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Wednesday, 15 November 2023

**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, 23 November 2023 at 6.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY

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

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

AGENDA

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1. Apologies for Absence
2. Declarations of Interest by Members and Officers
3. Notification to those present that the meeting will be recorded and streamed online

Part 1 - Items for Decision

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Part 3 - Exempt and Confidential Items

12. Exclusion of the Press and Public

There are none.



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner (Development Management), ext. 5823

Report Summary			
Application Number	23/01552/FUL		
Proposal	Conversion of stable building into a single dwelling		
Location	Stable Building, Newhall Lane, Edingley		
Applicant	Mr and Mrs R Islip	Agent	Mrs Briony Barrett
Web Link	23/01552/FUL Conversion of stable building into a single dwelling Stable Building Newhall Lane Edingley (newark-sherwooddc.gov.uk)		
Registered	05.09.2023	Target Date:	31.10.2023
		Extension To:	15.12.2023
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan. This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The application site is located on the north-west side of Newhall Lane in the open countryside, outside of the village of Edingley. The site comprises a linear red brick-built building accessed in the southern corner of the site via a 5-bar gated access. To the north is open countryside, to the north-east is a menage, to the east is countryside and sporadic properties exist to the south. Immediately to the west is a large, detached dwelling known as ‘Woodendale’. The stable building is understood to have been constructed in the 1990’s and is of red brick and pantile construction with stable door openings in the north-west side elevation. The site is not located in an area at risk of flooding and does not lie within a Conservation Area.

2.0 Relevant Planning History

95/50468/FUL - HAY STORE – Permitted 29.12.1995

37910967 – ERECT STABLES – Permitted 30.09.1991

37910160 - ERECT STABLES – Permitted 23.05.1991

3.0 The Proposal

For the avoidance of doubt amended plans have been submitted throughout the course of this application to address comments made by Officers.

Permission is sought for the change of use of the existing stables building to one dwelling.

Physical alterations proposed to the building are as follows:

- Replacement of the existing timber lean-to on the north-east side elevation with a new garden store 4.3m long x 4.2m wide, 3.6m to the ridge and 2.2m to the eaves (existing lean-to is approx. 7.5m long x 4.4m wide, 2.6m in height). The garden store would be faced in brick with a pantile roof and would have a window in the gable end. A sparrow terrace box is also proposed in the gable end. A timber louvred screen is also proposed under the canopy overhang of the building.
- Front (NW) Elevation: glazing of existing stable door openings (with three of the stable doors pinned back), re-glazing of an existing larger opening with bi-folding doors and insertion of a half-glazed stable door opening.
- Rear (SE) Elevation: insertion of 2 no. rooflights.
- Side (SW) Elevation: No change save for the addition of a bat box on the gable end.
- Windows and doors are proposed to be timber.

The dwelling would comprise an open plan kitchen/dining/sitting room, two bedrooms, a bathroom, a hallway and a garden store. The gross internal area is: 87.2m².

Access would be taken via the existing access into the site at the south-west corner where space is shown for manoeuvring within the site. Parking space for two vehicles is shown to the SW of the building, with an area identified for bin storage and an electrical vehicle charging point. Secure cycle storage is proposed to be accommodated in the garden store. The existing access gate is proposed to be replaced with a timber 5-bar gate (as per the agent's email of 04.10.2023), set 6.3m back from the edge of the highway to allow for a car to pull off the road when accessing the site.

The proposed plan includes additional landscaping such as the planting of a new tree to the south-west of the car parking spaces and planting of a native hedgerow (hawthorn and blackthorn) to the north-east and north-west boundaries with timber post and rail fencing on the inside for security. A wildflower meadow is proposed on the north-east side of the garden.

NB: All measurements above are approximate.

The assessment outlined below is based on the following plans and supporting information:

- Application Form
- Planning Statement
- Structural Report
- Bat Roost Assessment
- Site Location Plan – Ref. 2323 P00 Rev. B
- Existing Ground and Roof Plans – Ref. 2323 P01
- Existing North East and North West Elevations – Ref. 2323 P02
- Existing South East and South West Elevations – Ref. 2323 P03
- Existing Site Plan – Ref. 2323 P04 Rev. A
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A
- Agent Supporting Email 04.10.2023

4.0 Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. The application has been advertised as a 'departure' in the local press and by site notice which expired on 19.10.2023.

Site Visit Undertaken: 21.09.2023

5.0 Planning Policy Framework

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2023
 Planning Practice Guidance
 NSDC Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 NSDC District Wide Housing Needs Assessment 2020
 NSDC Landscape Character Assessment SPD 2013

6.0 Consultations

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

(a) Statutory Consultations

NCC Highways – No objection subject to conditions.

(b) Town/Parish Council

Edingley Parish Council – Support the Application – “It will bring a redundant building back into use.”

(c) Representations/Non-Statutory Consultation

NSDC Biodiversity and Ecology Lead Officer – No objection.

Ramblers Association – No comments received.

Environmental Health Contaminated Land – General advice given to be attached via an informative note to the Applicant.

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Housing Mix
3. Impact upon the Character and Appearance of the Area
4. Impact upon Amenity
5. Impact upon Highways Safety
6. Impact upon Ecology
7. Other Matters

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

Principle of Development

The 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 Council's position is that it can demonstrate a 5-year housing supply. Therefore, the Development Plan is up to date for the purpose of decision making. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 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 (policy DM8).

Edingley is defined as an 'other village' according to SP1 and SP2 - SP3 is therefore relevant. SP3 identifies that new housing should be directed towards existing settlements which have good access to services and facilities. It states that development outside principal villages should be appropriate to the location and be small scale in nature and should not have a detrimental impact on the character of the location or its landscape setting. There is no defined settlement boundary for Edingley. Therefore, whether or not the site lies 'in the village' is a matter of judgment. According to the subtext to SP3, sites in edge of built form locations comprising undeveloped land, paddocks, fields, or open space will not normally be considered as being within the settlement boundary.

The application site has an Edingley address but clearly does not lie within Edingley village or within any other defined settlement. The site is surrounded by open countryside – whilst there are some dwellings on Newhall Lane, the site is well separated from the main village of Edingley to the north. It is therefore considered that the site lies in the open countryside and could not reasonably be considered to be within any village and thus Policy DM8 is applicable.

Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development, limited to a exceptions of certain types. One of these exceptions relates to the conversion of existing building. Point 5 of DM8 states that: *"[...] Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed*

assessment of proposals will be made against a Supplementary Planning Document.”

In this case, the building is not considered to possess any architectural or historic merit given it is a typical brick built stable with a timber lean-to, constructed in the 1990's. The information submitted with this Application sets out that the existing building is constructed from concrete blockwork with facing brickwork, the roof is formed using timber trussed rafters spanning from the rear wall to the front wall which then cantilevers over the front wall to form a roof overhang (typical of stable buildings). The roof covering is clay pantiles. Existing window and door openings have concrete or steel lintels over the openings and the floor is laid as a concrete floor slab that is in good condition. The Structural Survey concludes that the building is of a robust and permanent construction and in a good structural condition, fit for conversion into a dwelling without structural alterations. The plans also show that the building would remain as its existing form, albeit it is proposed to have the timber lean to on the north-east gable end replaced with a smaller extension, and windows and doors are proposed to be added.

Given the building is not considered to be of any architectural or historic merit, the conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 79 and 80 of the NPPF advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 80). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.80c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.

There is no statutory definition of what constitutes an *'isolated home'*. However, giving judgement in *Braintree District Council v SOSCLG & ORS* (2018) EWCA Civ 610 (reaffirmed in *City & Bramshill v SoSHCL* (2021) EWCA Civ 320), Lindblom J said paragraph 80's advice was to avoid *'new isolated homes in the countryside'* which *'simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'*. The Judgement goes on to explain that *'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand'*.

In this case, the site is situated along Newhall Lane where there are sporadic properties along the lane, however the site is well separated from the main village of Edingley to the north. Therefore, whilst the building itself is not considered to be *isolated* given it is sited around other dwellings, this building is separated from any defined settlement or village. Therefore, arguably, this proposal is eligible to be considered under para.80 of the NPPF, having regard to the abovementioned judgements.

The aim of the NPPF is to promote sustainable development in rural areas and support local housing where it will enhance or maintain the vitality of rural communities. Paragraph 80c of the NPPF supports the re-use of *redundant* or *disused* buildings for housing, provided that it enhances its immediate setting. In light of this, the intention of the amendments to DM8 as part of the Plan Review process is to omit the restriction of the conversion of existing buildings to *only* those of architectural

or historic merit. On this basis giving weight to the NPPF's stance on the conversion of rural buildings which is up to date and taking into account the Plan Review intention to align DM8 with the NPPF, it is concluded that this should be given more weight than the current version of DM8. That is, subject to this proposal demonstrating that the building is redundant/disused, capable of conversion without significant re-building, alteration or extension and provided the proposal can be concluded to enhance its immediate setting the principle of development could be acceptable under para.80c of the NPPF.

In this respect, comments made in the supporting statement about the building reflecting the local vernacular and being *disused* are noted. It is understood that the building is no longer required for equestrian purposes as the Applicant's children have grown up (and no longer ride), and the current tenants have vacated the site (and it was noted on a recent site visit that the land around the stables no longer appeared to be in use for horse grazing). As such the building is redundant for its current purposes. In light of the structural condition of the building and the proposal only seeking to add a small-scale replacement extension and windows and doors, but otherwise utilise the building's existing structural walls, it is considered that the building is capable of conversion without significant re-building etc.

In terms of whether the proposal would enhance its immediate setting, a full assessment of the proposals impact on the character and appearance of the area, will follow, however it is noted that the proposal would look to enhance the exterior of the building through replacing the existing low-quality timber lean to with a smaller garden store extension of a higher quality (constructed from brick and pantiles) and would use high quality joinery to reglaze existing openings and new discrete openings. Additional soft landscaping is also proposed to be used to enhance the visual amenity of the site such as the planting of a new tree at the site entrance and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). New hedgerow planting has been included along the north-western boundary with the wider countryside as a result of negotiations made during the course of this application to enhance the countryside setting of the site and provide a definitive boundary with the countryside beyond. The proposal also includes the creation of a wildflower meadow on the north-east side of the site to enhance the setting of the building and the site's overall biodiversity value.

The overall improvement of the exterior of the building (upgrading it to a higher quality finish, removing the timber lean-to), landscaping, removing the equestrian use and the associated paraphernalia that comes with it could be said to enhance the building and site overall. Whilst not significant changes, in this particular context it is considered that given the location of the building, adjacent to other residential properties where a residential use would be more appropriate than a redundant or vacant building, that the changes proposed would meet the requirements of para.80c of the NPPF.

Therefore, whilst on the basis of the information submitted with this application it is not considered that the proposal would be compliant with the current wording of policy DM8, it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the open countryside is a material consideration that weighs in favour of this proposal in principle, in that it would enhance its immediate setting, and the conversion could be undertaken without significant re-building or alteration (and would align with the direction of travel of the amended version of policy

DM8 in the plan review). On this basis, in this specific context the principle of development is therefore considered to be acceptable.

Housing Mix

Core Policy 3 seeks 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 Local Planning Authority (LPA) will secure an appropriate mix of housing types to reflect the local housing need. The most recent Housing Need survey (2020) undertaken for the district identifies a need in the Southwell sub area (of which Edingley is a part) for 3-bed houses (33.3%), followed by 4+ bed houses (24%). Whilst a 2-bed bungalow is not the most required property type, it does still account for 14.8% of the total housing need for this sub-area and the provision of a smaller (2-bed) single storey unit is promoted by CP3. It is therefore considered that the proposal is acceptable in this regard.

Impact upon the Character and Appearance of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. The Council's Conversion of Traditional Rural Buildings is also relevant as set out above.

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 37: Halam Village Farmlands with Ancient Woodland. The landscape condition is defined as very good, and the landscape sensitivity is defined as high with the landscape action to 'conserve'. In terms of built features, the policy actions are to conserve the rural character of the landscape by limiting new development, maintain the use of vernacular materials, style and scale in any new development and promote measures for reinforcing the traditional character of existing farm buildings by using vernacular building styles.

