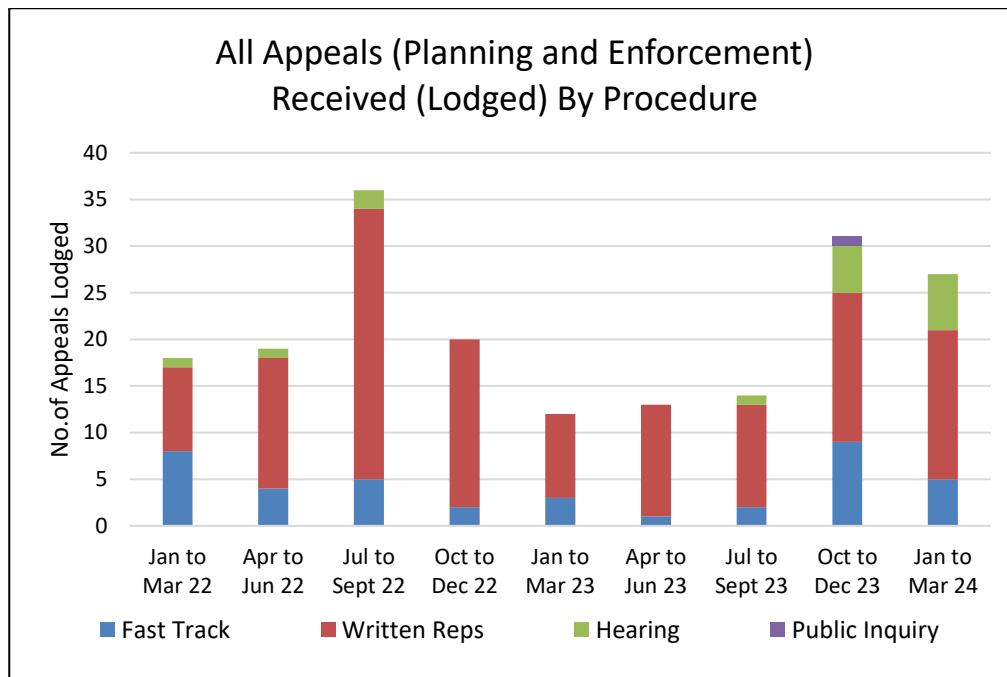


5.0 Appeals

5.1 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed, and split (part allowed and part refused). This quarter has seen a drop in the number of decisions issued by the Inspectorate compared to the previous quarter, from 20 to 11. Compared to the previous financial year, the Inspectorate has issued 67 decisions compared to 56 for the previous. The number dismissed (approximately 20%) exceeds the number allowed and is line with the Government’s previous target of having no more than 33% being allowed (i.e. quality of decision-making). Where a split decision or varied decision in the case of enforcement appeals has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 16% have been allowed compared to 20% the previous year.



5.2 The total number of appeals fluctuates quite considerably, and like tree applications makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Another challenge relates to the type of appeal - there are 4 types of appeal – inquiry, hearing, written representations, and fast track with the amount of resource in responding accordingly varying from very high to low. A



- 5.3 The vast majority of appeals, as noted within the graph above, are determined via the written representation method followed by fast track appeals. The Council did not have any public inquiries or hearings during the financial year, although a number are timetabled for the forthcoming financial year.
- 5.4 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e., allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made directly to the Planning Inspectorate. Members may have seen headlines reporting that one such authority, which has recently been sanctioned against, is Uttlesford District Council.
- 5.5 As of 1 April 2018 DLUHC implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major decisions and all non-major applications (i.e., minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.
- 5.6 Data from government has not been updated since the report was originally presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the Council will be significantly within these figures.
- 5.7 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this must comprise unreasonable behaviour that has led to unnecessary costs that otherwise would not have been necessary. A number of claims have been made against the Council across the year, all of which have been successfully defended.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Leah Sumner – Technical Support Land Charges & Street Naming and Numbering Officer left. Interviews have taken place and a candidate identified. References and employment checks are currently being undertaken. Interviews have also taken place for the vacant Technical Support – Planning post and Charlotte Arden has been appointed. Helen Marriott – Senior Planning Officer will be leaving in June and interviews will shortly take place to fill this vacancy. Interviews will also take place to fill the newly created Assistant Business Manager – Planning Development and Technical Support – Planning Enforcement posts. Information will be provided in a future report regarding both posts.
- 6.2 As noted within the Planning Committee Performance report on this agenda, there has been significant change in relation to new permitted development rights as well as a significant number of consultations. Changes have come into effect to the National Planning Policy Framework, planning fees have been increased as well as the introduction of biodiversity net gain. Additionally, the Levelling-up and Regeneration Act 2023 came into force and a number of sections have come into effect, for example as noted within the update report on this agenda.
- 6.3 Alongside these activities, during the autumn/winter of 2023/24, a review was undertaken in relation to public speaking and from this meeting (May), the Planning Committee will allow the public to speak to items, subject to meeting the criteria within the [Protocol for Planning Committee](#). Changes to the Scheme of Delegation to Officers was also approved.
- 6.4 The forthcoming 12-months are expected to continue to be challenging with a number of the proposals recently consulted upon expected to come into effect in due course, the general election will likely bring change as well as the implementation and/or improvements to planning (and associated) software as part of the planning software project. Updates will be provided to Members, as appropriate, in relation to any changes that will have impact upon either District Councillors or Town/Parish Councils.