The application building is a linear building of red brick and pantile construction with stable door openings in the north-west elevation. The building is reflective of the local vernacular and material palette and makes a neutral contribution to the character of the countryside where low profile stable buildings are not uncommon. The southeast boundary of the site with the highway is formed by an existing hedgerow with a large tree close to the south-easternmost section of the stable. The highway boundary is typical of this rural location and makes a positive contribution to the character of the area.

The alterations proposed to the building mainly relate to the replacement of the existing timber lean-to on the north-east elevation with a smaller extension to form a garden store and glazing of existing and new openings as detailed in the description of the proposal section of this report. Following amendments made, the materials for the garden store have been amended to brick and pantile to better reflect the local vernacular and the number of new openings has been reduced to reduce the

domestication of the building. Whilst ordinarily conversions should be limited to the existing confined of the building, in this case the extension would replace a bigger timber lean-to on the building which would enhance its current appearance and this garden store would negate the need for a domestic shed or similar which could be more harmful on the character of the area if not suitably scaled and positioned. Given the conversion approach has been very carefully considered and negotiated to respect and retain the character of the building and preserve its rural setting, it is considered reasonable in this case to restrict the buildings permitted development rights for any extension or alteration to the building and the erection of domestic outbuildings. Subject to precise details of the proposed materials, technical specifications of new windows/doors/roof lights and other external accretions, it is considered that the alterations proposed would enhance the appearance of the building compared with the existing situation and would reinforce its traditional appearance in accordance with the LCA policy aims for this location.

Turning now to the alterations proposed to the site – the proposed change of use would result in horse grazing on the fields to the north-west ceasing and the removal of any associated equestrian equipment. Whilst this would be replaced with a domestic use, the area of land within the proposed curtilage of the dwelling has been restricted to the field immediately around the building which would reduce any potential for sprawl and would reinstate the remaining fields back to countryside (given the stables would be lost from the site and the equestrian occupation of the land has already ceased). The plans also show the existing highway boundary vegetation and hedgerow along the south-western boundary would be retained and approx. 60m of new native hedgerow would be planted along the north-east and north-western boundaries behind a post and rail fence. This is proposed to enhance the rural setting of the site and prevent any encroachment into the surrounding fields which would conserve the areas rural character. The use of a native hedgerow mix, in accordance with the landscape character aims for this area would materially enhance the existing appearance of the site which, until recently, has been dominated by horseculture paraphernalia. Additional planting has also been included within the proposal to enhance the setting of the building and the wider site.

The improvement of the site landscaping, removal of the equestrian use and associated paraphernalia and planting of additional native hedgerow, along with the enhancement of the building itself (through the alterations proposed and use of high-quality materials/finish) will result in the overall enhancement of the site and its setting which would align with the LCA aims and the aforementioned requirements of para. 80c of the NPPF. It is therefore considered that the proposal would comply with Policies CP9 and DM5 of the Development Plan in addition to complying with the advice contained within the Council's LDF DPDs and the NPPF.

Impact upon Amenity

Policy DM5 states that 'The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.' New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:

- Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.

- Significant overbearing impacts on existing properties and their private amenity space.

The proposal would be mostly limited to the existing confines of the building, save for the replacement garden store extension on the north-east side of the building. However, given this would replace an existing (larger) element of the building and is well separated from any surrounding property it is not considered that this element would result in any overbearing or overshadowing impact on any neighbouring property. Similarly, given the separation distances between the building and neighbouring occupiers, it is not considered that the addition of windows and doors into the building would result in any overlooking impact either. Consideration has been given to the use of the building as a dwellinghouse and whether this would result in any material disturbance to the closest dwelling to the west, however given the lawful use and separation distances between the properties it is not considered that any unacceptable impact would arise.

Turning now to consider the impact on the amenity of future occupiers – it is noted that the internal floorspace of the dwelling would exceed the national space standards for a unit of this size and that all habitable rooms would be served by adequate sources of natural light and outlook. The building would also be served by an external amenity area that would be commensurate with the size of the unit. Therefore, on the basis of the above conclusions, it is considered that the proposal would be acceptable in this regard in accordance with DM5.

Impact upon Highway Safety

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

NSDCs Residential Cycle and Car Parking Standards Design Guide SPD sets out recommended minimum car parking standards which would require 2 car parking spaces and 2 cycle parking spaces for a 2-bed dwelling in this location. To accord with Spatial Policy 7 (bullet 5) of the Amended Core Strategy and to implement Paragraph 110 of the Framework, the District Council will seek to encourage these minimum car parking standards for new residential development. These figures are considered as the recommended minimum standards. The proposed plans show space for two cars to park within the site in addition to space for turning/manoeuvring. An EV charging point has also been annotated on the proposed site plan and the agent has confirmed that secure cycle storage could be accommodated within the garden store. As such the proposal is considered to accord with the requirements of the SPD.

Access is proposed to be taken via the existing access in the south-west corner of the site – Notts County Council Highway Authority have reviewed the proposal and advised that given the lawful use of the site, the proposal is unlikely to give rise to highway safety issues. However, the Highway Authority would wish to see the driveway surfaced in a bound material as proposed and for the vehicular crossover/bell mouth to be resurfaced to highway authority specification as it is in a poor condition, with loose material present. It is noted that the application proposes a tarmac apron; given this is not a permeable surface, to prevent surface water runoff from discharging onto the public highway, it will be necessary to install an aco drain, on private land immediately behind the highway

boundary. A new gate is also proposed to be set back 6.3m from the highway edge to allow for a car to pull off the highway whilst accessing the site. Subject to conditions as recommended the Highway Authority raise no objection to the proposal.

On the basis of the above it is therefore considered that the development would be acceptable in this regard in accordance with SP7 and DM5, in addition to the provisions of the NPPF.

Impact upon Ecology

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

In order to consider the potential impacts of the development on protected and priority species, and the potential scope to avoid or mitigate any impacts further surveys to confirm the presence or absence of these species are required prior to determination. Specifically for bats and other protected species it is a requirement to consider whether a European Protected Species License would be granted for the development in the event that these species are identified on site. In order to carry out the derogation test and consider the potential mitigation measures it is necessary to ascertain whether such species are present. As such, upon request, a Bat Roost Assessment (BRA) has been submitted to accompany the application.

The BRA concludes that the building has low potential for roosting bats. No evidence of bats was found during the surveys and no bats were recorded emerging during the subsequent emergency surveys. The surveys therefore demonstrate likely absence of bats and no further survey was recommended as necessary or proportionate for this site. The BRA does recommend however that if any part of the roof needs to be replaced, a precautionary approach be adopted during the initial site works. It is noted that the application does not seek to remove or replace any of the existing roof. The BRA does however recommend site enhancements through inclusion of a range of nest birds for bats and birds and this could be controlled by condition.

It is also noted that the application proposes biodiversity enhancements to the site as is encouraged through the NPPF. The proposed site plan includes the planting of a new tree at the site entrance, installation of bat and bird boxes and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). The application does not seek to quantify the potential for biodiversity net gain (BNG) on the site, however there is no minimum threshold included within policy at the time of writing this report. Furthermore, the NPPF states that proposals that include biodiversity enhancements should be encouraged, therefore irrespective of a quantifiable BNG calculation, the biodiversity enhancements proposed attract positive weight in favour of the proposal.

Overall, it is not considered that the proposal would result in an ecological impact that would warrant withholding permission. The proposal would therefore comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Other Matters

Community Infrastructure Levy – The Agent has confirmed that the building has been in lawful use for at least 6 months out of the last 3 years, as such the existing GIA (and proposed, given this is less than the existing GIA) is exempt from a CIL charge.

Contaminated Land – The Contaminated Land Officer has provided general advice given to be attached via an informative note to the Applicant in relation to the potential for contamination which can be attached to any decision if issued.

Flood Risk and Drainage – The site lies in a low-risk area for flooding. The application form explains that surface water would be disposed of to soakaways and that foul sewerage would be discharged using a package treatment plant. The use of soakaways for disposal of surface water would accord with the sustainable drainage hierarchy, as would the use of a package sewage treatment plant where a connection to the public sewer is not feasible. However, no details have been provided on the submitted plans showing where the surface or foul water drainage is proposed within the application site and how it has been designed to cater for the proposed development – however this can be secured by a suitably worded condition.

8.0 Implications

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

9.0 Conclusion

Whilst the principle of this proposal, relating to the conversion of a modern equestrian building to residential use would not be compliant with the current wording of policy DM8, it is considered that the stance of para.80 of the NPPF which supports the reuse of redundant or disused buildings for housing in the open countryside (under para. 80c) is a material consideration that weighs in favour of this proposal given it has been concluded that the proposal would enhance its immediate setting, and the conversion can be undertaken without significant re-building or alteration.

Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would enhance the visual amenity and character and appearance of the wider area. The proposal is also considered to be acceptable in terms of the housing mix and how this relates to local need and would not result in any adverse impacts on amenity, ecology or highways safety.

Therefore, whilst the proposal would be contrary to the current wording of policy DM8 in principle, it has been found to be acceptable in all other respects in accordance with the abovementioned policies in addition to the provisions of the NPPF, the Council's SPDs and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are materials considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. 2323 P00 Rev. B
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: So as to define this permission.

03

Prior to the installation or use of any external facing materials manufacturers details (and samples upon request) of the following materials (including colour/finish) shall be submitted to and approved in writing by the Local Planning Authority:

- Bricks
- Roofing Materials

Development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

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.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;

- Rainwater goods;
- Timber panels/screens (including precise materials);
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Entrance Gate.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

05

No works or development shall take place until a Scheme showing details and positions of measures for protection during construction of the south-east boundary hedgerow and trees has been submitted to and agreed in writing by the Local Planning Authority. This Scheme shall include:

- Details and positions of the ground protection areas
- Details and position of protection barriers.

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.

06

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

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

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

07

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1- Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

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 the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals 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 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.

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

09

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.

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

10

No part of the dwelling hereby permitted shall be first occupied until such time that the parking and turning space/driveway have been provided as per approved drawing Proposed Site Plan – Ref. 2323 P05 Rev. A to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

11

No part of the dwelling hereby permitted shall be first occupied until a means of surface water runoff disposal has been installed on private land and maintained in perpetuity, to the rear of the highway boundary with the details of which, first submitted to, and approved in writing by the Local Planning Authority.

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

12

No part of the dwelling hereby permitted shall be first occupied until the vehicular crossover has been resurfaced to Highway Authority specification, to the satisfaction of the Local Planning Authority.

Reason: In the interest of Highway Safety on Newhall Lane.

13

No part of the dwelling hereby permitted shall be first occupied until the site enhancements listed below are installed. The site enhancements shall thereafter be retained for the lifetime of the development:

- New native hedgerow planting to the north-east and north-west boundaries, new native tree to the south-west of the dwelling and new wildflower meadows as shown on the approved plan: Proposed Site Plan – Ref. 2323 P05 Rev. A
- Bird and Bat boxes as shown on the approved plans: Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A and Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: In recognition of the special circumstances justifying the principle of the development relating to site enhancements and in the interests of visual amenity and nature conservation.

14

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

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

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
Class G: Chimneys, flues etc on a dwellinghouse.

Or Schedule 2, Part 2:

Class C: The painting of the exterior of any building.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted building, do not adversely impact upon the openness of the countryside and in order to preserve or enhance the character and appearance of the area.

Informatives

01

The works required by Condition 12 will require licencing by the Highway Authority. Please contact VIA East Midlands on 0300 500 8080 or by emailing licences@viaem.co.uk. The Highway Authority will not support the discharge of any associated planning condition, unless evidence to demonstrate that this process has been followed is submitted.

02

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

03

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.

04

Advice from Environmental Health Contaminated Land

This application includes the conversion of a stable building to residential use. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

In addition to the above, 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 UK Health Security Agency and British Geological Survey Dec 2022 <https://www.bgs.ac.uk/datasets/radon-data-indicative-atlas-of-radon/>

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01552/FUL



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Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner, Ex 5893

Report Summary			
Application Number	23/01213/HOUSE		
Proposal	Front and side elevation rebuild with render finish and new porch extension (part retrospective)		
Location	97 South Avenue, Rainworth NG21 0JH		
Applicant	Mr Mayer	Agent	DK Plans Architectural Services - Mr Dawid Kornata
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXQG0ZLBJIX00		
Registered	17.07.2023	Agreed Extension of time	28.11.2023
Recommendation	That planning permission is refused as detailed at Section 10.0.		

The local Ward Member, Councillor Penny has requested this application is presented to Planning Committee with the following reason:

1. Whilst there is only 1 porch on the cul-de-sac itself, there are many on the street, less than 10 houses away there are 4 and in the surrounding vicinity there are many more, precedent [sic] has already been set in that community. All of the porches are different, there is no conformity in their appearance.
2. The proposed larger porch and rendering will add value to the house and an aspirational look of to the area, which could enhance the value of both the property and others surrounding it. Fig 4 is an example of where property is enhanced by a porch.
3. Whilst I take on board this is an old pit village, it has not been protected or looked after as a heritage site in terms of development over the past 60 or more years and that as such, where property owners want to enhance the standard of the area, this should be welcomed.

Photos of nearby properties with porch have also been provided by Councillor Claire Penny.

This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The site is located within the defined village envelope of Rainworth, which is identified as a Service Centre by Spatial Policy 1 of the adopted Core Strategy. The site is identified on the HER as part of entry M17549, Rainworth Colliery Village which is considered to be a non-designated heritage asset. The application dwelling is a typical building within the colliery village and contributes to the general character.

The site consists of a traditional colliery village built two-storey, semi-detached dwelling and associated curtilage. The property is located on the southern side of South Avenue which has a driveway to the side of the dwelling and garden areas to the front and rear. The land levels drop from the junction of Python Hill Road and South Avenue to the end of this cul-de-sac.

It is understood that the dwelling was damaged from a car accident in August 2022. The structural repair/rebuilding to the dwelling has since been carried out. During the structural repair works, the porch was added to the front (northeast) elevation and rendering was applied without the necessary planning permission.

The boundary treatment consists of timber fence panels standing at c.1.2m in height between the adjacent dwelling to the southeast along the front garden area, the boundary fronting South Avenue remains open with the construction appearing to be uncompleted.

2.0 Relevant Planning History

None.

3.0 The Proposal

The development seeks part retrospective planning permission for rebuilding part of the dwelling, a porch extension on the front (northeast) elevation to the dwelling and rendering to the entire semi-detached property.

The porch projects 1.468m and is 2.656m in width. This structure is completed with gable end roof standing at eaves and ridge height of 2.3m and 3.6m respectively. The rendering is off white/cream colour, covering the entire dwelling and the proposed porch. The roofing material on the porch matches the existing dwelling.

The following documents have been submitted with the application:

- Site location plan, ref: DK193_LP received 13 July 2023
- Existing and proposed block plans ref: DK193_300 received 13 July 2023
- Existing elevations and floor plans ref: DK193_100 received 13 July 2023
- Proposed elevations and floor plans ref: DK193_301 received 13 July 2023
- Heritage impact assessment received 13 July 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter on this application.

Site visit undertaken on 24 August 2023.

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 -Sustainable Design
- Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

- DM5 – Design
- DM6 – Householder Development
- DM9 - Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Householder Development SPD (2014)

6.0 Consultations

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

(a) Statutory Consultations

None.

(b) Town/Parish Council

Rainworth Parish Council – supports the application.

(c) Representations/Non-Statutory Consultation

NSDC conservation team – the proposal is harmful to the non-designated heritage asset and a balanced judgement is therefore required. The proposed porch introduces an architectural detail and the render a new material which was not part of the original design of the colliery village, being brick built with two different roof tiles.

No representations have been received from local residents/interested parties.

7.0 Comments of the Business Manager – Planning Development

The key considerations in this case relate to:

1. Principle of Development
2. Impact on Visual Amenity and Character of the Non-designated Heritage Asset
3. Impact upon Residential Amenity
4. Impact upon Highway Safety

Principle of Development

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

Under Policy DM6 the principle of householder development is supported, subject to applicants demonstrating compliance with the relevant policy criteria and the advice contained in the Council's Householder Development Supplementary Planning Document (SPD). Policy DM5, underpinned by Core Policy 9 (Sustainable Design), sets out a range of matters for consideration when determining planning applications in relation to design. The NPPF reinforces the above policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Impact on Visual Amenity and Character of the Non-designated Heritage Asset

Core Policy 9 and Policy DM5 both seek 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. Policy DM6 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials.

Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 130 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 134 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Core Policy 14 'Historic Environment' of the Core Strategy requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance. In accordance with Core Policy 14, particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible (Policy DM9 'Protecting and Enhancing the Historic Environment').

Until the sinking of Rufford Colliery, the hamlet of Rainworth barely consisted of a few farmsteads, cottages and an inn. The land for the colliery was leased from Lord Savile of Rufford Abbey, from which the colliery took its name. Following the sinking of shafts 1 and 2 in 1911-1913, coal was reached in October 1913, at a depth of 554 yards. After the sinking of the pit, Rainworth changed rapidly, and new housing was planned along Kirklington Road. In 1914, the village had its first school built (Heathlands) and another followed in 1924 (Python

Hill School). The model village continued to grow throughout the early 20th century and included a picture house.

The application lies within the Rainworth Colliery Village, identified on Nottinghamshire HER (M17549) as a non-designated heritage asset. The houses and planning were similar to other colliery developments in the area, including Forest Town, Mansfield. Rainworth colliery village, like others, had uniform house types which were brick built; albeit with two different roof tiles and brick air vents. Due to new national housing guidelines, the dwellings in Rainworth were more spaciouly planned than earlier colliery villages. The application dwelling is a typical building within the colliery village and contributes to the general character.

This part retrospective application relates to rebuilding part of the dwelling, construction of a front porch and rendering to the whole property. The new porch introduces an architectural detail that was not part of the original house design, and the render to the entire semi-detached dwelling introduces a new material which was not used within the colliery village.

The NPPF reminds us that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The Conservation Officer has provided comments on the history and character of the Rainworth colliery village (set out above), stating that it is important to consider the impact on the significance of the non-designated heritage asset from the proposal. Their comments conclude that the proposal is harmful to the non-designated heritage asset (Rainworth Colliery Village).

In this case, the village has primarily architectural interest, derived from its distinctive plan form and what this tells us about the social history of the time. As such, there is also a good degree of historic interest as well. 'Association' refers to groupings of assets with a clear visual design and historic relationship and this is the key element of significance for the colliery village.

It is not anticipated the rebuilding/repairing of the dwelling on its own would have had any negative impact to the visual amenity or harm to the character of the non-designated heritage asset (Rainworth Colliery Village).

While there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots.

The NSDC Householder SPD states that a proposed addition to the front elevation of a dwelling should be assessed as to whether it would introduce a dominant feature, by virtue of its design, proportions and/or detailing, which would be harmful to the appearance of the host dwelling or the character of the surrounding area. The proposed porch is sited to the front of the dwelling, on the primary (northeast) elevation of the property fronting onto South Avenue where no other porch like structure is located within this section/cul-de-sac of South Avenue.

It is recognised that incremental changes in the area have had some impact on character and appearance, and some forms of porches already exist on dwellings along other parts of South Avenue. However, they are smaller in scale and would likely have benefited from permitted development rights. The Council also recognises that whilst there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots (including materials and extensions), especially within this section of South Avenue.

The porch like front extension is considerable in scale in relation to this semi-detached dwelling, notably incongruous and harms the special plan form of the houses within the colliery village. The entire front elevation of the dwelling is approximately 7.6m in width; the proposed structure is positioned slightly off centre, between the two ground floor windows, spanning approximately 2.66m, leaving approximately 2.3m to the southeast side and approximately 2.7m to the shared boundary to the northwest. The structure is positioned close to the existing ground floor windows, also appearing somewhat incongruous. The structure is viewed as squeezed between the two existing ground floor windows.

It is considered that the proposed porch is highly visible, results in an incongruous and unattractive massing along the frontage, is extremely prominent with an awkward appearance from its design and location.



Furthermore, the use of rendering in off white/cream colour for the entire dwelling is also considered to be alien to the local distinctiveness of the area which is characterised by red bricks. The rendering itself exacerbates the visual prominence of this property not only within the cul-de-sac, but also the wider streetscene. It is considered that the colour and scale of the render is inappropriate and results in a dominance over the other dwellings within the locality which detrimentally impacts the overall design and character of the non-designated heritage asset (Rainworth Colliery Village).

Having identified this building as being part of a NDHA and that the proposal causes harm, the application should be determined in accordance with Paragraph 203 of the NPPF. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Following the publication of the last report, the applicant's agent provided clarity regarding the construction advising the rebuilding has been undertaken in blockwork, as opposed to bricks, hence the addition of the render. In addition, details of other properties with either render and/or porches to the front were provided, citing these are unique in design and lack uniformity in their appearance. Having reviewed the examples only the garage at 102 South Avenue was given permission for render, due to matching the garage at the adjoining property (the garage at 102 is set back). All other properties referenced do not have any associated planning record. Information would appear to indicate that the developments might be either permitted development or undertaken prior to the village being registered as a NDHA. They are therefore not considered material to the consideration of this application and even if they were material, it is not considered appropriate to allow development that is out of character due to others being of a similar nature.

Individually, set against the village as a whole, it is accepted that the harm from this application alone may be limited, albeit it tangible harm nonetheless. However, while every application must be assessed on its merits, if this application was approved other similar additions would potentially come forwards. Incrementally this kind of addition would radically alter the legible plan form and appearance of the housing stock, causing further harm to the significance of the colliery village.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework.

Impact upon Residential Amenity

Criterion 2 and 3 of Policy DM6 relates to neighbouring amenity for householder developments and states that new householder developments should not have an adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact and that the layout of development within the site and separation distances from neighbouring development is sufficient to ensure that neither suffers from an unacceptable reduction in amenity by virtue of overlooking, loss of light or overbearing impacts.

The adjacent property no.99 is to the south and the relationship with this property would be largely unaltered. The front door is positioned facing South Avenue, no other opening is proposed on either of the side elevations. Taking in consideration the scale of the porch and the distance to the shared boundary, it is not considered the porch would cause any overlooking or loss of privacy to this adjacent dwelling.

To the other boundary, with no.95, South Avenue to the north, due to the distance to this shared boundary (notwithstanding it is the other half of the semi, it is not considered the

extension would cause any overshadowing or other amenity impacts to this adjoining dwelling.

With the above in mind, it is not considered that the proposal will have an unacceptable impact on the amenity of nearby neighbouring occupiers in terms of massing / overshadowing or overlooking, and that the proposal complies with Policy DM6 and DM5 of the DPD.

Impact upon Highway Safety

Spatial Policy 7 (Sustainable Transport) 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. Criterion 1 listed in Policy DM6 states that householder development should include provision for safe and inclusive access and parking and should have no adverse impact on the highway network. Similar advice is provided in Paragraph 110 of the NPPF which states that schemes can be supported where they provide safe and suitable access for all.

The proposed development will not alter the existing parking arrangement, sufficient parking area will remain to the side of the property and on the driveway in front of the dwelling, as such there are no highways safety issues.

8.0 Implications

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

9.0 Conclusion

In conclusion, it is considered that the front extension is unacceptable due to the combination of its position, size, form and design resulting in a dominating feature and obtrusive addition to the dwelling which is harmful both to the host dwelling and the wider streetscene. Furthermore, the use of render to the whole house further highlights the prominence of this semi-detached dwelling, significantly changes the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully.

The NPPF requires a balanced judgement to be made when considering harm to non-designated heritage assets. The proposal is considered to be harmful to the non-designated heritage asset (Rainworth Colliery Village), which is not outweighed any public benefit.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are material planning considerations.

10.0 Recommendation

That planning permission is refused for the reason shown below:

01

In the opinion of the Local Planning Authority, by reason of its position, size, form, design and use of materials, the porch/front extension results in an incongruous and obtrusive addition, unsympathetic to the other dwellings within the locality. The use of render to the whole house further exacerbates the prominence of this semi-detached dwelling, significantly changing the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully. This represents poor and an incongruous design, out of keeping with the character and layout of surrounding development and harmful to the visual amenities of the streetscene as well as the non-designated heritage asset (Rainworth Colliery Village).