7.0 Implications

- 7.1 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.

8.0 Conclusion

- 8.1 Performance has continued to be met and exceeded, although improvements will be needed in relation to the number of extension of time agreements that are entered into i.e. the number will need to be significantly reduced. Overall, the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small. The following 12-months will have many challenges, but the department is set to deal with these.



Report to Planning Committee 9 May 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 fourth quarter of the previous financial year, and a review of the financial year as a whole.</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> <p>To provide Members with an update and legislative changes that affect planning enforcement case work.</p>
Period covered	<p>Quarter 4 - 1st January – 31st March 2024</p> <p>Financial year – 1st April 2023 - 31st March 2024</p>
Recommendation	That Planning Committee accept the contents of the report and note the ongoing work of the planning enforcement team.

1.0 Background

- 1.1 This report relates to the fourth quarter of 2023/24 from the 1st January to the 31st March 2024 providing an update on enforcement activity during this period, and a review of the financial year (1st April 2023 - 31st March 2024) performance as a whole.
- 1.2 Schedule A outlines the enforcement activity for Q4 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 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**

Q4 - 2023/24

- 2.1 Chart 1 sets out the number of new enforcement cases that were received and closed during Q4. Members will note that whilst officers continue to be busy (in what has traditionally been a quiet period in terms of cases received), officers have nevertheless been successful in resolving a high number of cases during this period.
- 2.2 Chart 2 sets out the reasons why cases have been resolved in Q4. Members will note that whilst the vast majority of cases that have been closed continue to be because they were not a breach of planning control, it is notable that a significant number of cases have also been closed as the alleged breach has been resolved due to the direct work and intervention of officers.
- 2.3 Chart 3 sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood Planning Enforcement Plan (PEP) - (adopted September 2020). Impressively Members will note that during this period officers were able to meet the targets for response times in 98.8% of cases during the Q4 period¹.

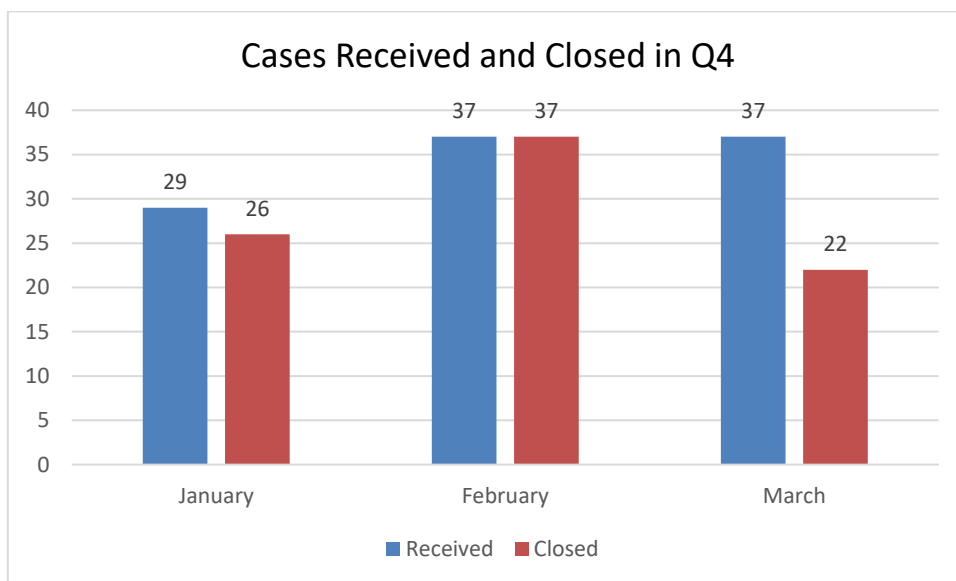


Chart 1

¹ Cases that are not category A, B or C are not subject to targets for response times (such as records of caravan site licences and ongoing site monitoring).