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework which are material planning considerations.

Informative

01

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

02

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

03

REFUSED DRAWING NUMBERS:

- Site location plan, ref: DK193_LP received 13 July 2023
- Existing and proposed block plans ref: DK193_300 received 13 July 2023
- Proposed elevations and floor plans ref: DK193_301 received 13 July 2023

BACKGROUND PAPERS

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Application case file.



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Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner 01636 655329

Report Summary			
Application Number	23/01604/FUL		
Proposal	Glass Recycling Compound		
Location	Lorry And Coach Park, Great North Road, Newark on Trent		
Applicant	Newark and Sherwood District Council	Agent	Anotherkind Architects Ltd
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	18.09.2023	Target Date	13.11.2023
		Extension of Time	30.11.2023 (To be confirmed)
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Scheme of Delegation, as the applicant is Newark and Sherwood District Council. This application was not presented before the meeting was adjourned on the 9 November 2023.

1.0 The Site

The application site comprises an area of HGV parking, laid to tarmac and concrete, within an established lorry park located to the south of the A46 alignment, to the east of the Great North Road and north-west of the River Trent. The site is located within the very north-

western fringe of the defined Newark Urban Area as illustrated within the Allocations and Development Management Development Plan Document 2013 (ADMDDP).

Within the existing site is a lorry wash, a café and an HGV fuel stop. The ASI building is located 45m to the south east, the District Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

The site is located within Flood Zone 2 as defined by the Environment Agency data maps which means it is at medium risk of main river flooding and on a site at low risk from surface water flooding.

The Newark Conservation Area boundary is to the south east of the site and broadly forms the boundary with the railway line. Listed buildings are also located to the south east of the site and form the Castle Railway Station (Grade II), Former station masters house (Grade II) and the Goods Warehouse on Sikorski Close (now residential) (Grade II). The maltings buildings are also located on Mather Road (Grade II) the Kiln warehouse on Mather Road (Grade II*).

The site has the following constraints:

- Setting of listed buildings and Conservation Area
- Flood Zone 2

2.0 Relevant Planning History

17/01090/FULM - Extension of Newark Lorry Park onto adjacent parcels of land which are currently unused and the provision of a fuel bunker on existing lorry park land. Proposals are intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development, approved 07.11.2018

Whilst there are a number of other applications that exist within the wider Lorry Park, none are of particular relevance to this application.

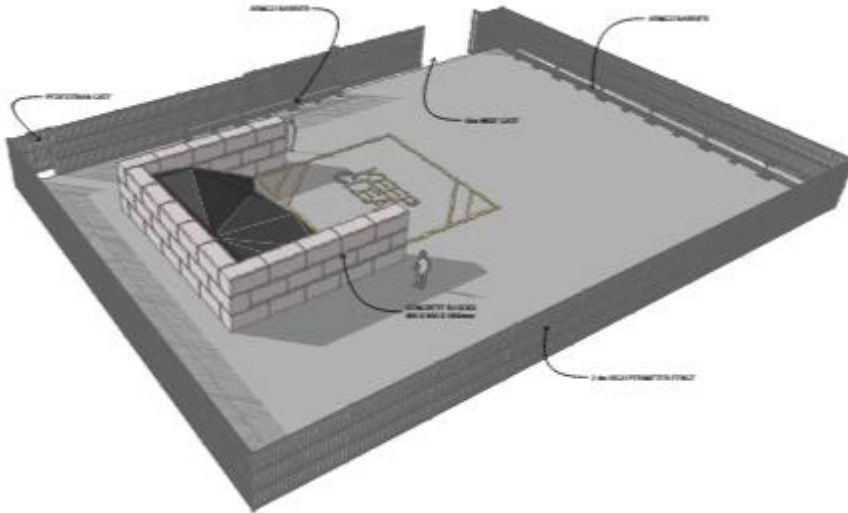
On land to the south-west of the site -

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

3.0 The Proposal

The application seeks permission for the erection of a compound which will receive recyclable glass from household collections throughout Newark and Sherwood District, which will be delivered twice daily by refuse vehicles for storage at the facility before being collected via a weekly lorry service which will deliver bulk glass to a recycling centre.

The works will comprise a new U shaped open compound (8m x 9.6m in footprint) constructed out of modular concrete blocks, approximately 2.4m in height, with the open front facing north. Around it would be a large open yard (18.2m x 21m) secured by a 2.4m high galvanised steel palisade fence.



The site would be accessed using the existing lorry park access on Great North Road. Along the eastern boundary within the site is a concrete drainage channel which leads to a drainage grate.

The facility is stated to operate only between the hours of 8am – 5pm Monday to Friday with no weekend or bank holiday working. The facility is expected to receive two glass deliveries a day with the glass held within the compound which would then be emptied once a week.

The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available.

Although the supporting statement suggests that the development is temporary for approx. 2/3 years until a permanent location can be provided, a temporary planning permission is not specifically being sought and therefore the application is being considered as a permanent facility and there would be nothing to stop the facility being moved from this site at a later date.

Documents assessed in this appraisal:

DRWG no. 23032-20-001 Proposed Plans & Elevations;

DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;
DRWG no. 23032-70-002 Existing Site Plan;
DRWG no. 23032-70-003 Proposed Site Plan;
Glass Recycling Compound layout (received 29.09.2023);
PAS128 Utility Survey Rev R1;
Flood Risk Assessment;
Noise Impact Assessment (August 2023);
Heritage Impact Assessment;
Confirmation of lorry park demand in e-mail received 13.11.2023.

4.0 Departure/Public Advertisement Procedure

Occupiers of 44 neighbouring properties have been individually notified by letter, a site notice has been displayed near the site and an advert has been placed in the local press.

Site Visit undertaken: 28.09.2023 and 18.10.2023

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 14: Historic Environment

NAP 1 Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

DM1: Development within Settlements Central to Delivering the Spatial Strategy

DM5: Design

DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2023 (NPPF)
- Planning Practice Guidance (on line resource) (PPG)
- S.66 Planning (Listed Building and Conservation Areas) Act 1990
- Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management

6.0 Consultations

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

(a) Statutory Consultations

Environment Agency – No objection, subject to conditions relating to contamination, drainage and foul/surface water disposal.

Environment Agency Position: Regulated Industry – No objection.

Historic England – No advice offered but this should not be interpreted as comment on the merits of the application. Suggest the views of your specialist conservation and archaeological advisers are sought.

NCC, Lead Local Flood Authority – No bespoke comments made but general guidance offered in relation to surface water disposal.

National Highways – No Objection.

NCC Highway Authority -

The application form indicates that the proposal will result in the loss of 6 HGV parking spaces. The scheme does not include provision for employee or visitor car parking.

However, the proposed development is likely to generate low traffic volumes and will not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access.

The lack of employee/visitor parking is unlikely to give rise to any demand for on-street parking beyond the Lorry Park/Cattle Market site given that the proposed compound is located some distance away from the highway and that the compound itself might allow space for employee/visitor parking.

The impact of the potential removal of HGV parking (or other activities on the application site) should be examined and further information is needed to confirm whether there is adequate spare capacity within the site to offset this loss. If not, consideration should be given to how any activity that may be displaced by the proposed development could be accommodated elsewhere.

(b) Town/Parish Council

Newark Town Council – No objection.

(c) Representations/Non-Statutory Consultation

NSDC Conservation – The proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore, the proposal is contrary to s.66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. This could be mitigated through planting.

NSDC Environmental Health – According to the assessment, noise is not considered likely to result in an adverse impact. As the activity needs an environmental permit, the Council, if it hasn't already, will need to submit an application to the EA with information relating to

noise. The EA will not grant a permit unless it is satisfied emissions will not be an issue, and there will be ongoing obligations on the Council in relation to compliance with conditions in the Permit, which will include noise. I do not expect noise to be an issue but if there are any complaints, the EA will need to investigate to determine whether there is any breach of the environmental permit.

30/10/2023 The noise report appears to be sound. On the basis of the report, noise nuisance should not be an issue, if operated during the day. The report understands operating hours will not be before 7am or after 7pm. It may be worth restricting hours of operation accordingly and no weekend working.

NSDC, Environmental Health (Contamination) – No objection.

Cadent (Gas) – No objection subject to the imposition of an informative.

NSDC Waste – No comments received.

NSDC Economic Development – No comments received.

One objection has been received from a third party/local resident which is summarised below:

- Unbearable/unacceptable noise from the braking glass as its being moved;
- The glass collection from Waitrose can be heard when it is being emptied;
- The addition of the storage compound for glass within earshot of a residential area is something that they totally object to given they overlook this area.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact upon the Character and Appearance of the Area (including Heritage Assets)
3. Impact upon Residential Amenity (including noise)
4. Impact on Highway Safety
5. Impact upon Flooding

The National Planning Policy Framework 2023 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD).

Given the site is within the setting of various Listed Buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

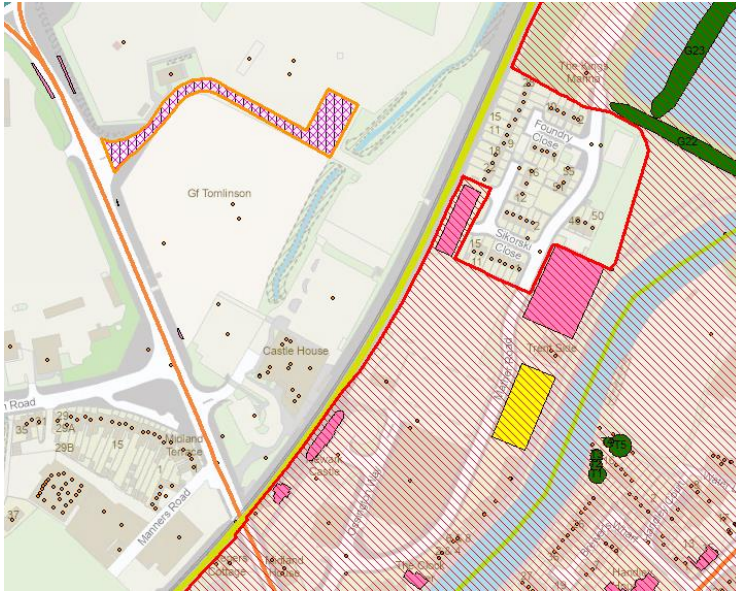
Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new employment development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. The Newark Urban Area is defined as a Sub-regional centre within Spatial Policy 1, which would be the main location for investment for new services and facilities within the District.

As a storage facility, the proposed use falls within Use Class B8 (storage and distribution) which more widely is categorised as an employment use. Therefore, the principle of this development within this location is considered acceptable subject to other site-specific material considerations which are explored further below.

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

There are several listed buildings within close proximity of the site (illustrated in the extract below) along with the boundary of the Newark Conservation Area which is approximately 90m to the south-east from the site. The group of listed buildings nearby relate to the historic railway industry in this part of Newark Conservation Area. Adjacent to the site is a late 19th century brick goods warehouse. The listed buildings and their setting contribute to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD and Core Policy 14 (Historic Environment) of the Amended Core Strategy. Policies CP14 and DM9 of the Council's Local Development Framework DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.



Extract from Uniform showing the grade II listed buildings in pink and grade II listed building in yellow and the Conservation Area boundary defined with red line*

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in Section 16 of the National Planning Policy Framework (NPPF). Paragraph 200 of the National Planning Policy Guidance states that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The Council's conservation officer has commented on the proposal and stated that the very industrial appearance is not reflective of the designated heritage assets close by which are mainly brick built warehouse buildings. However the site is located back into the site and will not be highly visible from the main gateway into the Conservation Area. In addition, the rest of the lorry park has metal fencing surrounding it which is more prominent than the proposed development.

The conservation officer also raises concerns regarding noise at certain times through the movement of glass and refers to an Historic England document, Historic Advice Note 1: Conservation Area Appraisal, Designation and Management, which outlines how noise can have an 'effect on the ability to use or appreciate the historic or architectural interest of the area.' The conservation officer goes on to state that from the submitted Noise Assessment, "its suggests that this area for glass collection is temporary until a permanent location is provided. Due to the sensitivity of the site, it is important that the removal of the structure is done after 3 years."

The Conservation Officer concludes that the proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore the proposal is contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Section 16 of the NPPF, and Core Policy 14 and DM9 of the Council's Development Plan Documents. They

state however that this harm could be mitigated through planting.

Paragraph 202 of the NPPF (2023) states that where a development proposal will lead to less than substantial harm this should be weighed against the public benefits. The proposal is for a new recycling facility to operate within the District. The Council declared a climate emergency on 16 July 2019 and following this developed a district-wide greening programme and measures to reduce its carbon footprint as both a Council and a community. As part of this, several actions have been pursued which includes encouraging everyone in the District to reduce, reuse and recycle as part of everyday life and providing ways to dispose of waste responsibly. At present the Council does not operate a kerbside glass recycling facility, which neighbouring authorities do but in varying ways, and following resident feedback (2018 and 2022 Resident Surveys) where 83% of residents stated it was important or very important to live in a sustainable and environmentally aware way, this service was deemed by the Council to be important, in conjunction with the Community Plan aims.

Paragraph 152 of the NPPF (2023) states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources and support renewable and low carbon energy and associated infrastructure.

It is acknowledged therefore that there are competing environmental impacts; the less than substantial harm caused to the setting of the Goods Warehouse listed building (which should be given special regard) that contributes positively to the character and appearance of the Conservation Area that would weigh negatively against the proposal and the benefits of allowing this additional re-cycling service which would encourage greater recycling from residents in the District and accord with the requirement both locally and nationally to reduce greenhouse gas emissions, which would weigh positively. This weighting is considered further in the overall conclusion and planning balance at the end of this report.

The Conservation Officer has suggested that increased landscaping would assist in mitigating heritage harm. Members may also consider whether painting the walls or palisade fencing may assist. The relationship between the proposed site and the listed building and residential properties are set out in the photographs below.



(extract from Google Earth)

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The main consideration with regards to amenity is the impact of noise upon surrounding land users. The site is located within an area which is mixed residential and commercial uses. The lorry park itself is understandably commercial with approximately 203 HGV spaces. This number will be reduced due to the planned A46 dualling, and land to the north

west (around cattle market roundabout) being required by National Highways in order to provide the additional land to fulfil the proposal. As Members will be aware, the Development Consent Order has not yet been submitted to the Planning Inspectorate but this is due to be received early in 2024 and a revised layout to the lorry park is currently being designed as a result of the impact.

Within this existing site is a lorry wash, a café and a HGV fuel stop. The ASI building is located 45m to the south east, the Newark Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

A Noise Impact Assessment has been submitted with the application which has assessed the noise levels at an existing comparable facility in Mansfield. This states that the highest noise levels arise from glass dropping either into the storage area (glass on glass) or into the HGV container (glass on glass and glass hitting the container sides). The event period for both dropping off and collection processes is however relatively short.

The report concludes that the prevailing conditions within the vicinity of the nearest sensitive receptor (residential uses to the east), established through baseline survey, indicate the dominant noise is road traffic from the A46, with contribution from the Great North Road and the railway line. It states the prevailing daytime noise levels are 57 dB LAeq,T. The report uses source noise levels quantified by measurements conducted of waste glass delivery and collection operations at Mansfield Trade Waste Centre (which would be comparable with the operations proposed by this application). The predicted noise level averaged out over a 1-hour period, taking account of periods of inactivity, is 42 to 48 dB LAeq (lower than existing background noise levels). However, the report does go on to clearly state that noise levels during events of glass dropping will be higher and likely to be discernible at the location of the nearest residents.

The BS4142 assessment indicates 'low' impact during glass delivery to below adverse impact during glass collection. Therefore although residents would notice the short disturbances to noise, the mitigating factors of the hours of operation (8am – 5pm Monday to Friday), frequency of drops (2no. per day) and collections (one per week), and the prevailing ambient noise levels are considered to result in an acceptable levels for nearby residents, the report concludes. Comments from the Council's Environmental Health officers have also concluded that noise levels, if operated during the day, should not be an issue and have suggested the imposition of a condition restricting the hours of operation and no weekend workings which would accord with the hours stated within the application form. In addition, a condition has been suggested by Officers, restricting the number of deliveries of glass on HGVs to no more than 2no. per day and the number of collections to no more than 1no. per day.

The siting of the ASI building has also been taken into account given the proximity is approximately 45m from the facility. The noise survey states the layout of that building with large workshops and roller hanger doors directly facing the site. The teaching classrooms do not have direct line of sight of the proposed development but face the Great North Road. Given this, it is not considered there would be a harmful noise impact to the ASI building.

The Council offices at Castle House is located approximately 100m from the facility. It is not considered that this existing office use should be unacceptably impacted by the development.

Environmental Health colleagues have stated that the proposal will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. This has been confirmed by the Environment Agency and the applicant has been made aware.

Emissions to air, land and water, including noise, will be considered by the Environment Agency (EA) as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions if the Permit is granted. The EA would also investigate any complaints regarding alleged breaches of Permit conditions, however the Council is also able to impose conditions which they consider meet the tests as stipulated within paragraph 55 of the NPPF (2023).

The Noise Impact Assessment states the proposal is for a temporary two year period, after which Newark and Sherwood District Council would look to relocate the facility. However, as already set out, the application is not seeking a temporary planning permission and Members should consider the use and impact as if it was permanent, and for which has been applied.

The development in respect to noise, having taken into consideration the submitted noise assessment and the corroboration by the Council's Environmental Health officers that it is sound in its approach and outcome, is considered to be acceptable. Whilst there would be a noticeable increase in noise to nearby residents, this is considered to be for short periods during the day as explained in the report, which is not considered to be unacceptably harmful in the balance and is therefore in accordance with Policy DM5 and the guidance in the NPPF.

Impact on Highway Safety

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

National Highways and Nottinghamshire County Council have commented on the proposal, not raising any objections. NCC Highways have stated that the proposal is likely to generate low traffic volumes and would not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access. The scheme does not allow for employee or visitor parking but as the compound would be an unmanned facility, this does not give rise to any concern. There is some space within the compound for occasional parking if required. The development is therefore unlikely to give rise to any demand for on-street parking beyond the site and given the distance from the Great North Road would not lead to pressure for parking on this main thoroughfare.

NCC have stated that the matter of displacement of the HGV parking should be examined, and further information submitted to ensure adequate capacity within the site to offset this loss. There is no other land available within the wider site to offset the loss of the 6 HGV parking spaces. Additional information has been received confirming that the current capacity of the lorry park is 200 HGV spaces and there is an average week-nightly attendance of 160 HGVs. Historically around the Christmas period the number increases to 180. On Friday, Saturday and Sunday nights, the figure is closer to 50. On the basis of this evidence, the proposal is therefore not likely to result in an increase of the displacement of vehicles or result in a likely increase of HGV parking on the highway, the main concern of the Highway Authority in terms of highway safety. The impact of the removal of HGV parking spaces would result in a loss of revenue to the Council that would be for their commercial consideration as landowner. Overall, this loss is not currently considered to be fatal to the scheme in planning terms.

The proposal is therefore considered to accord with Spatial Policy 7 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency data maps. Paragraph 159 of the National Planning Policy Framework (NPPF) 2023, states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

The site is located within Flood Zone 2 on the Environment Agency Flood Maps, which means it is at medium risk of main river flooding. Paragraph 161 of the NPPF, states all plans should apply a sequential, risk-based approach to the location of development. Apply the sequential test and then, if necessary, the exceptions test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. A basic flood risk assessment has been submitted and further information has been received on the need for this specific location. The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available. Therefore it is considered that the sequential test has been satisfied and there are no other sites available or suitable to provide this facility.

In accordance with the Planning Practice Guidance (PPG) and specifically Annex 3: Flood risk vulnerability classification table, the use is classified as a 'less vulnerable' use. Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the PPG states that such uses are

compatible within Flood Zone 2 and the satisfaction of the exceptions test is not required.

The Environment Agency have confirmed the site is defended at present, and therefore they would aspire to increase the standard of protection into the future (ie 'top up' the defences) so that the site would remain protected as climate change continues. As such, the loss of floodplain storage at the site would only occur in a very extreme flood event (1 in 1000 year), or the event of a breach of defences, or a future 'climate change' event without any improvements having been made to the defences. The Environment Agency would not require flood plain compensation in this situation because the risk of the above situations occurring is relatively low. Assessing flood risk and risk to third parties requires an element of judgement and in this particular case, given the above, together with the scale of this development, it is considered that the impact on flood risk would not be harmful and is acceptable.

The submitted drawings illustrate how the water run-off will be managed within the site to collect in a drainage channel and disposed on in an existing drain.

It is not considered that the proposal is acceptable in flood risk terms and passes the Sequential Test. The proposal is therefore considered to accord with Core Policies 9 and 10 of the Amended Core Strategy and policies DM5 and DM6 of the Allocations and Development Management DPD in this regard as well as the NPPF and PPG as stated.

Other matters

Employment

Core Policy 6 of the Amended Core Strategy states that the economy of the District will be strengthened and broadened by 'maintaining and enhancing the employment base of our towns and settlements...and providing most growth at the Sub-Regional Centre of Newark.' Whilst the application form states that no additional employees would be created by this facility, it has since been explored by officers that additional members of staff would be required as drivers and loaders for the new rounds. The facility would therefore provide additional employment for the area and help to meet the aims of Core Policy 6.

Environmental/contamination impacts

The Council's Environmental Health colleague has commented on the application stating the site lies adjacent to the former railway sidings and that there is potential that some residual contamination could be present. The end use however is very low sensitivity in terms of risk to end user human health but construction workers could have potential to be exposed to any present contamination. They therefore suggest an informative to be imposed informing the applicant of any potential risk and to ensure correct contingencies are put in place, this can include correct PPE is worn and other safety procedures.

Cadent Gas

Cadent gas have commented on the application which Members will see from Section 6.0 of this report. They have equipment adjoining the site with which the applicant needs to be aware. This can be controlled through separate agreement with Cadent Gas Ltd, however from review it is not considered that the proposal will impinge upon their apparatus.

8.0 Implications

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

9.0 Planning Balance and Conclusion

The site is located within the defined Newark Urban Area and the proposal seeks to introduce a facility that contributes significantly to the direction of travel in terms of reducing impacts on climate change. The proposal however has been considered to result in less than substantial harm to the setting of the Goods Warehouse listed building, approx. 95m to the east, which needs to be given special regard. However in accordance with paragraph 201 of the NPPF, such harm must also be weighed against any public benefit the scheme would deliver. In this case the facility would bring about the mechanism to allow glass recycling to commence at home. In a world where the Council has declared a Climate Emergency, the Council should be a leader in reducing carbon emissions. The benefits to the scheme in making it more convenient for residents to recycle their glass products and ensuring these can be reused which represent an aim of the NPPF, result in sufficient wider public benefit between these competing considerations in this particular case.

The proposal has been accompanied by a Noise Assessment which having assessed the levels at a comparable facility, concludes that whilst there would be a noticeable amount of discomfort felt to residents on Sikorski Close (the nearest residential properties to the east) when the glass is delivered and collected, however as the deliveries are twice daily (Monday to Friday) and collections take place once a week. The Noise Assessment concludes the impact to be acceptable and is not considered to be so detrimental to the amenities of neighbouring occupiers to warrant refusal of permission. The proposal would require an Environmental Permit from the Environment Agency and through this additional process (outside of the jurisdiction of the Planning Act and the Local Planning Authority) noise levels are assessed and monitored through this regulated process. Nonetheless, the officers have assessed the submitted Noise Assessment and on this basis, taking into consideration the frequency of deliveries and collections, coupled with existing background noise levels, the proposal would not result in harm an unacceptable degree of noise and disturbance to any neighbouring use to warrant refusal of permission in this case.

The development is not considered to result in any highway safety harm.