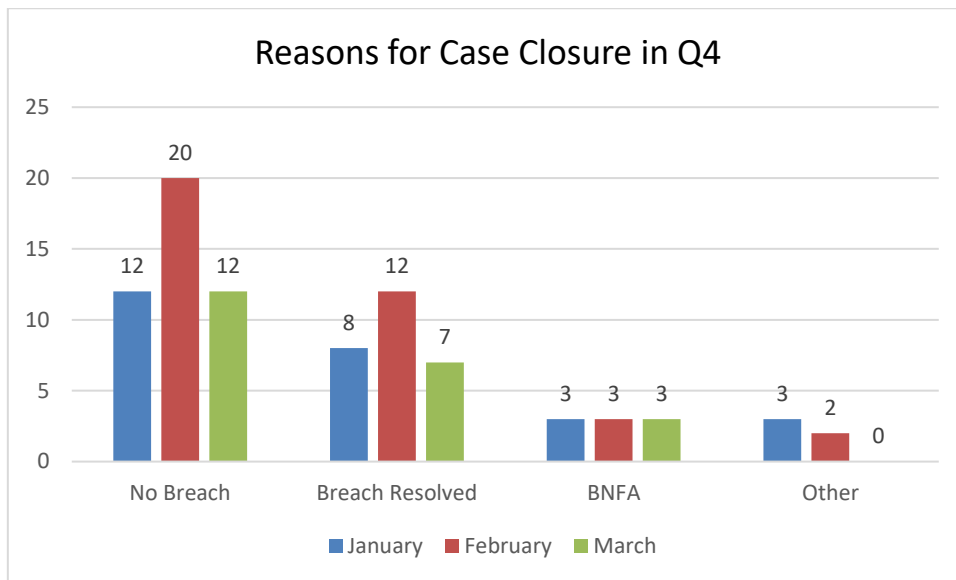


Chart 2

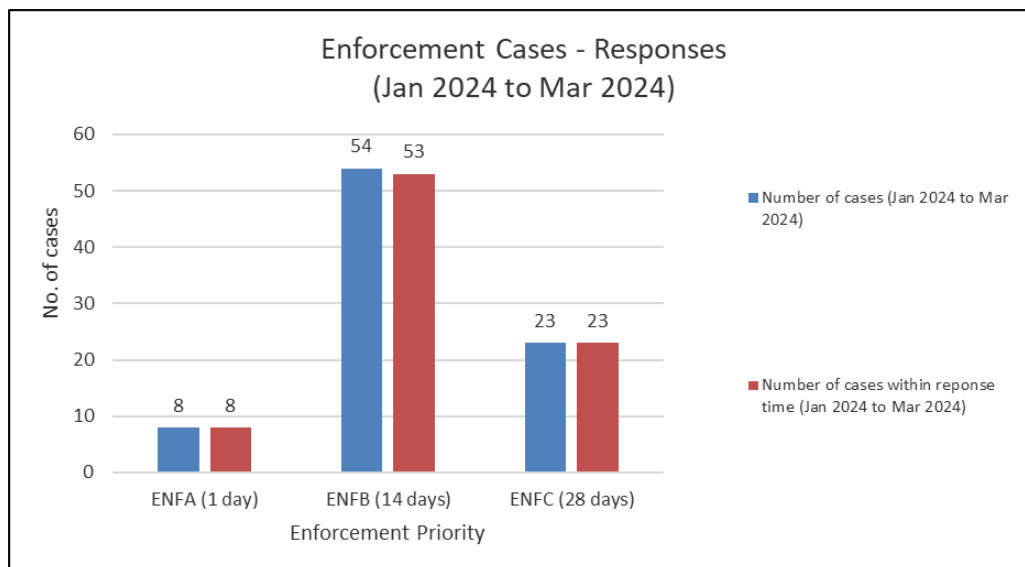


Chart 3

2.4 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). Table 1 sets out the numbers of Notices issued and appeal activity during Q4.

	January	February	March
Notices Issued	2	1	6
Notices Complied With	2	3	0
Appeals Lodged	4	1	1
Appeals Determined	2	0	0
Outcome of Appeals	Allowed – 2	N/A	N/A

Table 1 – Details of planning enforcement action (enforcement notices) and appeals during Q4 of 2023/2024.

2023/24 Figures

- 2.5 The trend of cases becoming increasingly complex and resource-demanding has continued throughout the past year, with the planning enforcement legal framework and relevant case law implications continuing to develop at a pace (see section 6). This has resulted in increasing coordination with colleagues across other departments, such as Legal, Environmental Health and Public Protection, as well as external agencies such as Nottinghamshire County Council Highways Authority, Nottinghamshire Police and the Forestry Commission.
- 2.6 The 2023/24 financial year has seen almost a 10% increase in cases received compared to the 2022/23 period, and similarly the number of cases closed this year has increased by 21%. This improved ratio in the resolution of cases is the result of ongoing training and dedication of Officers, as well as an increase in resource that has been allocated to the planning enforcement team. Enforcement Officers continue to issue a considerable number of Notices requiring remedial actions, with many of those being appealed, and some resulting in prosecutions and/or injunctions having been obtained.
- 2.7 Indeed, over the 2023 calendar year, Newark and Sherwood District Council ranked 28th out of 328 Authorities in England for the number of Notices served, with 39 (recordable²) Notices having been issued.³
- 2.8 Charts 4 and 5 detail the number of cases received and closed over the 2023/24 financial year, and the reasons why those cases were closed. Members will note that almost half of the cases received were not a breach of planning control, but nevertheless these all required the attention and resource of Officers. Over a quarter of cases closed over this period were resolved, either through negotiation with landowners (including the retrospective submission of a planning application), or by compliance with a Notice that was previously issued.
- 2.9 Members will note that a number of cases have been closed as Breach No Further Action (BNFA). These cases are those where a breach of planning control has been identified,

² Notices such as Planning Contravention Notices (PCN's) and Section 330 (S330) Notices are not nationally recorded.