The facility is located within an area defined by the Environment Agency as being within Flood Zone 2 and an area at risk of surface water flooding and is defined as a less vulnerable use. The NPPF states that the local planning authority should first apply the sequential test to ensure the development is located in the optimum location and that there is no other land available, at lower risk of flooding. Upon applying the sequential test, the applicant has assessed other land within the Newark Urban Area whereby the facility could be located,

however these have been considered to be much closer to existing residential properties, or there is insufficient land to provide the area required by the compound. Therefore officers consider that the sequential test has been adequately satisfied. In accordance with Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the PPG it states that such uses are compatible within Flood Zone 2 and therefore the exceptions test need not be applied. The Environment Agency has confirmed that no compensatory flood storage capacity is required to be provided in this case and therefore overall, the proposal is acceptable in flood risk terms.

A recommendation of approval is therefore offered to Members subject to the conditions listed 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 plans:

DRWG no. 23032-20-001 Proposed Plans & Elevations;
DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;
DRWG no. 23032-70-003 Proposed Site Plan;
Glass Recycling Compound layout (received 29.09.2023);
PAS128 Utility Survey Rev R1.

Reason: So as to define this permission.

03

The materials to be used in the construction of the development hereby permitted shall be in full accordance with details stated on the approved drawings (as stated within condition 02) or within the application form.

Reason: In the interests of visual amenity.

04 – Environment Agency

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the

Local Planning Authority. The scheme shall be implemented as approved and retained for the lifetime of the development.

Reason

To ensure there are no unacceptable discharges to ground or surface waters. There should be no infiltration of surface water on contaminated land, or discharges to surface water.

05 – Environment Agency

No drainage systems for the infiltration of surface water to the ground (including soakaway or infiltration SUDS) are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF.

06 – Environment Agency

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.

07

No loading, unloading, deliveries or collections associated with the use hereby permitted shall take place other than between the following hours:-

08:00h to 17:00h Monday - Friday

And not at any other time including Saturdays, Sundays, Public or Bank Holidays

Reason: In the interests of residential amenity.

08

There shall be no more than two deliveries of glass to the site per day, and no more than

one collection of glass from the site per week. An up to date register of deliveries and collections shall be kept for the site by the owner and shall be made available for inspection by the Local Planning Authority, at any time.

Reason: In the interests of residential amenity.

Informatives

01

Waste to be reused on-site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance.

Waste to be taken off-site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at

<https://www.gov.uk/government/organisations/environment-agency> for more information.

02

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.

03

The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

04

The proposed glass recycling activity will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. Emissions to air, land and water, including noise, will need to be considered by the Environment Agency as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions in the Permit. The Environment Agency would also investigate any complaints regarding alleged breaches of Permit conditions.

05

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).

06

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

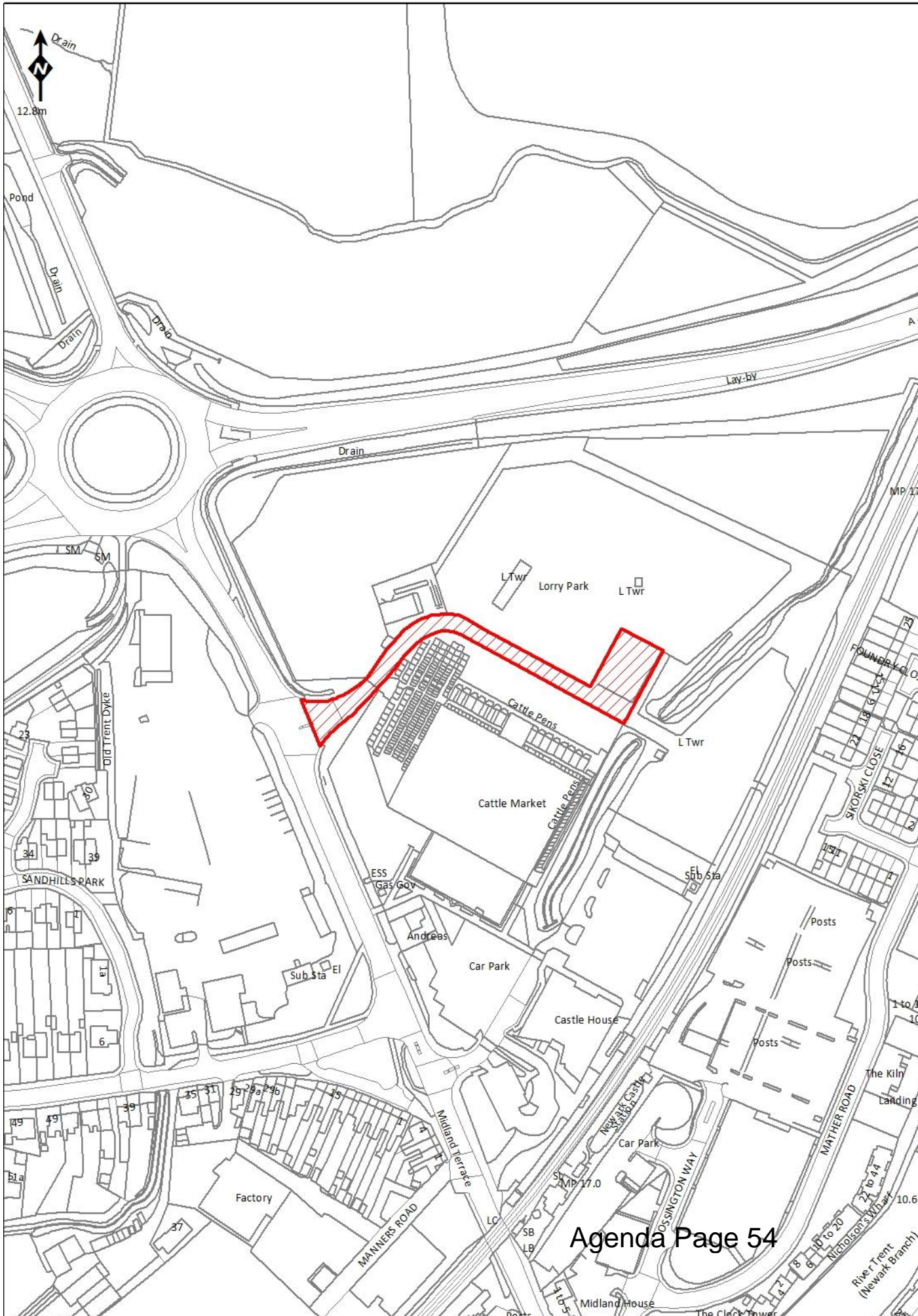
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01604/FUL





Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	23/01737/ADV		
Proposal	Advertising Hoardings for 32 Stodman Street		
Location	Former MARKS & SPENCER, 32 Stodman Street, Newark on Trent, NG24 1AW		
Applicant	Newark and Sherwood District Council – Miss Frances Davies	Agent	Mrs Karolina Walton – Studio-G Associates LLP
Web Link	23/01737/ADV Advertising Hoarding for 32 Stodman Street. Former MARKS & SPENCER 32 Stodman Street Newark On Trent NG24 1AW (newark-sherwooddc.gov.uk)		
Registered	09.10.2023	Target Date Extension To	04.12.2023 01.12.2023
Recommendation	That Advertisement Consent is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council is the Applicant. This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The site is situated in the heart of Newark Town Centre and comprises a two-storey former retail premises most recently occupied by M&S who vacated in April 2019 (since M&S’s departure, the site has remained vacant). The site lies within the historic core of Newark Town Centre, within the designated Conservation Area (CA) and surrounding the site there are a number of listed buildings, notably Maurice Key Furnishings Warehouse (Grade II) located to the SW and properties along Stodman St to the NW and NE. The site has a prominent Art-Deco frontage on to Stodman Street (northern elevation) of approximately 13 metres and extends along St Marks Lanes to the south

where the building is of more modern construction.

St Mark's Place, a modern shopping precinct lies to the east of the site and Lombard St lies to the south. A public right of way spans the length of the eastern elevation of the building and is a key through route from Lombard St through to the Market Place. The site is surrounded by predominately retail uses with a number of national occupiers adjacent. A small section to the rear also adjoins an adjacent multi storey car park. Loading and vehicular access is also provided from a private communal access off Lombard Street to the rear.

The site is located within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy.

The site has the following constraints:

- Conservation Area
- Listed Buildings
- Public Rights of Way

2.0 Relevant Planning History

NB: There is extensive planning history relating to advertisements and alterations to the building as a commercial unit, only the most recent history is included below.

21/00699/FULM - Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above – Permitted 21.02.2022

22/01618/NMA - Application for non-material amendment to include additional external doors to commercial units, column added to parking layout and basement water tank allowance attached to planning permission 21/00699/FULM – Permitted 22.09.2022

23/01748/DISCON - Request for confirmation of discharge of conditions 3 (S106), Condition 4 (Development Phasing), Condition 9 (Structural specification and methodology), Condition 21 (Archaeology), 23 (Demolition and construction method statement), 27 (Historic building recording), 28 (Traffic Management) attached to planning permission 21/00699/FULM [...] – Pending Consideration.

3.0 The Proposal

The application seeks permission for advertisements on the existing temporary construction hoardings around the former Marks & Spencer's site during the 18-month construction period.

The advertisement banner would span 90m x 2m (produced in 0.5m x 2m panels), finished in clear anti-graffiti and anti-scratch gloss over laminate. The advertisement banners would have white text over a purple background including images of the proposed development as per the CGI image below:



Documents assessed in this appraisal:

- Application Form
- Details of St Marks Lane Hoarding
- Proposed Signage
- Site Location Plan – Ref. 101-137/P 020 A
- Hoarding Location Plan
- Photo of Site

4.0 Departure/Public Advertisement Procedure

Occupiers of 44 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Site visit undertaken on: 19.10.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Core Policy 9 – Sustainable Design

Core Policy 14 - Historic Environment

Allocations & Development Management DPD (2013)

Policy DM5 - Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Newark and Sherwood Local Development Framework Shopfronts and Advertisement Design Guide SPD

6.0 Consultations

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

(a) Statutory Consultations

None.

(b) Town/Parish Council

Newark Town Council – No objection.

(c) Representations/Non-Statutory Consultation

NSDC Conservation Officer – No objection.

NCC Highways – Standing advice applies.

NCC Rights of Way – No comments received.

Newark Business Club – Support the proposal.

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of development
2. Impact on Amenity
3. Impact upon Public Safety

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

Principle of Development

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the NPPF (2021) the main issues in determining this application for advertisement consent are related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management Document.

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

general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Class 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 permits the display, for three years only, of poster-hoardings which are being used to screen building or construction sites while the work is being carried out on site. The benefit of Class 8 is limited to land being developed for commercial, industrial or business use, and is not available for any residential development or sites within the Conservation Area. Advertisements permitted by Class 8 must not: be displayed more than three months before the date on which the building or construction works actually start; be more than 38 square metres in area; be more than 4.6 metres above ground level; or be displayed for more than three years. In this case, the proposed adverts would be on land within a designated Conservation Area and thus requires express advertisement consent.

Impact upon Amenity

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

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

Given that the site lies within the Conservation Area and in the setting of listed buildings, policies CP14 and DM9 of the Council's LDF DPDs are relevant, which amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 also states, in relation to the general duty as respects conservation areas in exercise of planning functions that, *'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'*. In this context, the objective of preservation is to cause no harm. The courts have in more recent years clarified that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Paragraph 189 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within

their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application seeks consent for the installation of banner adverts on the construction hoardings that surround the site on Stodman Street and along St Marks Lane (i.e., the northern and eastern sides of the building). The banners would advertise the redevelopment of the site including images of the development approved under 21/00699/FULM and text to explain the project and its contribution to the levelling up plans for Newark Town Centre. The banners would be large and would be erected across the temporary construction hoarding that surround the building for the construction period which is expected to be 18-months. The hoarding around the site would therefore be temporary and the adverts are proposed to be removed once the hoardings are removed.

The advertisement banners are of a professional design, with a muted colour scheme and the finish has been designed to ensure that the hoardings don't deteriorate through weathering etc. The advertisement banners would be appropriately sited and would advertise this important project for the town centre around the development site. The signage would be affixed to the hoardings and would not exceed its proportions, such that it would sit comfortably along Stodman Street and St Marks Lane and would not result in visual clutter.

Consideration has been given to the potential for any impact on the historic environment, given the site lies within the Conservation Area and close to a number of Listed Buildings. However, as the proposal relates to modern and temporary construction hoarding and is of an appropriate scale and design, it is not considered that the proposal would result in any adverse impact on the character or appearance of the Conservation Area or the setting or significance of any surrounding Listed Building, as confirmed by the Conservation Officer.

Overall, it is considered that the scale and design of the advertisements proposed would be appropriate for the location. The signage would be visible within the public realm to pedestrians walking in the vicinity, however, the signage would not result in any adverse visual amenity impact which is in accordance with policies CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document and the provisions of the NPPF.

Impact upon Public Safety

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

8.0 Implications

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

9.0 Conclusion

The proposed advertisement banners are considered appropriate and proportionate to the purpose which they would serve. There are no identified detrimental impacts in relation to public safety or visual amenity – as a result the proposal is therefore compliant with paragraph 136 of the NPPF, CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document and the provisions of the NPPF. Accordingly, it is recommended that advertisement consent is approved subject to the closure of the consultation period and there being no additional material considerations raised that are not considered within the report.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. 101-137/P 020 A
- Proposed Signage
- Hoarding Location Plan

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

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

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

05

No advertisement shall be sited or displayed so as to:

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

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

06

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

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

07

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

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

08

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

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

Informatives

01

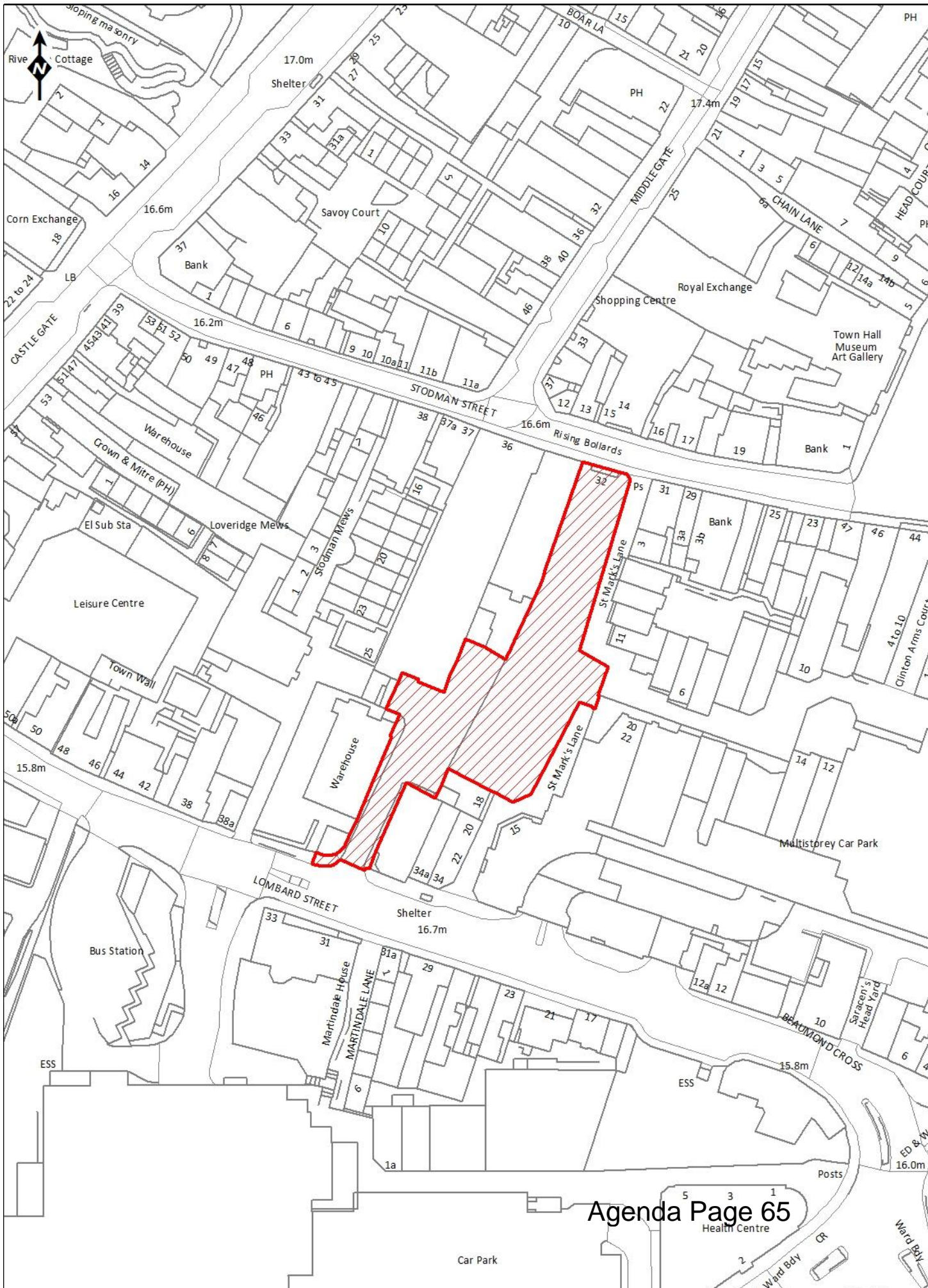
The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01737/ADV





Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

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

Report Summary			
Application Number	23/01551/LBC		
Proposal	Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.		
Location	Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent, NG24 1JY		
Applicant	Miss Rose Maxwell	Agent	n/a
Web Link	23/01551/LBC Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig. Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)		
Registered	31.08.2023	Target Date	26.10.2023
		Extension of Time	01.12.2023
Recommendation	That Listed Building Consent is APPROVED with the condition(s) detailed at Section 9.0		

This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the applicant is Newark and Sherwood District Council. This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The application site comprises the Palace Theatre on Appleton Gate. The Theatre is an imposing Grade II listed brick and stucco building that forms part of a wider complex that includes the former Magnus School, now the National Civil War Centre (NCWC). The Theatre is an important community asset and hosts a vibrant cultural programme.

The Palace Theatre is situated within Newark Conservation Area. Built by Emily Blagg c1920, the Theatre is an important feature of the streetscene and forms a group with a large number of other listed buildings which includes the Grade II* listed former Magnus School. The metal and glass link between the NCWC and Theatre forms part of a significant remodelling of the site nearly a decade ago.

2.0 Relevant planning history

95/50928/LBC – Internal alterations. Approved 26.07.1995.

00/50429/LBC – Internal alterations and refabrication. Approved 06.06.2000.

02/02237/LBC - Proposed internal alterations for disabled access. Approved 03.01.2003.

03/01677/LBC - Replacement of existing auditorium seats and creation of designated wheelchair area. Approved 01.12.2003.

15/00167/LBC - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. Approved 21.04.2015.

16/00651/LBC - Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective). Approved 20.06.2016.

3.0 The Proposal

The proposed works comprise the installation of a steel lighting rig to the underside of the plaster ceiling facing the stage. The works require drill holes through the plaster with the steelwork fixed to a roof truss above the ceiling.

Documents considered within this appraisal:

Application form

Heritage statement

Site location plan

Schedule of works

Technical plans showing the specification of the lighting rig

Pre-application advice was given on the proposals during a site visit earlier in the year. The submitted proposals are consistent with advice given at that time.

An extension of time was agreed with the applicant to the 17.11.2023 to enable the scheme to be taken to 9th November Planning Committee (email dated 21.09.2023). Following the rescheduling of some agenda items on the 9th of November Committee, a further extension of time was agreed to the 01.12.2023 to allow the scheme to be taken to the new 23rd November Committee (email dated 10.11.2023).

4.0 Consultation/notification summary

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

Newark Town Council was consulted on the 05.09.2023 and the Theatres Trust were consulted on the 25.09.2023.

A site notice has also been displayed near to the site on 12.09.2023 and an advert has been placed in the local press on 14.09.2023.

A site visit was undertaken on the 12.09.2023.

5.0 Legal and policy considerations

Section 16 of the Act requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

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

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

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
- Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

6.0 Consultations

(a) Statutory Consultations

The Theatre Trust – The Theatre Trust supports the granting of listed building consent in this case (letter dated 25.09.2023).

(b) Town/Parish Council

Newark Town Council – The Town Council raised no objection to the proposal at their Planning meeting of 27.09.2023.

(c) Representations/Non-Statutory Consultation

None received.

7.0 Comments of the Business Manager

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

The proposal seeks consent for a new lighting rig to service the theatre stage. It will be located above the auditorium immediately next to the stage area in the first decorative panelled area. The auditorium is the heart of the theatre and is an impressive public space with seating and stage area. The plaster ceiling is an important element of fabric above the auditorium and includes decorative fibrous plaster detailing. The roof void by comparison is functional rather than decorative, and not designed to be seen by the public.

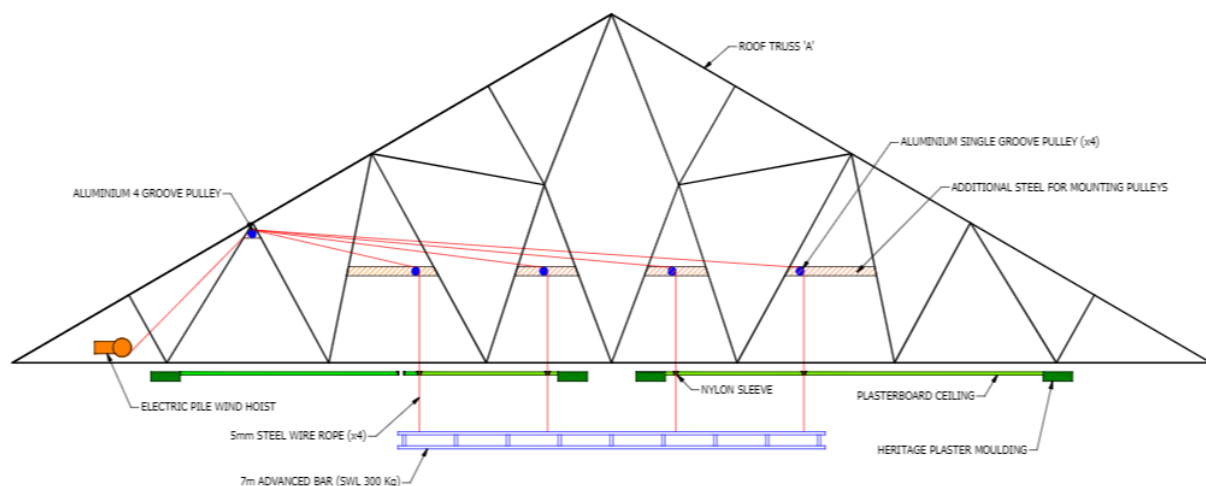
Summary of Significance of Heritage Asset(s)

The Palace Theatre dates to 1920 and was built by the local entrepreneur Emily Blagg. The property is Grade II and forms part of a wider complex that includes the National Civil War Centre, much of which is housed in the Grade II* listed former Magnus School.

The list entry for the Palace Theatre states: "Theatre and 2 shops. Built 1920 for Miss Emily Blagg. Altered mid C20, altered and restored 1988. Brick with stucco front and stone and stucco dressings. Hipped and mansard slate and artificial slate roofs. Single external rear wall stack. 2 storeys, 7x12 bays. Angled front has round towers at the angles, topped with cupolas with onion domes, and coped parapets. Main entrance front, to left, has dentillated cornice. 3 glazing bar sashes with eared and shouldered architraves, with swags between them. Under the windows, an altered framed panel with scrolled ends with the theatre's name. Below, full width entrance with dentillated cornice and 2 square piers. Steps with wrought iron handrail. Shops front, to right, has 4 sashes with architraves and swags similar to the entrance front, plus aprons. Below, 2 wooden shopfronts with bracketed dentillated cornices, the right shopfront double width with central door. On either side, 12 full height recessed panels and a range of 11 windows, some of them blank. Northeast side has, below, 4 doors and 6 windows. Southeast end has plain round corner towers. Auditorium, narrowed and refitted 1988, has an enriched bow fronted gallery on 3 sides, with boxes. Enriched segmental proscenium arch. Plaster ceiling has enriched dentillated cornice and cove-cornered panels with ventilators between them. Entrance vestibule has enriched cornice and beamed ceiling. 2 pairs of segment headed half glazed doors with oval sidelights and segment headed stained glass overlights."