³ * Includes Enforcement Notices, Breach of Condition Notices, Temporary Stop Notices and Stop Notices

however it has been decided that it would not be expedient for the Council to take formal planning enforcement action. This is usually because Officers consider that the development is acceptable on its planning merits and would therefore have received permission if an application had been submitted. In these cases, Officers will normally have pursued a retrospective application planning application before closing the enforcement case. It should be noted that new powers (enforcement warning notices – see paragraph 6.6) are now in place. The warning notice enables the Council to further pursue the submission of a retrospective application in instances of development having been undertaken without prior permission, and officers considering that it is likely that permission would be forthcoming should an application be submitted.

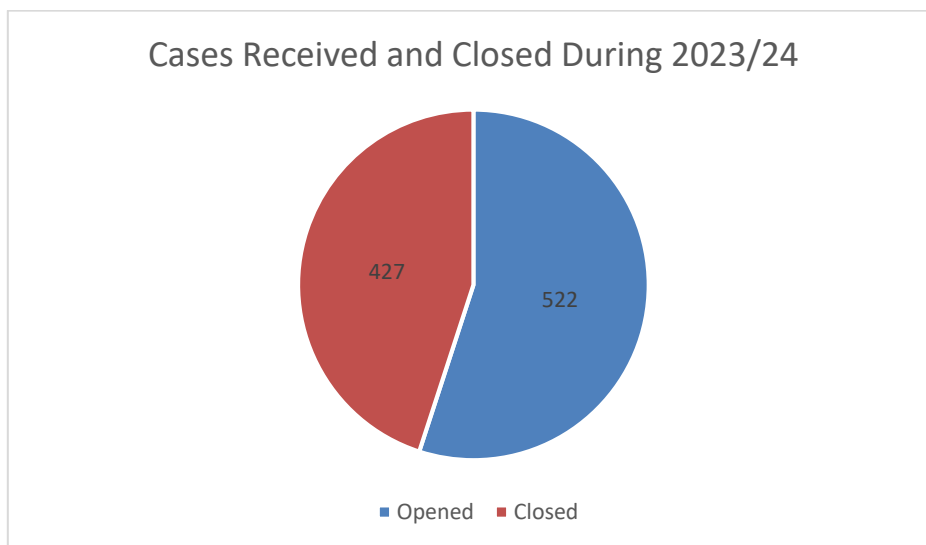


Chart 4

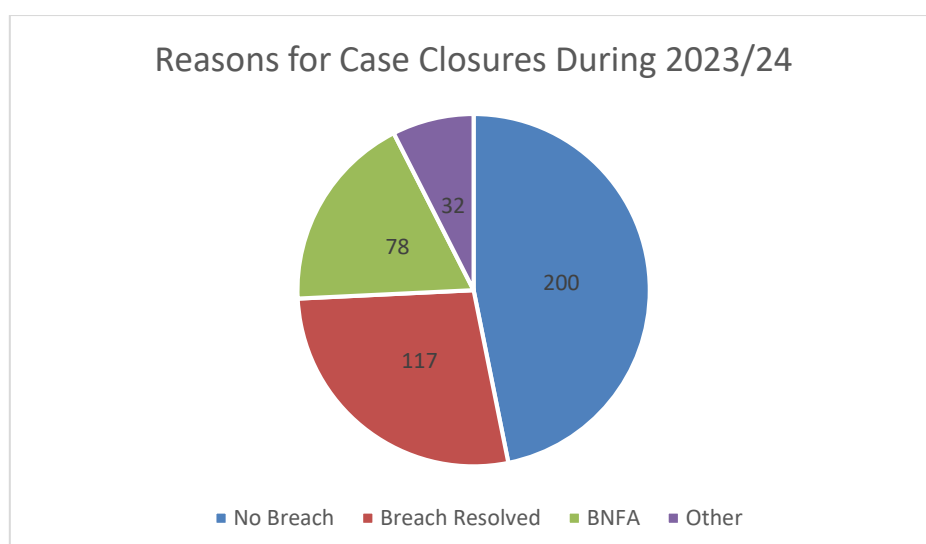


Chart 5

2.10 Chart 6 sets out the number of Notices issued throughout the year. The below data only includes those Notices which requires remedial steps or an activity to cease, due to the harm identified in each case. This data does not include Notices such as a Planning Contravention Notice or Section 330 Notice, which are requests for information.