Assessment of Proposal

The lighting rig comprises a set of steel wire ropes hung from a steel truss with mounting pulleys fixed by clamps to the timber roof truss frame, carrying a metal bar that will hold the lights. The steel wire ropes will be controlled by an electric hoist system to be positioned in the roof void. Four drill holes will be made into the ceiling plasterwork for the wire ropes and cabling (to be protected by nylon sleeves). The position of the lighting rig can be moved in a vertical plane. The benefit of this approach is that the lights can be adjusted by lowering the rig rather than trying to adjust fixed lights at a high level.



Section plan showing how the lighting rig will be installed into the roof.

The plasterwork of the ceiling is an important architectural feature. The fibrous decorative plaster that frames the panels of the main ceiling is attractive and contributes significantly to the classical theatre ambience. Although the fibrous plaster is original, the plaster panels are not. The plaster panels are likely to have been lathe and plaster originally but appear to have been replaced in the post-war period with modern plaster board (traces of cut ends of lathe survive at the edges of the fibrous plaster when examined from above). Drilling through the modern plaster work will cause no harm to the fabric of the building, therefore.



Photograph showing where the lighting rig will be installed.

Visually, the lighting rig is moderately disruptive to the refined character of the ceiling. However, the lighting rig is not an alien or obtrusive feature to the theatre. The justification for the rig in terms of ease of maintenance (and safety), as well as improving the offer of the theatre provide compelling justifications for the works.

The installation of the new metal truss and pulley system to the attic void is acceptable furthermore and results in no visual or fabric harm.

Other material considerations

The Theatres Trust draws our attention to the benefits of a modernised lighting rig, stating that the new rig will provide a centralised projection “meaning the theatre can attract and handle a wider range of shows than is currently the case, enhancing its social and cultural value and helping to support its ongoing viability”.

As explained above, the lighting rig does result in some very minor impact on the historic ceiling when experienced within the auditorium. This does not amount to harmful impact in the context of paragraphs 199-202 of the NPPF, however. We otherwise consider the proposed works to be a public benefit within the meaning set out in paragraph 20 (ID: 18a-020-20190723) of the ‘Decision-making: historic environment’ section of the Planning Practice Guidance. Essentially, the proposed works are felt to improve the offer of the theatre, sustaining its on-going conservation and ensuring long term viability.

It was noted that the Town Council raised no objection to the proposal. No other comments or observations have been made on the proposals.

There are no other material considerations in this case.

8.0 Implications

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

The proposed works will cause no harm to the special interest of the listed building. The proposed works therefore accord with the objective of preservation required under section 16 of the NPPF. Weight is also given to the public benefits identified in the scheme, notably improving the offer of the theatre and improved accessibility and safety associated with a rig than can be lowered. The proposals are considered to comply with heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

9.0 Conclusion

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

Owing to the nature of the internal works, the proposal will cause no harm to Newark Conservation Area or the setting of any other heritage asset.

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

which will provide a safe means of adjusting lighting as well as improving the stage production offer.

10.0 Conditions

01

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

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

02

The works hereby approved for the lighting rig shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Heritage Statement
- Camtrak section and elevation plans showing lighting rig bar configuration and ceiling details
- Annotated photograph showing position of lighting rig

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

03

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

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

Informative notes

01

The application as submitted is acceptable. In granting 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 Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and would be liable for enforcement action.
- b) You and your agent or any other person responsible for implement this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.
- c) The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

03

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

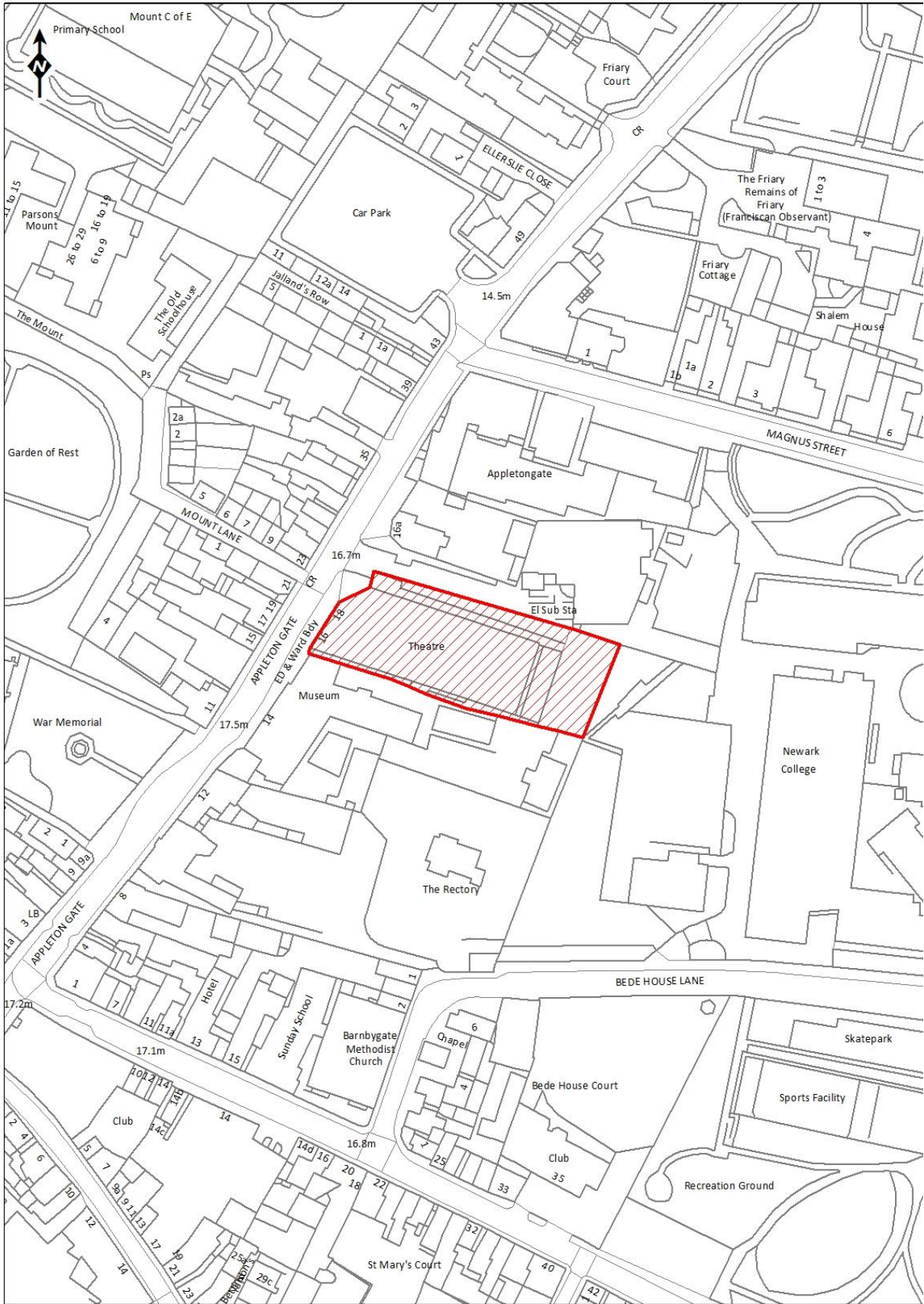
The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised 2023).

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01551/LBC



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Report to Planning Committee 23rd November 2023

Director Lead: Matt Lamb, Planning & Growth

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

Report Summary	
Report Title	Public Speaking & Planning Constitution Update
Purpose of Report	To notify Planning Committee of a future report looking to introduce public speaking along with constitutional updates
Recommendations	To note the report

1.0 Background

- 1.1 A full report will be provided to Planning Committee for discussion at December's meeting. In summary, the Planning Development Business Unit has been tasked with investigating allowing public speaking at Planning Committee. Initial investigations establish that the Council is one of the few in England and Wales who do not permit public speaking.
- 1.2 This report is provided to ensure Members of Planning Committee are made aware, at the earliest opportunity, of possible changes taking account of the timetable for Council meetings. Due to Constitutional requirements, it is necessary for Full Council to agree to public speaking at Planning Committee. It is therefore intended that a report will be presented to Audit & Governance (22nd November) detailing the general principles, full discussion for Planning Committee on 7th December followed by Full Council on 12th December.
- 1.3 December's Planning Committee report will include (but not be limited to) options as well as recommendations. Any change allowing public speaking also has consequential changes required to the Constitution, Planning Protocol and Statement of Community Involvement. The recommended changes to these documents will also be provided.
- 1.4 In addition, a review of the Scheme of Delegation will be undertaken and presented as well as an update regarding the processing of 'late representations' for applications that are on the Planning Committee agenda.

2.0 Implications

- 2.1 The full report will consider the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Rights and Legal and where appropriate reference to these implications will be made and suitable expert comment added where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

PLANNING COMMITTEE – 23 November 2023

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence, please forward these to Planning Development without delay.
- 2.0 Recommendation
That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 15 September 2032 and 23 October 2023)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/23/3328192	23/00665/HOUSE	Bridge Cottage Rufford Lane Wellow NG22 0EQ	Loft conversion with 2 dormer windows and balcony	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/3274389	21/00493/TPO	12 Westfield Way Farndon Newark On Trent NG24 3TP	Undertake works to trees identified as forming part of Group G1 protected by TPO N45; T1 Holly - Fell due to roots causing damage to fence and slabs and overshadowing. T2 Pine/ Fir - crown reduction by 5 metres due to overshadowing, size and lean towards neighboring properties.	Written Representation	Refusal of a works to a protected tree application
APP/B3030/W/23/3323489	22/02248/FUL	11 Station Road Collingham NG23 7RA	Erection of New Dwelling; Alteration of Existing Dwelling; Demolition of Existing Garage and Shed and Erection of New Garaging	Written Representation	Refusal of a planning application

APP/B3030/D/23/3325131	23/00792/HPRIOR	14 Fern Close Southwell NG25 0DB	Householder prior approval for the enlargement of a dwelling by an additional storey Height of building increased by 2.55m. New height of the building will be 7.05m	Written Representation	Refusal of a planning application
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Planning Committee – 23 November 2023

Appendix B: Appeals Determined (15 September and 23 October 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00181/ENFB	Land At Southern Barn Manor Farm Gainsborough Road Langford Newark On Trent NG23 7RW	Without planning permission, operational development on the Land comprising of the construction of a permeable surfacing comprising layer of loose hardcore and change of use of section of former agricultural land to storage for trailers	Delegated Officer	Not Applicable	Appeal Dismissed	27th September 2023
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/enforcementDetails.do?activeTab=summary&keyVal=RCC14GLB04Q00						
22/01530/FUL	Southern Barn Manor Farm Gainsborough Road Langford Newark On Trent NG23 7RW	Retrospective planning application for permeable surfacing comprising layer of loose hardcore and change of use of section of former agricultural land to storage for trailers	Delegated Officer	Not Applicable	Appeal Dismissed	27th September 2023
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=RG1ITYLBM3K00						
22/01085/FUL	Land to the Rear Of 57 To 59 Jubilee Street Newark On Trent	Removal of existing garages and workshop and erection of 3 bungalows	Delegated Officer	Not Applicable	Appeal Dismissed	15th September 2023
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=RCSZS6LBL5P00						
22/02423/FUL	Land Adjacent Ivydene Main Street Weston	Erection of 5 bed dwelling and garage. New vehicular access.	Delegated Officer	Not Applicable	Appeal Dismissed	10th October 2023
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=RN4RPQLBGCZ00						

22/01252/FUL	Lowfield Farm 111 Gainsborough Road Langford NG23 7RN	Demolish existing dwelling and garage and erect replacement dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	11th October 2023
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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=RDZOLFLBLHM00>

23/00342/HOUSE	48 Westbrook Drive Rainworth NG21 0FB	Proposed attached side garage	Delegated Officer	Not Applicable	Appeal Dismissed	28th September 2023
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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=RQQEELBHDJ00>

23/00306/HOUSE	2 Maltkiln Close Ollerton NG22 9BE	Two storey side extension (resubmission of 22/01486/HOUSE)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd October 2023
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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=RQE1X3LBHA800>

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.

Sarah Hughes
Business Manager – Planning Development