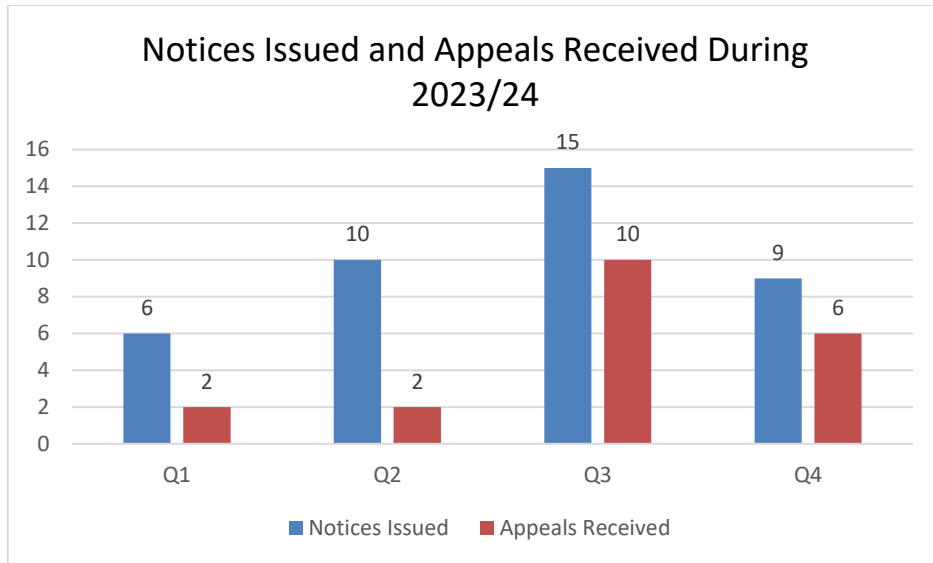


Chart 6

3.0 **SCHEDULE B. EXAMPLES OF FORMAL ACTION TAKEN**

Enforcement Ref: 23/00221/ENFB

Site Address: North Muskham

Alleged Breach: Unauthorised Alterations to Land Levels and Boundary Treatments

Action To Date: Enforcement Notice Issued

- 3.1 **Background:** Officers were notified that a previously sloping grass verge had been levelled and replaced with a considerable length of gabion baskets, a brick wall and timber sleepers, to form a new boundary to a property in North Muskham. A retrospective application was submitted but refused on a number of grounds, including that a considerable length of the new boundary had been installed on adopted highway, following consultations with Nottinghamshire County Council as the Highways Authority.
- 3.2 The Enforcement Notice requires the removal of the new development and the reinstatement of the land to its former sloped, grassed condition. The Enforcement Notice has been appealed to the Planning Inspectorate.



Site prior to development taking place.



Site showing the development.

Enforcement Ref: 22/00198/ENFC

Site Address: Highfield Road, Clipstone

Alleged Breach: Unauthorised Side Extension

Action To Date: Enforcement Notice Issued

- 3.3 **Background:** Officers received a complaint that an unauthorised side extension had been erected, affixed to an existing brick-built side extension. Officer efforts to negotiate amendments to the extension have not been taken up by the occupant, and as the current development is considered to be unacceptable, an Enforcement Notice has been issued, requiring the demolition of the side extension.



Site photo showing the unauthorised development.

4.0 **SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

Enforcement Ref: 23/00510/ENFB

Site Address: Stafford Avenue, Newark

Alleged Breach: Unauthorised Car Port

- 4.1 **Background:** A large, detached car port was erected on land forward of the principal elevation of a residential property on Stafford Avenue, Newark. All such structures require planning permission. The owners promptly and cooperatively removed the structure without the need for formal enforcement action.



Site photo showing development.



Site photo showing the site following the removal of the unauthorised development.

Enforcement Ref: 24/00018/ENFB

Site Address: Victoria Street, Newark

Alleged Breach: Insertion of Incorrect Window Design

- 4.2 **Background:** As part of a wider redevelopment scheme of historic buildings in Newark, an incorrect window design had been inserted into an elevation directly overlooking neighbouring residential gardens. The approved planning permission detailed windows to be of an appropriate design to both reflect the historic value of the buildings, and most importantly protect the privacy of the surrounding neighbours. A condition was imposed on the grant of planning permission that expressly required the three windows to be inward opening and obscure glazed, to ensure privacy was retained.

- 4.3 The windows that were installed (incorrectly) were not acceptable, both from a conservation perspective and also due to the effect on the amenity of neighbouring residents. Following discussions between the developer and enforcement officer, amendments were promptly made to the windows which mirrored the approved design, including the installation of obscure glazing.



Site photo of (incorrect) windows originally installed.



Site photo showing the replacement windows.

5.0 **SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER**

Enforcement Ref: 22/00180/ENFA

Site Address: South Clifton

Alleged Breach: Unauthorised Pergola and Fencing

- 5.1 **Background:** Three timber pergolas and tall trellis fencing had been affixed to a Grade II listed residential barn conversion and boundary wall. Conservation Officers did not consider the development to be acceptable and resulted in a Listed Building Enforcement

Notice being issued. The Notice required the pergolas to be removed and the damage to the buildings repaired.

5.2 The notice was subsequently appealed but was unsuccessful, with the Planning Inspectorate supporting the position of the Local Planning Authority.

5.3 The unauthorised development has been removed within the required timescales.



Site photos of unauthorised developments.



Multiple gazebos and timber structures.



Site photos showing pergolas etc. removed.

6.0 **Legislation and Practice updates**

6.1 On 2nd April 2024, secondary legislation by way of the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 were made. These Regulations bring the majority of the planning enforcement provisions provided by LURA (Levelling-up and Regeneration Act 2023) into force. Many changes have been made under LURA, including the following planning enforcement changes which came into effect on 25th April 2024.

- 2nd April [The Planning Act 2008 \(Commencement No. 8\) and Levelling-up and Regeneration Act 2023 \(Commencement No. 4 and Transitional Provisions\) Regulations 2024](#) Statutory Instrument 2024 No. 452 (C.28)
- 2nd April [The Levelling-up and Regeneration Act 2023 \(Consequential Amendments\) \(No. 2\) \(England\) Regulations 2024](#) Statutory Instrument 2024 No. 453
- 18th March [The Levelling-up and Regeneration Act 2023 \(Commencement No. 3 and Transitional and Savings Provision\) Regulations 2024](#) Statutory Instrument 2024 No. 389 (C.21)

Time limits for enforcement

- 6.2 Section 115 changes the time limits for taking enforcement action in England by revoking the four-year time limit which applied to operational development and change of use of any building to use as a single dwellinghouse. The time limit for taking enforcement against all breaches of planning control in England will now be **ten years**.
- 6.3 The transitional provisions are key to note in that this change will not apply in the following circumstances:
- a) Where the operational development was substantially completed before 25th April 2024.
 - b) Where the change of use to a dwelling occurred before 25th April 2024. i.e. the above two circumstances would remain subject to the four-year rule.

Duration of temporary stop notice (TSN's)

- 6.4 Section 116 changes the duration of temporary stop notices in England from 28 days to 56 days.
- 6.5 This change will not impact any temporary stop notice that has been issued, and not withdrawn before 25th April 2024.

Enforcement warning notices

- 6.6 Section 117 provides local planning authorities (“LPA”) with the power, in England, to issue an enforcement warning notice where it appears to them that there has been a breach of planning control, and there is a reasonable prospect that, if a planning application is made for the development concerned, then planning permission would be granted. The LPA can take further enforcement action if an application is not received within the specified period.

Restriction on appeals against enforcement notices

- 6.7 Section 118 reduces the circumstances in which an appeal against an enforcement notice can be made where an application has already been made to regularise the breach. In short, it effectively removes the ground (a) so that there is only one opportunity to obtain retrospective planning permission.
- 6.8 This change does not apply to appeals against enforcement notices that were made and have not been withdrawn before 25th April 2024.

Undue delays in appeals

- 6.9 Section 119 provides the Planning Inspectorate (in England) with the ability to dismiss appeals against enforcement notices and appeals relating to certificate of lawfulness where the appellant is responsible for undue delay in the progress of the appeal.
- 6.10 This change does not apply to enforcement notice or certificate of lawfulness appeals that were made before 25th April 2024.

Penalties for non-compliance

- 6.11 Section 120 increases the penalties that relate to several planning enforcement offences.
- 6.12 On 25th April 2024, the fines payable for non-compliance with a breach of condition notice or for non-compliance with a section 215 notice were increased. The fine for breaching a section 215 notice will be one-tenth of the greater of (i) £5,000 or (ii) level 4 on the standard scale of fines.
- 6.13 There will be no limit on the fine that can be imposed for disregarding a breach of condition notice. The current maximum fine is £2,500 for breach of condition notices in England.
- 6.14 This change applies to offences committed after 25th April 2024.

Heritage Enforcement Changes

- 6.15 A further enforcement power which relates to listed buildings are also effective from 25th April 2024.

Temporary Stop Notices (TSN's)

- 6.16 Section 103 of LURA amends the Planning (Listed Buildings and Conservations Areas) Act 1990 ("LBA 1990") by giving LPAs the power to issue temporary stop notices in relation to listed buildings where they suspect that unauthorised works have been carried out.
- 6.17 The temporary stop notice can require that works stop for up to 56 days to allow the LPA to investigate the suspected breach. Section 103 also creates an offence for contravention of a temporary stop notice.

Building Preservation Notices

- 6.18 Another heritage enforcement change is contained in Section 105 of LURA which amends the LBA 1990 so that LPAs are required to consult with the Historic Buildings and Monuments Commission before serving a building preservation notice. Section 105 also amends the LBA to remove the right to claim compensation for building preservation notices.
- 6.19 Section 105 came into force on 25th July 2024, but does not apply to building preservation notices that come into effect before 25th July 2024.

7.0 Implications

- 7.1 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



Report to Planning Committee 9 May 2024

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Planning Committee Annual Report 2023-2024
Purpose of Report	To provide Members with information of the performance of Planning Committee.
Recommendations	That Members note the contents of this report.

1.0 Background

1.1 All Planning Committee meetings have been held at Castle House. All meetings commenced at 1600 hours on a Thursday. An Extraordinary Meeting was held in November.

2.0 Proposal/Options Considered and Reasons for Recommendation

Facts, Planning Applications and Reports:

2.1 Newark & Sherwood District Council's Planning Committee sat on 12 occasions throughout the municipal year 2023- 2024, one more than 2023. The Committee undertook 23 official site visits, as part of 7 meetings. This is 1 more site visit than the previous municipal year but the same number of meetings.

Planning Applications:

2.2 The Planning Committee considered 64 planning applications over the 11 meetings. This is 6 more applications than 2022/23.

- 32 applications were granted in line with officer recommendation;
- 19 applications were refused in line with officer recommendation;
- 3 application was granted contrary to officer recommendation;
- 9 applications were refused contrary to officer recommendation;
- 1 was withdrawn from the agenda; and
- Of the 64, one was deferred for negotiation or further information.

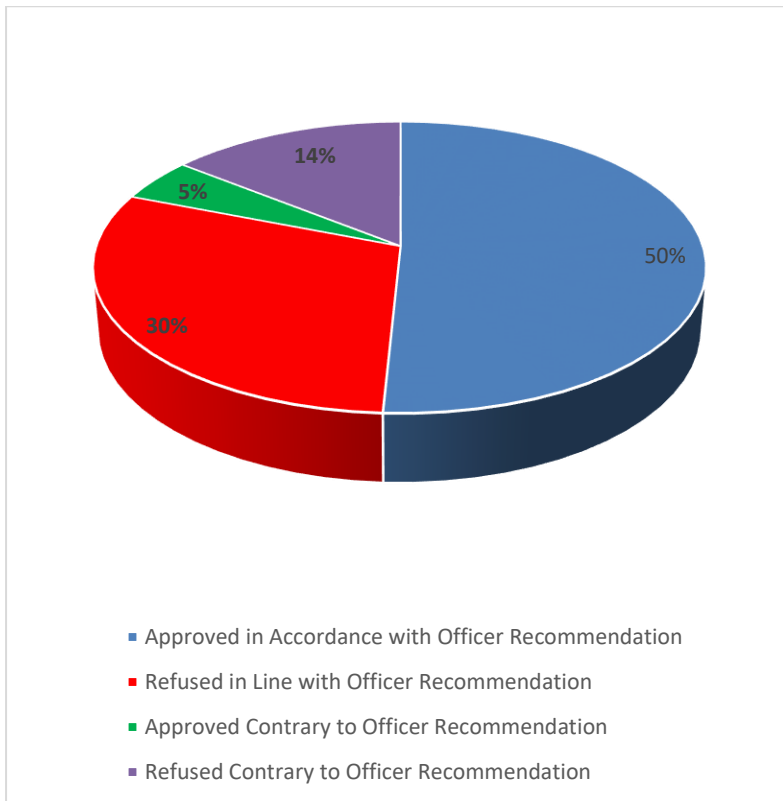


Chart 1: How applications were determined

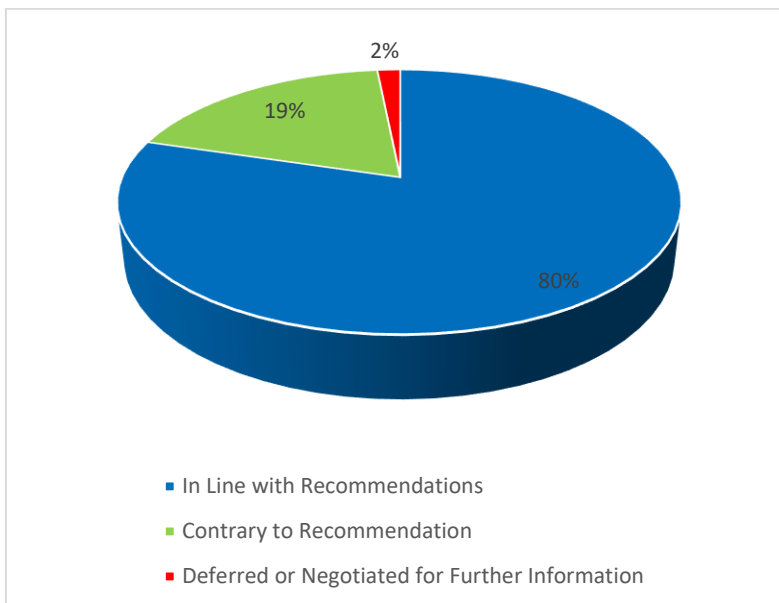


Chart 2: Percentage of Decisions in Accordance with or Contrary to Officer Recommendation

Appeals Decisions:

- 2.3 Throughout the municipal year Newark & Sherwood District Council received 2 appeal decisions in respect of decisions made by the Planning Committee.
- 2.4 Out of the two, 1 of the appeals was allowed (i.e. granted) by the Inspector and 1 was dismissed (refused) supporting the decision of the Committee.
- 2.5 Of the appeals:
 - 1 of these had been recommended for approval by Officers but overturned by Committee; and
 - 1 had been recommended by Officers to be refused.

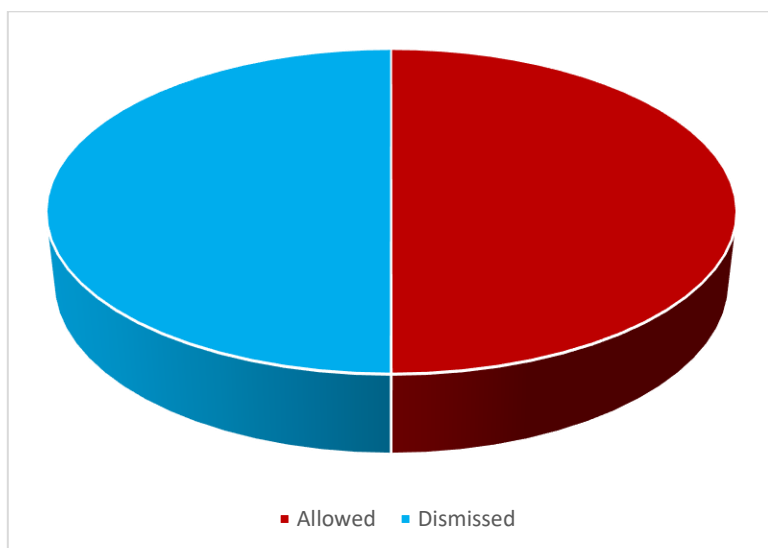


Chart 3: How Appeals were Determined

The allowed appeal was:

App No.	Address	Proposal
22/02248/FUL	11 Station Road, Collingham	Erection of New Dwelling; Alteration of Existing Dwelling; Demolition of Existing Garage and Shed and Erection of New Garaging

2.6 Members will also be aware from quarterly performance reports that when an appeal is made either party, the Council or the Appellant may seek costs if unreasonable behaviour is deemed to have taken place. In addition, the Inspector may also make an award of costs without an application by either party. Planning Practice Guidance details the types of behaviour that may lead to an award of costs by local planning authorities, appellants, statutory consultees and interested parties. No costs have been awarded against the Council over the preceding 12-months.

Additional reporting

2.7 In addition to planning applications the Committee also received a significant variety of reporting on the following matters. A summary of the changes is provided below. Further information may be found by reading the respective month's committee reports.

Legislative updates

2.8 August 2023 – Permitted Development Rights – new rights in relation to recreational campsites and film making - Statutory Instrument 2023 No. 747 ([The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2023](#))

2.9 January 2024 - Permitted Development Rights – for solar energy increasing the rights particularly for buildings within conservation areas, extensions to schools, colleges, universities, prisons and hospitals as well as rights in relation to telecom masts and antennas - Statutory Instrument 2023 No. 1279 ([The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023](#))

2.10 February 2024 – Biodiversity Net Gain (BNG). The BNG legislative changes

- [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 \(legislation.gov.uk\) \(SI 2024 No. 50\)](#)

2.11 This legislation includes a number of different matters relating to the introduction of BNG. One of the key aspects is the introduction of mandatory BNG for major developments submitted on or after the 12th February and for non-major for applications submitted on or after the 2nd April.

2.12 February 2024 – [The Levelling-up and Regeneration Act 2023 \(Commencement No. 2 and Transitional Provisions\) Regulations 2024](#). This introduced the ability for the government to provide statutory development management policies, introduce legislation for Street Development Orders as well as other, more minor to Planning Development, changes.

2.13 February 2024 – Ancient Woodland – [The Town and Country Planning \(Consultation\) \(England\) Direction 2024](#) introduced the requirement to refer applications to the Secretary of State before granting permission if the development affects an Ancient Woodland and cannot be adequately mitigated.

Government Consultations

2.14 April 2023 - Consultation on permitted development rights concerning 1) permitted development rights relating to recreational campsites, 2) renewable energy, 3) electric charge vehicle points and 4) film-making. The details of the consultation were set out in [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making](#).

2.15 September 2023– Consultation on [Additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification](#). This was a consultation on many different aspects:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.

- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

- 2.16 January 2024 – Consultation on Street Votes Development Orders – this consultation proposals enabling owners of dwellings within a ‘street’ to be able to come together and propose development that will be permitted via a Development Order which will mean that a planning application to the local planning authority would not be required, in effect the Order would define ‘permitted development. [Street vote development orders](https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation)<https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation>.
- 2.17 March 2024 - Permitted Development Rights Consultation - [Changes to various permitted development rights: consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation). This consultation had a number of proposed changes for householders, demolition and rebuild, EV charging and heat pumps.

Other Matters

- 2.18 July 2023– Update to the [Planning Enforcement Plan](#) - the changes principally related to advertisements and our proactive approach to unauthorised adverts.
- 2.19 January 2024 - De-listing Notification from Historic England for Old Hall Cottage of Main Street, Kneesall.
- 2.20 January 2024 – Update to the [National Planning Policy Framework](#) (NPPF) and Written Ministerial Statement (WMS) [‘The Next Stage in Our Long Term Plan for Housing Update’](#). The changes to the NPPF related to plan making , ‘beautiful’ development, permitting mansard roofs, design codes, insertion of text to require ‘...significant weight to the need to support energy efficiency...’ and availability of land for food production. The WMS highlighted the role of beauty, increased performance in terms of the speed of decision-making including the possibility of removing extension of time agreements for householders, the financial support given to local planning authorities and overturns by planning committees and the advice to Inspectors to consider the award of costs against the council in such circumstances.
- 2.21 February 2024 – Planning Application Validation Checklist – this proposed amendments to the checklist, primarily following the introduction of mandatory biodiversity net gain but also some minor amendments.
- 2.22 March 2024 – Constitution Review including the introduction of public speaking. A detailed review of the Scheme of Delegation to Planning Officers and the Planning Protocol for Members was undertaken. Amendments were made to each in order to permit public speaking as well as to try and ensure that the planning application process is fair and equitable to all.
- 2.23 March 2024 – Development Plan Update. This report set out that the Planning Policy & Infrastructure team has submitted the [Second Publication Amended Allocation &](#)

[Development Management DPD, September 2023](#) to the Planning Inspectorate for consideration. Details of when this is to be examined is awaited.

- 2.24 Further changes are expected for 2024/25 following the publication of the Levelling-up and Regeneration Act 2023 but also as a result of some of these many consultations and proposals.

3.0 Implications

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

Background Papers and Published Documents

Planning Committee Agendas – April 2023 – March 2024